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HOUSE BILL NO. 616

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 33.1-373 of the Code of Virginia, relating to advertising within limits of highway; penalty.

Patrons—LeMunyon, Anderson and Kory

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 and reenacted as follows:

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

A. 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~~ \$250. Each occurrence shall be subject to a separate penalty. All civil penalties collected under this ~~section~~ subsection 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~~ subsection.

B. A county, city, or town may enter into an agreement with the Commissioner of Highways to remove any advertisement in violation of subsection A. If a county, city, or town removes any advertisement then the penalty collected shall be shared equally, \$125 to the Highway Maintenance and Operating Fund and \$125 to the county, city, or town.

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

INTRODUCED

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