

SECOND REGULAR SESSION

# SENATE BILL NO. 723

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Pre-filed December 29, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3951S.011

## AN ACT

To repeal section 226.550, RSMo, and to enact in lieu thereof one new section relating to the levying of assessment fees to pay for the removal of outdoor advertising signs.

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

Section A. Section 226.550, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 226.550, to read as follows:

226.550. 1. No outdoor advertising which is regulated by subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527 shall be erected or maintained on or after August 28, 1992, without a one-time permanent permit issued by the state highways and transportation commission. Application for permits shall be made to the state highways and transportation commission on forms furnished by the commission and shall be accompanied by a permit fee of two hundred dollars for all signs; except that, tax-exempt religious organizations as defined in subdivision (11) of section 313.005, RSMo, service organizations as defined in subdivision (12) of section 313.005, RSMo, veterans' organizations as defined in subdivision (14) of section 313.005, RSMo, and fraternal organizations as defined in subdivision (8) of section 313.005, RSMo, shall be granted a permit for signs less than seventy-six square feet without payment of the fee. In the event a permit holder fails to erect a sign structure within twenty-four months of issuance, said permit shall expire and a new permit must be obtained prior to any construction.

2. No outdoor advertising which is regulated by subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527 which was erected prior to August 28, 1992, shall be maintained without a one-time permanent permit for outdoor advertising issued by the state highways and transportation commission.

20 If a one-time permanent permit was issued by the state highways and  
21 transportation commission after March 30, 1972, and before August 28, 1992, it  
22 is not necessary for a new permit to be issued. If a one-time permanent permit  
23 was not issued for a lawfully erected and lawfully existing sign by the state  
24 highways and transportation commission after March 30, 1972, and before August  
25 28, 1992, a one-time permanent permit shall be issued by the commission for each  
26 sign which is lawfully in existence on the day prior to August 28, 1992, upon  
27 application and payment of a permit fee of two hundred dollars. All applications  
28 and fees due pursuant to this subsection shall be submitted before December 31,  
29 1992.

30 3. For purposes of sections 226.500 to 226.600, the terminology "structure  
31 lawfully in existence" or "lawfully existing" sign or outdoor advertising shall,  
32 nevertheless, include the following signs unless the signs violate the provisions  
33 of subdivisions (3) to (7) of subsection 1 of section 226.580:

34 (1) All signs erected prior to January 1, 1968;

35 (2) All signs erected before March 30, 1972, but on or after January 1,  
36 1968, which would otherwise be lawful but for the failure to have a permit for  
37 such signs prior to March 30, 1972, except that any sign or structure which was  
38 not in compliance with sizing, spacing, lighting, or location requirements of  
39 sections 226.500 to 226.600 as the sections appeared in the revised statutes of  
40 Missouri 1969, wheresoever located, shall not be considered a lawfully existing  
41 sign or structure;

42 (3) All signs erected after March 30, 1972, which are in conformity with  
43 sections 226.500 to 226.600;

44 (4) All signs erected in compliance with sections 226.500 to 226.600 prior  
45 to August 28, 2002.

46 4. On or after August 28, 1992, the state highways and transportation  
47 commission may, in addition to the fees authorized by subsections 1 and 2 of this  
48 section, collect a biennial inspection fee every two years after a state permit has  
49 been issued. Biennial inspection fees due after August 28, 2002, and prior to  
50 August 28, 2003, shall be fifty dollars. Biennial inspection fees due on or after  
51 August 28, 2003, shall be seventy-five dollars. Biennial inspection fees due on or  
52 after August 28, 2004, shall be one hundred dollars; except that, tax-exempt  
53 religious organizations as defined in subdivision (11) of section 313.005, RSMo,  
54 service organizations as defined in subdivision (12) of section 313.005, RSMo,  
55 veterans' organizations as defined in subdivision (14) of section 313.005, RSMo,

56 and fraternal organizations as defined in subdivision (8) of section 313.005,  
57 RSMo, shall not be required to pay such fee.

58         5. In order to effect the more efficient collection of biennial inspection  
59 fees, the state highways and transportation commission is encouraged to adopt  
60 a renewal system in which all permits in a particular county are renewed in the  
61 same month. In conjunction with the conversion to this renewal system, the state  
62 highways and transportation commission is specifically authorized to prorate  
63 renewal fees based on changes in renewal dates.

64         6. Sign owners or owners of the land on which signs are located must  
65 apply to the state highways and transportation commission for biennial  
66 inspection and submit any fees as required by this section on or before December  
67 31, 1992. For a permitted sign which does not have a permit, a permit shall be  
68 issued at the time of the next biennial inspection.

69         7. The state highways and transportation commission shall deposit all  
70 fees received for outdoor advertising permits and inspection fees in the state road  
71 fund, keeping a separate record of such fees, and the same may be expended by  
72 the commission in the administration of sections 226.500 to 226.600.

73         **8. Beginning January 1, 2011, the state highways and**  
74 **transportation commission shall, in addition to the fees authorized by**  
75 **subsections 1, 2, and 4 of this section, collect an annual assessment fee**  
76 **of one dollar and fifty cents per square foot on every outdoor**  
77 **advertising sign, display or device which is regulated by subdivision**  
78 **(1), (3), or (4) of section 225.520. Tax-exempt religious organizations as**  
79 **defined in subdivision (1) of section 313.005, service organizations as**  
80 **defined in subdivision (12) of section 313.005, veterans' organizations**  
81 **as defined in subdivision (14) of section 313.005, and fraternal**  
82 **organizations as defined in subdivision (8) of section 313.005, shall not**  
83 **be required to pay the assessment fee described in this subsection. The**  
84 **state highways and transportation commission shall deposit all fees**  
85 **received under this subsection in the state road fund, keeping a**  
86 **separate record of such fees, and such fees shall only be expended by**  
87 **the commission to pay just compensation for the removal of lawfully**  
88 **existing outdoor advertising signs, displays, or devices during the**  
89 **improvement of the state highway system.**