



# HOUSE BILL 580: Revisions to Outdoor Advertising Laws.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government II	<b>Date:</b>	April 20, 2017
<b>Introduced by:</b>	Reps. Lewis, Saine, Goodman, Hanes	<b>Prepared by:</b>	Nicholas Giddings Committee Counsel
<b>Analysis of:</b>	PCS to First Edition H580-CSBA-9		

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**OVERVIEW:** *House Bill 580 would amend the laws pertaining to outdoor advertising as follows:*

- *Adds and amends definitions in the Outdoor Advertising Control Act.*
- *Specifies criteria for an area to qualify as unzoned commercial or industrial.*
- *Specifies requirements that must be met to relocate or reconstruct certain off-premises outdoor advertising signs.*
- *Prohibits a county or city from enacting, amending, or enforcing an ordinance prohibiting the relocation and reconstruction of certain off-premises outdoor advertising signs.*
- *Directs DOT to adopt rules to implement the provisions of the bill.*

*The PCS would add a definition for "sign location or site" and provide an exception for certain off-premises outdoor advertising signs to be relocated on the same sign location or site when it would otherwise not be conforming to customary use.*

**CURRENT LAW:** The Outdoor Advertising Control Act (Article 11 of Chapter 136 of the General Statutes) governs the control of outdoor advertising including the placement, maintenance, and removal of billboards located adjacent to highways. The Act delegates to the Department of Transportation (DOT) the authority to adopt rules governing the erection and maintenance of billboards and the permitting and appeals procedures.

**BILL ANALYSIS:** House Bill 580 would amend the Outdoor Advertising Control Act and related local government statutes as follows:

**Section 1** would add and amend existing definitions in the Outdoor Advertising Control Act. **The PCS** adds a definition for "sign location and site".

**Section 2** would make a conforming change.

**Section 3** would enact a new statute providing criteria for an area to qualify as unzoned commercial or industrial under the Outdoor Advertising Control Act as well as guidelines to be used when determining whether an activity meets the criteria. The statute would also list activities that do not qualify as unzoned commercial or industrial areas.

**Section 4** would enact a new statute specifying requirements that must be met for certain off-premises outdoor advertising signs to be relocated or reconstructed. The statute would also provide guidance for the removal of certain vegetation. **The PCS** would provide an exception for certain off-premises outdoor advertising signs to be relocated on the same sign location or site when it would otherwise not be conforming to customary use.

**Section 5** would provide an exception to certain permit denials.

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**Section 6** would prohibit counties from enacting, amending, or enforcing an ordinance that prohibits the relocation and reconstruction of certain off-premises outdoor advertising signs.

**Section 7** would prohibit cities from enacting, amending, or enforcing an ordinance that prohibits the relocation and reconstruction of certain off-premises outdoor advertising signs.

**Section 8** would direct DOT to adopt rules using a delineated process outside the Administrative Procedure Act to implement this act within 6 months of the effective date.

**Section 9** would provide that any rule adopted by DOT contrary to the provisions of this act would be null, void, and without effect.

**Section 10** would provide a severability clause.

**EFFECTIVE DATE:** Sections 4 through 7 of this act would become effective when law and apply to off-premises outdoor advertising signs removed on or after January 1, 2014. The remainder of this act would become effective when law.