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HOUSE BILL NO. 34

Offered January 11, 2012

Prefiled December 12, 2011

A *BILL to amend and reenact § 33.1-373 of the Code of Virginia and to repeal § 33.1-375.1 of the Code of Virginia, relating to advertising within the limits of highways and enforcement agreements between the Commissioner of Highways and local governing bodies.*

Patrons—Albo and Watts

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 33.1-373 of the Code of Virginia is amended as follows:**

§ 33.1-373. Advertising on rocks, poles, etc., within limits of highway; civil penalty.

Any person who in any manner (i) paints, prints, places, puts or affixes any advertisement upon or to any rock, stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, guide-sign, guidepost, highway sign, historical marker, building or other object lawfully within the limits of any highway or (ii) erects, paints, prints, places, puts, or affixes any advertisement within the limits of any highway shall be assessed a civil penalty of \$100. Each occurrence shall be subject to a separate penalty. All civil penalties collected under this section shall be paid into the Highway Maintenance and Operating Fund. Advertisements placed within the limits of the highway are hereby declared a public and private nuisance and may be forthwith removed, obliterated, or abated by the Commissioner of Highways or his representatives without notice. The Commissioner of Highways may collect the cost of such removal, obliteration, or abatement from the person erecting, painting, printing, placing, putting, affixing or using such advertisement. When no one is observed erecting, painting, printing, placing, putting, or affixing such sign or advertisement, the person, firm or corporation being advertised shall be presumed to have placed the sign or advertisement and shall be punished accordingly. Such presumption, however, shall be rebuttable by competent evidence. In addition, the Commissioner or his representative may seek to enjoin any recurring violator of this section. *The Commissioner of Highways may enter into agreements with any local governing body authorizing local law-enforcement agencies or other local governmental entities to act as agents of the Commissioner for the purpose of (a) enforcing the provisions of this section and (b) collecting the penalties and costs provided for in this section.*

The provisions of this section shall not apply to signs or other outdoor advertising regulated under Chapter 7 (§ 33.1-351 et seq.).

2. That § 33.1-375.1 of the Code of Virginia is repealed.

INTRODUCED

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