

By: Watson

S.B. No. 2006

A BILL TO BE ENTITLED

AN ACT

relating to erecting or maintaining certain outdoor signs regulated by the Texas Department of Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 201.931(2), Transportation Code, is amended to read as follows:

(2) "License" means a license or permit for a commercial sign ~~[outdoor advertising]~~ issued under Chapter 391 or for an off-premise sign issued under Chapter 394.

SECTION 2. Section 391.001, Transportation Code, is amended by adding Subdivisions (1-a) and (11-a) to read as follows:

(1-a) "Commercial sign" means a sign that is intended to be leased, or for which payment of any type is intended to be or is received, for the display of any good, service, brand, slogan, message, product, or company.

(11-a) "Sign" means any structure, display, light, device, figure, painting, drawing, message, plaque, placard, poster, billboard, logo, or symbol that is designed, intended, or used to advertise or inform.

SECTION 3. Section 391.002(b), Transportation Code, is amended to read as follows:

(b) The legislature declares that it is necessary to regulate the erection and maintenance of commercial signs ~~[outdoor advertising]~~ and the establishment, operation, and maintenance of

junkyards in areas adjacent to the interstate and primary systems  
to:

(1) promote the health, safety, welfare, morals,  
convenience, and enjoyment of the traveling public; and

(2) protect the public investment in the interstate  
and primary systems.

SECTION 4. Section 391.006(a), Transportation Code, is  
amended to read as follows:

(a) The commission by rule shall establish procedures for  
accepting and resolving written complaints related to signs that  
are subject to ~~[outdoor advertising under]~~ this chapter. The rules  
must include:

(1) a process to make information available describing  
the department's procedures for complaint investigation and  
resolution, including making information about the procedures  
available on the department's Internet website;

(2) a system to prioritize complaints so that the most  
serious complaints receive attention before less serious  
complaints; and

(3) a procedure for compiling and reporting detailed  
annual statistics about complaints.

SECTION 5. The heading to Subchapter B, Chapter 391,  
Transportation Code, is amended to read as follows:

SUBCHAPTER B. REGULATION OF COMMERCIAL SIGNS ~~[OUTDOOR ADVERTISING]~~  
GENERALLY

SECTION 6. The heading to Section 391.031, Transportation  
Code, is amended to read as follows:

1           Sec. 391.031.   UNLAWFUL       COMMERCIAL       SIGNS       ~~[OUTDOOR~~  
2 ~~ADVERTISING]~~; OFFENSE.

3           SECTION 7.   Section 391.031, Transportation Code, is amended  
4 by amending Subsection (a) and adding Subsection (b-1) to read as  
5 follows:

6           (a)   A person commits an offense if the person erects or  
7 maintains a commercial sign ~~[outdoor advertising]~~, or allows a  
8 commercial sign ~~[outdoor advertising]~~ to be erected or maintained  
9 on property owned by the person:

10               (1)   within 660 feet of the nearest edge of a  
11 right-of-way if the sign ~~[advertising]~~ is visible from the  
12 main-traveled way of the interstate or primary system; or

13               (2)   outside an urban area if the sign ~~[advertising]~~ is  
14 located more than 660 feet from the nearest edge of a right-of-way,  
15 is visible from the main-traveled way of the interstate or primary  
16 system, and is erected for the purpose of having the sign ~~[its~~  
17 ~~message]~~ seen from the main-traveled way of the interstate or  
18 primary system.

19           (b-1)   A person does not commit an offense under this section  
20 if the person:

21               (1)   erects or maintains a commercial sign located  
22 within 660 feet of the nearest edge of a right-of-way in an area in  
23 which the land use:

24                   (A)   is designated industrial or commercial under  
25 authority of law; or

26                   (B)   is not designated industrial or commercial  
27 under authority of law, but the land use is consistent with an area

1 designated industrial or commercial; and

2 (2) holds a permit issued by the department for the  
3 sign.

