

SECOND REGULAR SESSION

SENATE BILL NO. 607

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Read 1st time January 5, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

4942S.011

AN ACT

To amend chapter 226, RSMo, by adding thereto one new section relating to the regulation of outdoor advertising.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 226, RSMo, is amended by adding thereto one new section, to be known as section 226.541, to read as follows:

226.541. 1. As used in this section, the following words or phrases mean:

(1) "Conforming out of standard signs", signs that fail to meet the current statutory and administrative rule requirements for outdoor advertising but currently comply with the terms of the federal/state agreement and meet the August 27, 1999, statutory and administrative rule requirements that governed outdoor advertising and the highway beautification act of 1965;

(2) "Federal/state agreement", an agreement executed between the United States Department of Transportation and the state highways and transportation commission on February 22, 1972, for carrying out national policy relative to control of outdoor advertising in areas adjacent to the national system of interstate and defense highways and the federal-aid primary system;

(3) "Qualifying signs", signs which meet the requirements for outdoor advertising in effect on August 27, 1999, and the requirements of the federal/state agreement;

(4) "Reset", movement of a sign structure from one location to another location on the same or adjoining property, if the adjoining property is zoned commercial or industrial and the owner of the sign has obtained the legal right to erect a sign on the adjoining property

22 from its owner, as authorized by a sign permit amendment and the
23 terms of an executed written partial waiver and reset agreement
24 between the permit owner and the state highways and transportation
25 commission;

26 (5) "Substantially rebuilt", any reconstruction or repair of a sign
27 that requires the replacement of fifty-one percent or more of the sign
28 structure's support poles in a twelve-month period.

29 2. Subject to the provisions of this section, and if allowed by
30 applicable local regulations, conforming out of standard signs shall be
31 treated as conforming signs under commission administrative rules,
32 including new display technologies, lighting, cutouts, and extensions,
33 except that such signs shall not be substantially rebuilt except in
34 accordance with the provisions of this section. If allowed by applicable
35 local regulations, new technologies, lighting, cutouts, and extensions
36 may be utilized on conforming and conforming out of standard signs in
37 accordance with Missouri department of transportation regulations.

38 3. On the date the commission approves funding for any phase
39 or portion of construction or reconstruction of any street or highway,
40 the rules in effect for outdoor advertising on August 27, 1999, shall be
41 reinstated for that section of highway scheduled for construction and
42 there shall immediately be a moratorium imposed on the issuance of
43 state sign permits for new sign structures.

44 4. Owners of existing signs which meet the requirements for
45 outdoor advertising in effect on August 27, 1999, and the requirements
46 of the federal/state agreement and who voluntarily execute a partial
47 waiver and reset agreement may reset such signs on the same or
48 adjoining property. Such reset agreements shall be contingent upon
49 obtaining any required local approval to reset the sign structure. Any
50 sign which has been reset must still comply with the August 27, 1999,
51 outdoor advertising regulations after it has been reset.

52 5. Owners of existing signs who elect to reset qualifying signs
53 shall receive compensation representing the actual cost to reset the
54 existing sign. Signs which have been reset under these provisions must
55 be reconstructed of the same type materials and may not exceed the
56 square footage of the original sign structure.

57 6. Sign owners may elect to reset existing qualifying signs by
58 executing a partial waiver and reset agreement with the

59 **commission. Such agreement shall specify the size, type, and location**
60 **of the rebuilt sign and the reset expenses to be paid to the owner by the**
61 **commission. In the event the owner fails to execute such an agreement**
62 **within one hundred twenty days of receiving written notice the sign**
63 **will be displaced by construction, the commission shall have the right**
64 **at its sole discretion to initiate normal condemnation procedures for**
65 **the compensated removal of the sign.**

66 **7. Immediately upon the completion of construction on any**
67 **section of highway, the moratorium on new permits shall be lifted and**
68 **the rules for outdoor advertising in effect on the date the construction**
69 **is completed shall apply to such section of highway.**

70 **8. Local zoning authorities may prohibit the resetting of**
71 **qualifying signs which fail to comply with local regulations.**

72 **9. All signs shall be subject to the biennial inspection fees under**
73 **section 226.550.**

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Bill

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