

Commercial Signs A person commits an offense if the person erects or maintains a commercial sign in violation of Transportation Code Chapters 391 through 395 and 43 Administrative Code Chapter 21. *Transp. Code 391.003, .0031, .061, .067, 392.032, 393.005, 394.021; 43 TAC Chapter 21*

General Definitions "Sign" means a 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. *Transp. Code 391.001(11-a), 392.001, 393.001, 394.001, 395.002; 19 TAC 21.142(28)*

"Commercial sign" means a sign that is at any time 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, except that the term does not include a sign that is leased to a business entity and located on the same property on which the business is located or is smaller than 50 square feet; or located on property owned or leased for the primary purpose of displaying a sign. *Transp. Code 391.001(1-a); 43 TAC 21.142(1)*

"Electronic sign" means a commercial sign that changes its message or copy by programmable electronic or mechanical processes. *43 TAC 21.142(5)*

"Directional sign" means a sign that contains only a message that identifies an attraction or activity and provides directional information, such as mileage, route number, or exit number, useful to the traveler in locating the attraction or activity. *43 TAC 21.941*

Interstate or Primary System A college district that wishes to erect or maintain outdoor advertising that is visible from the main-traveled way of the interstate or primary system shall comply with Transportation Code Chapter 391 and 43 Administrative Code Chapter 21, Subchapter I.

"Interstate system" means that portion of the national system of interstate and defense highways that is located in this state and is designated officially by the Texas Transportation Commission and approved under Title 23, United States Code.

"Primary system" means that portion of connected main highways located in this state that is designated officially by the Texas Transportation Commission and approved under Title 23, United States Code.

Transp. Code 391.001

State Highway Right-of-Way	<p>A college district that wishes to place or maintain a sign on a state highway right-of-way shall comply with Transportation Code Chapter 392.</p> <p>“State highway right-of-way” means the right-of-way of a highway designated as part of the state highway system.</p> <p><i>Transp. Code 392.001</i></p>
Public Road	<p>A college district that wishes to place a sign on the right-of-way of a public road shall comply with Transportation Code Chapter 393.</p>
Rural Road	<p>A college district that wishes to erect or maintain an outdoor sign that is visible from the main-traveled way of a rural road shall comply with Transportation Code Chapter 394 and 43 Administrative Code Chapter 21, Subchapter K.</p> <p>“Rural road” means a road, street, way, or bridge:</p> <ol style="list-style-type: none">1. That is located in an unincorporated area;2. That is not privately owned or controlled;3. That any part of which is open to the public for vehicular traffic; and4. That is under the jurisdiction of the state or a political subdivision. <p><i>Transp. Code 394.002</i></p>
Toll Road	<p>A college district that wishes to erect or maintain an outdoor sign that is visible from the main-traveled way of a toll road and erected for the purpose of having the message seen from the main-traveled way shall comply with any rules adopted by the governing body of the toll road authority under Transportation Code Chapter 395.</p> <p>This provision applies only to a toll road located in a county with a population of 3.3 million or more or that is adjacent to a county with a population of 3.3 million or more and in which a municipality with a population of more than 60,000 is located.</p> <p><i>Transp. Code 395.001</i></p>
Electronic Sign	<p>A college district that wishes to erect an electronic sign shall comply with 43 Administrative Code Chapter 21, Subchapter I.</p>
Directional Sign	<p>A college district that wishes to erect a directional sign shall comply with 43 Administrative Code Chapter 21, Subchapter Q.</p>

Charitable Raffles

“Raffle”

A “raffle” is the awarding of one or more prizes by chance at a single occasion among a pool or group of persons who have paid or promised a thing of value for a ticket that represents a chance to win a prize. *Occupations Code 2002.002(6)*

“Qualified Nonprofit Organization”

An organization incorporated or holding a certificate of authority under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon’s Texas Civil Statutes) is a “qualified nonprofit organization” for the purposes of Occupations Code 2002 if the organization:

1. Does not distribute any of its income to its members, officers, or governing body, other than as reasonable compensation for services;
2. Has existed for the three preceding years;
3. Does not devote a substantial part of its activities to attempting to influence legislation and does not participate or intervene in any political campaign on behalf of any candidate for public office in any manner, including by publishing or distributing statements or making campaign contributions;
4. Qualifies for and has obtained an exemption from federal income tax from the Internal Revenue Service under Section 501(c), Internal Revenue Code of 1986; and
5. Does not have or recognize any local chapter, affiliate, unit, or subsidiary organization in this state.

Occupations Code 2002.003(a)

An organization that is formally recognized as and that operates as a local chapter, affiliate, unit, or subsidiary organization of a parent organization incorporated or holding a certificate of authority under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon’s Texas Civil Statutes) is a “qualified nonprofit organization” if both it and its parent organization meet the qualifications set out above at items 1 through 3 and either the local or parent organization satisfies item 4. The local organization must have been formally recognized as a local chapter, affiliate, unit, or subsidiary organization of the parent organization for the previous three years.

Occupations Code 2002.003(b)

An organization that is formally recognized as and that operates as a local chapter, affiliate, unit, or subordinate lodge of a grand lodge or other institution or order incorporated under, Vernon’s Texas Civil Statutes Title 32, as authorized by Vernon’s Texas Civil Statutes Article 1399 is a “qualified nonprofit organization” if it satisfies

the provisions of Occupations Code 2002.003(b–1). *Occupations Code 2002.003(b–1)*

An unincorporated organization, association, or society is a “qualified nonprofit organization” if it meets the qualifications described at items 1, 3, and 4 above and, for the three preceding years, has been affiliated with a state or national organization organized to perform the same purposes as the unincorporated organization, association, or society. *Occupations Code 2002.003(c)*

A nonprofit wildlife conservation association and its local chapters, affiliates, wildlife cooperatives, or units are “qualified nonprofit organizations” if the parent association meets the eligibility criteria under Occupations Code 2002.003. *Occupations Code 2002.003(e)*

“Qualified Organization”

“Qualified organization” means a qualified religious society, qualified volunteer fire department, qualified volunteer emergency medical service, or qualified nonprofit organization. *Occupations Code 2002.002(2)*

Generally

A qualified organization may conduct a raffle subject to the conditions imposed by Occupations Code Chapter 2002, Subchapter B. *Occupations Code 2002.051*