4 SECTION 8. Section 391.032, Transportation Code, is amended  
5 to read as follows:

6 Sec. 391.032. REGULATION OF COMMERCIAL SIGNS [~~OUTDOOR~~  
7 ~~ADVERTISING~~] IN INDUSTRIAL OR COMMERCIAL AREA. (a) The commission  
8 by rule may regulate the orderly and effective display of  
9 commercial signs [~~outdoor advertising~~] consistent with the  
10 customary use of commercial signs [~~outdoor advertising~~] in this  
11 state in an area in which the land use:

12 (1) is designated industrial or commercial under  
13 authority of law; and

14 (2) is not so designated but in which the land use is  
15 consistent with areas designated industrial or commercial in the  
16 manner provided by Section 391.031(c).

17 (b) The commission may agree with the secretary of the  
18 United States Department of Transportation to regulate the orderly  
19 and effective display of commercial signs [~~outdoor advertising~~] in  
20 an area described by Subsection (a).

21 SECTION 9. Section 391.033, Transportation Code, is amended  
22 to read as follows:

23 Sec. 391.033. ACQUISITION OF COMMERCIAL SIGNS [~~OUTDOOR~~  
24 ~~ADVERTISING~~] BY COMMISSION. (a) The commission may purchase or  
25 acquire by eminent domain a commercial sign [~~outdoor advertising~~]  
26 that is lawfully in existence on a highway in the interstate or  
27 primary system.

(b) If an acquisition is by eminent domain, the commission shall pay just compensation to:

(1) the owner for the right, title, leasehold, and interest in the commercial sign [~~outdoor advertising~~]; and

(2) the owner or, if appropriate, the lessee of the real property on which the commercial sign [~~outdoor advertising~~] is located for the right to erect and maintain the sign [~~outdoor advertising~~].

SECTION 10. Section 391.034, Transportation Code, is amended to read as follows:

Sec. 391.034. NUISANCE [~~OUTDOOR ADVERTISING~~]; INJUNCTION.

(a) A commercial sign [~~Outdoor advertising~~] that is erected or maintained in violation of this chapter:

(1) endangers the health, safety, welfare, morals, [~~convenience~~], and enjoyment of the traveling public and the protection of the public investment in the interstate and primary highway systems; and

(2) is a public nuisance.

(b) On written notice by certified mail from the department, an owner of a commercial sign [~~outdoor advertising~~] that is a public nuisance under Subsection (a) shall remove the sign [~~advertising~~]. If the owner does not remove the sign [~~outdoor advertising~~] within 45 days of the date of the notice, the department may direct the attorney general to apply for an injunction to:

(1) prohibit the owner from maintaining the sign [~~advertising~~]; and

(2) require the removal of the sign [~~advertising~~].

(c) The state is entitled to recover from the owner of a commercial sign [outdoor advertising] removed under an action brought under Subsection (b) all administrative and legal costs and expenses incurred to remove the sign [advertising], including court costs and reasonable attorney's fees.

SECTION 11. Section 391.036, Transportation Code, is amended to read as follows:

Sec. 391.036. SCOPE OF COMMISSION RESPONSIBILITY. The commission's responsibility for the regulation of commercial signs [outdoor advertising] is only on highways on the interstate and primary systems, including interstate highways, state highways, and farm-to-market roads [a federal-aid primary highway, interstate highway, state highway, or farm-to-market road].

SECTION 12. Subchapter B, Chapter 391, Transportation Code, is amended by adding Sections 391.038, 391.039, 391.040, 391.041, 391.042, 391.043, and 391.044 to read as follows:

Sec. 391.038. FACE RESTRICTIONS. (a) The face area of a commercial sign may not be larger than 672 square feet, excluding a cutout, upright, trim, or apron.

(b) The cutout area of a commercial sign may not be larger than 20 percent of the sign's surface copy area.

