



HOUSE BILL 645: Revisions to Outdoor Advertising Laws.

2019-2020 General Assembly

Committee:	House Transportation. If favorable, re-refer to State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 30, 2019
Introduced by:	Reps. Saine, Dixon, Jones, Wray	Prepared by:	Howard Marsilio Staff Attorney
Analysis of:	PCS to First Edition H645-CSBG-41		

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 645 makes various revisions to Article 11 of Chapter 136, the Outdoor Advertising Control Act.*

The PCS would make various technical changes, and would:

- *Remove proposed language to make reasonable expectations of lease renewals a factor used in determining just compensation.*
- *Remove proposed language that would prohibit local governments from regulating or prohibiting relocation of outdoor advertising.*

[As introduced, this bill was identical to S534, as introduced by Sens. Edwards, Brown, Nickel, which is currently in Senate Transportation.]

CURRENT LAW: The Outdoor Advertising Control Act is set out in Article 11 of Chapter 136 of the General Statutes. The Act was enacted in 1967 to ensure that North Carolina met federal standards for controlling billboards along its Interstate and Federal-aid Primary Highways Systems so that the State continued to receive a full allocation of federal highway funds.

BILL ANALYSIS:

Section 1 would add to the stated policy declaration within the Outdoor Advertising Control Act to declare that outdoor advertising is an important and distinct medium of communication for commercial and noncommercial messages, and that it is in the public interest that outdoor advertising signs are erected, maintained, and clearly visible.

Section 2 would make various changes and additions to the definitions applicable to the Outdoor Advertising Control Act.

Section 3 would add a new section to regulate unzoned commercial or industrial areas, which would be an area that is not currently zoned and would be within 660 feet of the right-of-way, and would have at least one commercial or industrial activity meeting certain criteria. These regulations would include:

- Criteria to qualify an area as an unzoned commercial or industrial area for the purposes of the Outdoor Advertising Control Act which must be met prior to applying to the Department of Transportation for a permit.

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- Guidelines for applying the criteria to determine whether an area is an unzoned commercial or industrial area.
- A list of activities that do not qualify an area as an unzoned commercial or industrial area.

Section 4 would amend the laws related to the removal of outdoor advertising by broadening the applicability of the removal statute to all outdoor advertising rather than only non-conforming outdoor advertising. These changes would:

- Clarify what factors shall be used in determining just compensation for removal.
- Require that the Department of Transportation must adhere to the provisions and provide relocation advisory services prior to any acquisition or removal under the Outdoor Advertising Control Act.
- Clarify that relocation assistance funding, as provided by federal or State law, is in addition to, and not in lieu of, just compensation in accordance with this section.

Section 5 would create criteria and authorize the relocation of lawfully existing outdoor advertising which are moved as a result of a person utilizing their eminent domain authority to condemn the outdoor advertising, and would:

- Create outdoor advertising relocation guidelines when outdoor advertising must be relocated to a new property.
- Create a customary use exception to the sign relocation guidelines, that would allow relocation on the same property.
- Clarify that vegetation removal permits must not be denied by NCDOT for new sites when the outdoor advertising is relocating to that site.

Section 6 would amend the maximum cut or removal zone under a selective vegetation removal permit, and require NCDOT to approve plans for selective vegetation removal so long as the view to the cross road face of the outdoor advertising sign will be improved and the sign owner replants the disturbed median area at the sign owner's expense. This section would also clarify the requirement for preserving or replacing native dogwood and native redbuds within the removal zone.

Section 7 would reduce the wait time required before an applicant can submit an application for a selective vegetation removal permit, and clarifies that this waiting period does not apply to permit applications related to outdoor advertising which has been relocated.

Section 8 would clarify that the prohibition to DOT issuing permits for new outdoor advertising in locations where existing trees would subsequently obscure the visibility of the outdoor advertising, would not apply to outdoor advertising that is being relocated as a result of condemnation.

EFFECTIVE DATE: This act would become effective when it becomes law. Section 4 of this act would apply to determinations of just compensation on or after the effective date. Section 5 would apply to outdoor advertising signs removed on or after January 1, 2014. Section 8 would apply to outdoor advertising signs relocated on or after the effective date.