

Commercial Signs

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

General Definitions

“Commercial sign” means a sign that is:

1. 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
2. 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)

“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.

Transp. Code 391.001(11-a), 392.001, 393.001, 394.001, 395.002; 43 TAC 21.142(28), .402(17)

“Electronic sign” means a sign, display, or device that changes its message or copy by programmable electronic or mechanical processes. *43 TAC 21.251, .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 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; 43 TAC 21.142(11), (22)

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| State Highway Right-of-Way | <p>A 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. <i>Transp. Code 392.001</i></p> |
| Public Road | <p>A 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 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. 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; 43 TAC 21.402(16)</i></p> |
| Toll Road | <p>A 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. <i>Transp. Code 395.001</i></p> |
| Electronic Sign | <p>A district that wishes to erect an electronic sign shall comply with 43 Administrative Code, Chapter 21, Subchapter I.</p> |
| Directional Sign | <p>A district that wishes to erect a directional sign shall comply with 43 Administrative Code, Chapter 21, Subchapter Q.</p> |
| Charitable Raffles | <p>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. <i>Occupations Code 2002.002(6)</i></p> |

A “qualified nonprofit organization” for purposes of the Charitable Raffle Enabling Act may conduct raffles in accordance with the Act to benefit a district or school. A parent-teacher organization may be qualified to hold such raffles if it meets the requirements of the Act. *Occupations Code 2002.003, 2002.051; Atty. Gen. Op. JM-1176 (1990)* [See also CDC]

**District
Communications**

When the government speaks, it is not barred by the Free Speech Clause from determining the content of what it says. Government statements and actions that take the form of speech do not create a forum for private speech. The government does not unconstitutionally discriminate on the basis of viewpoint when it chooses to advance permissible goals, even if advancing those goals necessarily discourages alternative goals. The government may exercise its freedom to express its views, even when it receives assistance from private sources for the purpose of delivering a government-controlled message. *Walker v. Tex. Div., Sons of Confederate Veterans, Inc.*, 135 S. Ct. 2239 (2015)