Sec. 391.039. WIND LOAD PRESSURE RESTRICTIONS. (a) A commercial sign must be designed to resist wind loads as follows:

| <u>Height in feet</u><br><u>above ground</u> | <u>Wind load pressure</u><br><u>in pounds for each</u><br><u>square foot</u> |
|--|--|
| 0-5  | 0  |
| 6-30   | 20   |
| 31-50  | 25   |
| 51-99  | 35   |

|   |                 |           |
|---|-----------------|-----------|
| 1 | <u>100-199</u>  | <u>45</u> |
| 2 | <u>200-299</u>  | <u>50</u> |
| 3 | <u>300-399</u>  | <u>55</u> |
| 4 | <u>400-500</u>  | <u>60</u> |
| 5 | <u>501-800</u>  | <u>70</u> |
| 6 | <u>Over 800</u> | <u>77</u> |

7        (b) Under this section, the height of a commercial sign is  
8 measured from the highest point on the sign to the nearest paved  
9 edge of the main-traveled way from which the sign is intended to be  
10 viewed.

11        Sec. 391.040. DETERMINING FACE AREA OF CERTAIN COMMERCIAL  
12 SIGNS. Each face area of a double-faced, back-to-back, or V-type  
13 commercial sign is considered to be a separate sign for the purpose  
14 of determining the face area under Section 391.038.

15        Sec. 391.041. REPLACEMENT OR REPAIR. (a) A commercial sign  
16 or a substantial part of a commercial sign that is blown down,  
17 destroyed, taken down, or removed for any purpose other than for  
18 maintenance or for changing sign face material may not be  
19 reerected, reconstructed, or rebuilt unless the sign conforms with  
20 this chapter.

21        (b) For purposes of this section, a commercial sign or  
22 substantial part of a commercial sign is considered destroyed only  
23 if the cost of repairing the sign is more than 60 percent of the cost  
24 of erecting a new sign of the same configuration and material at the  
25 same location.

26        Sec. 391.042. HEIGHT RESTRICTIONS. (a) A commercial sign  
27 may not be higher than 42-1/2 feet, excluding a cutout that extends  
28 above the rectangular border, measured from the highest point on  
29 the sign to the nearest paved edge of the main-traveled way from  
30 which the sign is intended to be viewed.

1       (b) No part of a commercial sign that is erected on a  
2 building's roof and that has a tight or solid surface may be higher  
3 than 24 feet above the roof level.

4       (c) No part of a commercial sign that is erected on a  
5 building's roof and the uniform open area of the face of which is 40  
6 percent or more of the total gross area of the face may be higher  
7 than 40 feet above the roof level.

8       (d) The lowest point on a projecting commercial sign may not  
9 be lower than 14 feet above grade.

10       Sec. 391.043. SPACE BETWEEN COMMERCIAL SIGNS. (a) In this  
11 section, "freeway" means a divided, controlled access highway for  
12 through traffic. The term includes a toll road.

13       (b) Except as provided by Subsection (d), commercial signs  
14 on the same side of an interstate or primary system freeway,  
15 including freeway frontage roads, may not be erected closer than  
16 1,500 feet apart.

17       (c) Commercial signs on the same side of a non-freeway  
18 primary system highway may not be erected closer than:

19               (1) 750 feet apart in an unincorporated area; or

20               (2) 300 feet apart inside the corporate boundaries of  
21 a municipality.

22       (d) A commercial sign that is located within the corporate  
23 boundaries of a municipality on a primary system freeway may not be  
24 erected closer than 500 feet to another commercial sign that is on  
25 the same side of the highway and inside the corporate boundaries of  
26 the municipality.

27       (e) A commercial sign that is located within the corporate



boundaries of a municipality on a non-freeway primary system highway may not be erected closer than:

(1) 750 feet to another commercial sign that is on the same side of the highway in an unincorporated area; or

(2) 300 feet to another commercial sign that is on the same side of the highway and inside the corporate boundaries of a municipality.

