

HOUSE BILL NO. 649
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Transportation
on _____)
(Patron Prior to Substitute—Delegate Hayes)

A BILL to amend and reenact § 33.2-1224 of the Code of Virginia, relating to removal of certain signs and advertisements placed within the limits of highways; agreements with local governing bodies in Planning District 23; requirements.

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-1224 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-1224. Signs or 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 sign or 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 sign or advertisement within the limits of any highway is subject to 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. Signs or 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 sign or 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 of Highways 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 of Highways for the purpose of (i) enforcing the provisions of this section and (ii) collecting the penalties and costs provided for in this section. Any such agreement may provide that penalties and costs collected pursuant to such agreement shall be paid as agreed.

31 *For any locality located in Planning District 23, any such agreement shall provide that the locality shall*
32 *only authorize designated employees of the locality acting in their official capacity to remove any signs or*
33 *advertisements that constitute an advertisement under § 24.2-955.1 and shall not authorize volunteers,*
34 *contractors, or compensated non-employee individuals to act on behalf of such locality for the removal of any*
35 *such signs or advertisements.*

36 The provisions of this section shall not apply to signs or outdoor advertising regulated under other
37 provisions of this chapter.