

2019 Regular Session

SENATE BILL NO. 211

BY SENATOR APPEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRANSPORTATION/DEV DEPT. Provides relative to outdoor advertising. (6/30/19)

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AN ACT

To enact R.S. 48:461.1(13), (14), (15), and (16), 461.3(D) and (E), and 461.4(A)(3)(e) and (5)(h) and (i), relative to outdoor advertising; to provide relative to the definitions of "commercial advertising sign", "noncommercial advertising sign", "roadway" or "traveled-way", and "off-premise outdoor advertising sign"; to prohibit the Department of Transportation and Development from adopting a policy or procedure or issuing a project permit to improve the visibility of an off-premise outdoor advertising sign; to provide relative to a moratorium on the issuance of new permits or renewal of existing permits under certain conditions by a certain date; to provide relative to the spacing of commercial and noncommercial outdoor advertising signs on highways in the interstate, federal-aid primary, and national highway system; to provide relative to signs that are not permitted; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:461.1(13), (14), (15), and (16), 461.3(D) and (E), and 461.4(A)(3)(e) and (5)(h) and (i) are hereby enacted to read as follows:

§461.1. Terms defined

\* \* \*

(13) "Commercial advertising sign" means any off-premise display advertising a business that owns or operates a facility within a three-mile radius of the display and meets the structures and grounds criteria provided in the LAC 70:III.136(B)(3).

(14) "Noncommercial advertising sign" means any off-premise display advertising a public or registered nonprofit entity in this state that also owns or operates a facility located in Louisiana that meets the structures and grounds criteria provided in the LAC 70:III.136(B)(3).

(15) "Roadway" or "traveled way" means the portion of a highway improved, designed, or ordinarily used for vehicular traffic, exclusive of the berm or shoulder, or facilities such as frontage roads, turning roadways, or parking areas. In the case of a divided highway, the roadway or traveled way of each of the separate roadways for vehicular traffic in opposing directions is a main-traveled way.

(16) "Off-premise outdoor advertising sign" means any outdoor advertising sign, display, figure, painting, drawing, message, plaque, poster, billboard, flag, or any other thing which is designed, intended, or used to advertise or inform, which is not sold, produced, manufactured, or furnished at the property on which the sign is located or which does not advertise the sale or lease of property upon which the sign is located.

\* \* \*

§461.3. Regulation of advertising; exemptions; suspension

\* \* \*

D. The department shall not adopt a policy or procedure, or issue a project permit to remove trees, shrubs, vegetation, or traffic signs in order to improve the visibility of any off-premise outdoor advertising sign.

E. Effective July 1, 2019, there is hereby placed a moratorium on the issuance of any new permit for an off-premise outdoor advertising sign, as

1 provided in LAC 70:III. No permit that expires, or for which the annual  
 2 renewal fee is not received by the department on or before July 1, 2019, shall be  
 3 renewed. Except for a permit amendment to alter an off-premise outdoor  
 4 advertising sign to comply with R.S. 48:461.4(A)(5)(h), no request or petition for  
 5 a reset shall be approved by the department on or after July 1, 2019.

6 \* \* \*

7 §461.4. Recognition of customary uses

8 A. Notwithstanding any other provisions of this Part, outdoor advertising  
 9 shall be permitted in areas zoned industrial or commercial and in unzoned  
 10 commercial and industrial areas as hereafter defined, including all land, buildings,  
 11 or other structures controlled, owned, or operated by the state, or any political  
 12 subdivision, or any public entity thereof, provided they are located in zoned or  
 13 unzoned commercial or industrial areas and meet the size, lighting, and spacing  
 14 requirements as set forth in the "Federal-State Agreement For Carrying Out National  
 15 Policy Relative to Control of Outdoor Advertising in Areas Adjacent to the National  
 16 System of Interstate and Defense Highways and the Federal-Aid Primary System",  
 17 subject to the following regulations which are declared to be consistent with  
 18 customary use in this state:

19 \* \* \*

20 (3) Spacing of signs

21 \* \* \*

22 (e) Signs on highways in the interstate, federal-aid primary, and national  
 23 highway system shall be located in accordance with the requirements of  
 24 commercial advertising signs or noncommercial advertising signs.

25 \* \* \*

26 (5) The following signs shall not be permitted:

27 \* \* \*

28 (h) An off-premise outdoor advertising sign where the advertisement  
 29 appears on multiple sides of the structure, and one side of the structure that

1           **contains the advertisement does not face the roadway.**

2                       **(i) An off-premise outdoor advertising sign that has been retrofitted or**  
 3           **converted to an off-premise changeable message sign.**

4           Section 2. This Act shall become effective on June 30, 2019.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

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DIGEST

SB 211 Original

2019 Regular Session

Appel

Present law provides that the legislature finds that outdoor advertising is a legitimate commercial use of private property and, for the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, and declares that it is in the public interest to regulate and restrict the erection and maintenance of outdoor advertising in areas adjacent to the interstate and primary highway systems within this state.

Proposed law adds the following definitions to present law:

- (1) "Commercial advertising sign" means any off-premise display advertising a business that owns or operates a facility within a three-mile radius of the display and meets the structures and grounds criteria provided in the LAC 70:III.136(B)(3).
- (2) "Noncommercial advertising sign" means any off-premise display advertising a public or registered nonprofit entity in this state that also owns or operates a facility located in Louisiana that meets the structures and grounds criteria provided in the LAC 70:III.136(B)(3).
- (3) "Roadway" or "traveled way" means the portion of a highway improved, designed, or ordinarily used for vehicular traffic, exclusive of the berm or shoulder, or facilities such as frontage roads, turning roadways, or parking areas. In the case of a divided highway, the roadway or traveled way of each of the separate roadways for traffic in opposing directions is a main-traveled way.
- (4) "Off-Premise Outdoor Advertising Sign" means any outdoor advertising sign, display, figure, painting, drawing, message, plaque, poster, billboard, flag, or any other thing which is designed, intended, or used to advertise or inform, which is not sold, produced, manufactured, or furnished at the property on which said sign is located or which does not advertise the sale or lease of property upon which the sign is located.

Proposed law prohibits DOTD from adopting a policy or procedure, or issuing a project permit to remove trees, shrubs, vegetation, or traffic signs in order to improve the visibility of any off-premise outdoor advertising sign.

Proposed law, effective July 1, 2019, places a moratorium on the issuance of any new permit for an off-premise outdoor advertising sign, as provided in LAC 70:III, and prohibits renewal of any permit that expires, or the annual renewal fee is not received by DOTD on or before July 1, 2019. Further, prohibits DOTD from approving a request or petition for a reset on or after July 1, 2019, except for a permit amendment to alter an off-premise outdoor advertising sign to comply with R.S. 48:461.4(A)(5)(h).

Proposed law adds to present law spacing of sign requirements that signs on highways on the interstate, federal-aid primary, and national highway system shall be located in accordance with the requirements of commercial advertising signs (within three miles of the advertised for profit business) or noncommercial advertising signs (public or registered nonprofit entities) that own or operate a facility located in this state that meet the structures and grounds criteria provided in the LAC 70:III.136(B)(3)).

Proposed law adds to present law that the following signs are not permitted:

- (1) An off-premise outdoor advertising sign where the advertisement appears on multiple sides of the structure, and one side of the structure that contains the advertisement does not face the roadway.
- (2) An off-premise outdoor advertising sign that has been retrofitted or converted to an off-premise changeable message sign.

Effective June 30, 2019.

(Adds R.S. 48:461.1(13), (14), (15), and (16), 461.3(D) and (E), and 461.4(A)(3)(e) and (5)(h) and (i))