(f) For the purposes of this section, the space between commercial signs is measured between points along the right-of-way of the highway perpendicular to the center of the signs.

(g) For the purposes of this section, a municipality's extraterritorial jurisdiction is not considered to be included within the corporate boundaries of the municipality.

(h) For the purposes of this section, a commercial sign that is being displaced by a highway construction project will not be considered in determining spacing requirements for a new commercial sign permit application.

(i) The spacing requirements of this section do not apply to commercial signs that are separated by buildings, natural surroundings, or other obstructions in a manner that causes only one of the signs to be visible within the specified spacing area.

Sec. 391.044. DISTANCE OF COMMERCIAL SIGN FROM HIGHWAY. A commercial sign may not be erected so that any part of the sign's face is closer than five feet to the nearest edge of a right-of-way of a highway.

SECTION 13. The heading to Subchapter C, Chapter 391, Transportation Code, is amended to read as follows:

SUBCHAPTER C. LICENSE AND PERMIT FOR COMMERCIAL SIGNS [~~OUTDOOR  
ADVERTISING~~]

SECTION 14. The heading to Section 391.061, Transportation Code, is amended to read as follows:

Sec. 391.061. [~~OUTDOOR ADVERTISING WITHOUT~~] LICENSE FOR  
COMMERCIAL SIGNS; OFFENSE.

SECTION 15. Section 391.061(a), Transportation Code, is amended to read as follows:

(a) A person commits an offense if the person wilfully erects or maintains a commercial sign [~~outdoor advertising~~] in an area described by Section 391.031(a) without a license under this subchapter.

SECTION 16. Section 391.063, Transportation Code, is amended to read as follows:

Sec. 391.063. LICENSE FEE. The commission may set the amount of a license fee according to a scale graduated by the number of commercial signs owned by the license applicant that are regulated under this chapter [~~units of outdoor advertising~~] and the number of off-premise signs owned by the license applicant and regulated under Chapter 394 [~~owned by a license applicant~~].

SECTION 17. Section 391.064(a), Transportation Code, is amended to read as follows:

(a) The surety bond required of an applicant for a license under Section 391.062 must be:

(1) in the amount of \$2,500 for each county in the state in which the person erects or maintains a commercial sign [~~outdoor advertising~~]; and

(2) payable to the commission for reimbursement for removal costs of a commercial sign [~~outdoor advertising~~] that the license holder unlawfully erects or maintains.

SECTION 18. Section 391.065, Transportation Code, is amended to read as follows:

Sec. 391.065. RULES; FORMS. (a) The commission may adopt rules to implement this subchapter and Subchapters A and B [~~Sections 391.036, 391.061(a), 391.062, 391.063, 391.064, and 391.066~~].

(b) For the efficient management and administration of this chapter and to reduce the number of employees required to enforce this chapter, the commission shall adopt rules for issuing standardized forms that are for submission by license holders and applicants and that provide for an accurate showing of the number, location, or other information required by the commission for each license holder's or applicant's commercial signs under this chapter [~~outdoor advertising~~] or off-premise signs under Chapter 394.

(c) The commission may not adopt a rule under this chapter that restricts competitive bidding or advertising by the holder of a license issued under this chapter other than a rule to prohibit false, misleading, or deceptive practices. The limitation provided by this section applies only to rules relating to the occupation of erecting or maintaining commercial signs [~~outdoor advertiser~~] and does not affect the commission's power to regulate the orderly and effective display of commercial signs [~~outdoor advertising~~] under this chapter. A rule to prohibit false, misleading, or deceptive practices may not:

(1) restrict the use of:

(A) any legal medium for an advertisement;

(B) the license holder's advertisement under a trade name; or

(C) the license holder's personal appearance or voice in an advertisement, if the license holder is an individual; or

(2) relate to the size or duration of an advertisement by the license holder.

SECTION 19. Section 391.0661, Transportation Code, is amended to read as follows:

Sec. 391.0661. APPLICABILITY OF LICENSE. In addition to authorizing a person to erect or maintain a commercial sign under this chapter [~~outdoor advertising~~], a license issued under this chapter authorizes a person to erect or maintain an off-premise sign under Chapter 394.

SECTION 20. The heading to Section 391.067, Transportation Code, is amended to read as follows:

Sec. 391.067. [~~OUTDOOR ADVERTISING WITHOUT~~] PERMIT FOR COMMERCIAL SIGNS; OFFENSE.

SECTION 21. Section 391.067(a), Transportation Code, is amended to read as follows:

(a) A person who has a license issued under this subchapter commits an offense if the person wilfully erects or maintains a commercial sign [~~outdoor advertising~~] for which a license is required under Section 391.061 unless that person also has a permit for the sign [~~outdoor advertising~~].

SECTION 22. Sections 391.068(a), (c), (d), and (e),  
Transportation Code, are amended to read as follows:

(a) Except as provided by Subsection (d), the commission  
shall issue a permit to a person with a license issued under this  
subchapter:

(1) whose license application complies with rules  
adopted under Section 391.065; and

(2) whose commercial sign [~~outdoor advertising~~],  
whether owned or leased, if erected would comply with this chapter  
and rules adopted under Section 391.032(a).

(c) A permit issued to regulate the erection and maintenance  
of a commercial sign [~~outdoor advertising~~] by a political  
subdivision of this state within that subdivision's jurisdiction  
shall be accepted in lieu of the permit required by this subchapter  
if the erection and maintenance of the sign [~~outdoor advertising~~]  
complies with this subchapter and rules adopted under Section  
391.032(a).

(d) In addition to the requirements of Subsection (a), if  
the commercial sign [~~outdoor advertising~~] is located within the  
jurisdiction of a municipality with a population of more than 1.9  
million that is exercising its authority to regulate commercial  
signs [~~outdoor advertising~~], the commission may issue a permit  
under this section only if the municipality:

(1) has not acted to prohibit new commercial signs  
[~~outdoor advertising~~] within the jurisdiction of the municipality;  
and

(2) has issued a permit authorizing the commercial

1 sign [~~outdoor advertising~~].

2 (e) Subsection (d) does not apply to the relocation of a  
3 commercial sign [~~outdoor advertising~~] to another location if the  
4 construction, reconstruction, or expansion of a highway requires  
5 the removal of the sign [~~outdoor advertising~~].

6 SECTION 23. Section 391.070(a), Transportation Code, is  
7 amended to read as follows:

8 (a) The combined license and permit fees under this  
9 subchapter may not exceed \$10 for a commercial sign [~~outdoor~~  
10 ~~advertising~~] erected and maintained by a nonprofit organization in  
11 a municipality or a municipality's extraterritorial jurisdiction  
12 if the sign [~~advertising~~] relates to or promotes only the  
13 municipality or a political subdivision whose jurisdiction is  
14 wholly or partly concurrent with the municipality.

15 SECTION 24. The heading to Subchapter H, Chapter 391,  
16 Transportation Code, is amended to read as follows:

17 SUBCHAPTER H. REGULATION OF COMMERCIAL SIGNS [~~OUTDOOR ADVERTISING~~]  
18 ON STATE HIGHWAY 288

19 SECTION 25. Section 391.211(a), Transportation Code, is  
20 amended to read as follows:

21 (a) This subchapter applies only to a commercial sign  
22 [~~outdoor advertising~~] that is erected on or after September 1,  
23 1993.

24 SECTION 26. Section 391.212, Transportation Code, is  
25 amended to read as follows:

26 Sec. 391.212. REGULATION OF CERTAIN COMMERCIAL SIGNS  
27 [~~OUTDOOR ADVERTISING~~]. The department may license or otherwise

1 regulate the erection of a commercial sign [~~outdoor advertising~~]  
2 that is located within 1,000 feet of the center line of that part of  
3 State Highway 288 in the unincorporated area of a county.

4 SECTION 27. The heading to Section 391.252, Transportation  
5 Code, is amended to read as follows:

6 Sec. 391.252. [~~OFF-PREMISE SIGNS~~] PROHIBITED COMMERCIAL  
7 SIGNS.

8 SECTION 28. Sections 391.252(a) and (c), Transportation  
9 Code, are amended to read as follows:

10 (a) A person may not erect a commercial [~~an off-premise~~]  
11 sign that is adjacent to and visible from:

12 (1) U.S. Highway 290 between the western city limits  
13 of the city of Austin and the eastern city limits of the city of  
14 Fredericksburg;

15 (2) State Highway 317 between the northern city limits  
16 of the city of Belton to the southern city limits of the city of  
17 Valley Mills;

18 (3) State Highway 16 between the northern city limits  
19 of the city of Kerrville and Interstate Highway 20;

20 (4) U.S. Highway 77 between State Highway 186 and  
21 State Highway 44;

22 (5) U.S. Highway 281 between:

23 (A) State Highway 186 and Interstate Highway 37,  
24 exclusive of the segment of U.S. Highway 281 located in the city  
25 limits of Three Rivers; and

26 (B) the southern boundary line of Comal County  
27 and State Highway 306;

1           (6) State Highway 17 between State Highway 118 and  
2 U.S. Highway 90;

3           (7) State Highway 67 between U.S. Highway 90 and  
4 Farm-to-Market Road 170;

5           (8) Farm-to-Market Road 170 between State Highway 67  
6 and State Highway 118;

7           (9) State Highway 118 between Farm-to-Market Road 170  
8 and State Highway 17;

9           (10) State Highway 105 between the western city limits  
10 of the city of Sour Lake to the eastern city limits of the city of  
11 Cleveland;

12           (11) State Highway 73 between the eastern city limits  
13 of the city of Winnie to the western city limits of the city of Port  
14 Arthur;

15           (12) State Highway 21 between the southern city limits  
16 of the city of College Station and U.S. Highway 290;

17           (13) a highway located in:

18                   (A) the Sabine National Forest;

19                   (B) the Davy Crockett National Forest; or

20                   (C) the Sam Houston National Forest;

21           (14) Segments 1 through 4 of State Highway 130;

22           (15) a highway in Bandera County that is part of the  
23 state highway system;

24           (16) Farm-to-Market Road 3238 beginning at State  
25 Highway 71 and any extension of that road through Hays and Blanco  
26 Counties;

27           (17) Farm-to-Market Road 2978 between Farm-to-Market



Road 1488 and the boundary line between Harris and Montgomery Counties;

(18) U.S. Highway 90 between the western city limits of the city of San Antonio and the eastern city limits of the city of Hondo; or

(19) the following highways in Austin County:

(A) State Highway 159;

(B) Farm-to-Market Road 331;

(C) Farm-to-Market Road 529;

(D) Farm-to-Market Road 1094; and

(E) Farm-to-Market Road 2502.

(c) This section does not prohibit a person from erecting a commercial ~~[an off-premise]~~ sign permitted by other law, rule, or regulation that is adjacent to and visible from a roadway not listed in this section and is visible from a roadway listed under this section if the intended purpose of the sign is to be visible only from the roadway not listed under this section.

SECTION 29. Section 391.253, Transportation Code, is amended to read as follows:

Sec. 391.253. REERECTION, RECONSTRUCTION, REPAIR, OR REBUILDING OF COMMERCIAL ~~[OFF-PREMISE]~~ SIGNS. (a) A commercial ~~[An off-premise]~~ sign that is adjacent to and visible from a highway listed in Section 391.252 that is blown down, destroyed, taken down, or removed for a purpose other than maintenance or to change a letter, symbol, or other matter on the sign may be reerected, reconstructed, repaired, or rebuilt only if the cost of reerecting, reconstructing, repairing, or rebuilding the sign is not more than

60 percent of the cost of erecting a new commercial [~~off-premise~~] sign of the same size, type, and construction at the same location.

(b) The department shall permit the relocation of a commercial [~~an off-premise~~] sign adjacent to and visible from a highway listed in Section 391.252 to another location that is adjacent to and visible from the same highway if:

(1) the construction, reconstruction, or expansion of a highway requires the removal of the sign;

(2) the sign is not modified to increase the above-grade height, the area of each sign face, the dimensions of the sign face, the number of sign faces, or the illumination of the sign; and

(3) the department identifies an alternate site for the relocation of the sign adjacent to and visible from the highway listed in Section 391.252.

(c) For purposes of this section, the department shall specify, within 30 days of receipt of a request for a relocation site, a minimum of three alternate sites that meet permitting requirements for a commercial [~~an off-premise~~] sign to be reerected, reconstructed, repaired, or rebuilt adjacent to and visible from a highway listed in Section 391.252.

(d) The owner of a commercial [~~an off-premise~~] sign that is reerected, reconstructed, repaired, or rebuilt according to Subsection (a) or relocated according to Subsection (b) may alter the materials and design of the sign to reduce the number of upright supports, subject to other restrictions in this section, in a manner that meets or exceeds the pre-existing structural

1 specifications of the sign.

2 SECTION 30. Section 391.254(d), Transportation Code, is  
3 amended to read as follows:

4 (d) Before a suit may be brought for a violation of Section  
5 391.252, the attorney general, the district or county attorney for  
6 the county, or the municipal attorney of the municipality in which  
7 the violation is alleged to have occurred shall give the owner of  
8 the commercial ~~[off-premise]~~ sign a written notice that:

9 (1) describes the violation and specific location of  
10 the sign found to be in violation;

11 (2) states the amount of the proposed penalty for the  
12 violation; and

13 (3) gives the owner 30 days from receipt to remove the  
14 sign and cure the violation to avoid the penalty unless the sign  
15 owner was given notice and opportunity to cure a similar violation  
16 within the preceding 12 months.

17 SECTION 31. Section 394.0203, Transportation Code, is  
18 amended to read as follows:

19 Sec. 394.0203. LICENSE FEE. The commission may set the  
20 amount of a license fee according to a scale graduated by the number  
21 of off-premise signs owned by the license applicant regulated under  
22 this chapter and commercial signs owned by the applicant regulated  
23 ~~[units of outdoor advertising]~~ under Chapter 391 ~~[owned by a~~  
24 ~~license applicant]~~.

25 SECTION 32. Section 394.0205(b), Transportation Code, is  
26 amended to read as follows:

27 (b) For the efficient management and administration of this

chapter and to reduce the number of employees required to enforce this chapter, the commission shall adopt rules for issuing standardized forms that are for submission by license holders and applicants and that provide for an accurate showing of the number, location, or other information required by the commission for each license holder's or applicant's off-premise signs under this chapter or commercial signs [~~outdoor advertising~~] under Chapter 391.

SECTION 33. Section 394.0207, Transportation Code, is amended to read as follows:

Sec. 394.0207. APPLICABILITY OF LICENSE. In addition to authorizing a person to erect or maintain an off-premise sign, a license issued under this chapter authorizes a person to erect or maintain a commercial sign [~~outdoor advertising~~] under Chapter 391.

SECTION 34. The following provisions of the Transportation Code are repealed:

- (1) Section 391.001(10);
- (2) Section 391.005;
- (3) Section 391.031(b);
- (4) Section 391.037;
- (5) Section 391.061(c); and
- (6) Section 391.251.

SECTION 35. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.