

SECOND REGULAR SESSION

# SENATE BILL NO. 624

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CRAWFORD.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4365S.01I

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## AN ACT

To repeal sections 226.540 and 226.550, RSMo, and to enact in lieu thereof two new sections relating to outdoor advertising.

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

Section A. Sections 226.540 and 226.550, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 226.540 and 226.550, to  
3 read as follows:

226.540. Notwithstanding any other provisions of sections 226.500 to  
2 226.600, outdoor advertising shall be permitted within six hundred and sixty feet  
3 of the nearest edge of the right-of-way of highways located on the interstate,  
4 federal-aid primary system as it existed on June 1, 1991, or the national highway  
5 system as amended in areas zoned industrial, commercial or the like and in  
6 unzoned commercial and industrial areas as defined in this section, subject to the  
7 following regulations which are consistent with customary use in this state:

8 (1) Lighting:

9 (a) No revolving or rotating beam or beacon of light that simulates any  
10 emergency light or device shall be permitted as part of any sign. No flashing,  
11 intermittent, or moving light or lights will be permitted except scoreboards and  
12 other illuminated signs designating public service information, such as time, date,  
13 or temperature, or similar information, will be allowed; tri-vision, projection, and  
14 other changeable message signs shall be allowed subject to Missouri highways  
15 and transportation commission regulations;

16 (b) External lighting, such as floodlights, thin line and gooseneck  
17 reflectors are permitted, provided the light source is directed upon the face of the  
18 sign and is effectively shielded so as to prevent beams or rays of light from being

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 directed into any portion of the main traveled way of the federal-aid primary  
20 highways as of June 1, 1991, and all highways designated as part of the National  
21 Highway System by the National Highway System Designation Act of 1995 and  
22 those highways subsequently designated as part of the National Highway System  
23 and the lights are not of such intensity so as to cause glare, impair the vision of  
24 the driver of a motor vehicle, or otherwise interfere with a driver's operation of  
25 a motor vehicle;

26 (c) No sign shall be so illuminated that it interferes with the effectiveness  
27 of, or obscures, an official traffic sign, device, or signal;

28 (2) Size of signs:

29 (a) The maximum area for any one sign shall be eight hundred square feet  
30 with a maximum height of thirty feet and a maximum length of seventy-two feet,  
31 inclusive of border and trim but excluding the base or apron, supports, and other  
32 structural members. The area shall be measured as established herein and in  
33 rules promulgated by the commission. In determining the size of a conforming  
34 or nonconforming sign structure, temporary cutouts and extensions installed for  
35 the length of a specific display contract shall not be considered a substantial  
36 increase to the size of the permanent display; provided the actual square footage  
37 of such temporary cutouts or extensions may not exceed thirty-three percent of  
38 the permanent display area. Signs erected in accordance with the provisions of  
39 sections 226.500 to 226.600 prior to August 28, 2002, which fail to meet the  
40 requirements of this provision shall be deemed legally nonconforming as defined  
41 herein;

42 (b) The maximum size limitations shall apply to each side of a sign  
43 structure, and signs may be placed back to back, double faced, or in V-type  
44 construction with not more than two displays to each facing, but such sign  
45 structure shall be considered as one sign;

46 (c) After August 28, 1999, no new sign structure shall be erected in which  
47 two or more displays are stacked one above the other. Stacked structures existing  
48 on or before August 28, 1999, in accordance with sections 226.500 to 226.600 shall  
49 be deemed legally nonconforming and may be maintained in accordance with the  
50 provisions of sections 226.500 to 226.600. Structures displaying more than one  
51 display on a horizontal basis shall be allowed, provided that total display areas  
52 do not exceed the maximum allowed square footage for a sign structure pursuant  
53 to the provisions of paragraph (a) of this subdivision;

54 (3) Spacing of signs:

55 (a) On all interstate highways, freeways, and nonfreeway federal-aid  
56 primary highways as of June 1, 1991, and all highways designated as part of the  
57 National Highway System by the National Highway System Designation Act of  
58 1995 and those highways subsequently designated as part of the National  
59 Highway System:

60 a. No sign structure shall be erected within one thousand four hundred  
61 feet of an existing sign on the same side of the highway;

62 b. Outside of incorporated municipalities, no structure may be located  
63 adjacent to or within five hundred feet of an interchange, intersection at grade,  
64 or safety rest area. Such five hundred feet shall be measured from the beginning  
65 or ending of the pavement widening at the exit from or entrance to the main  
66 traveled way. For purpose of this subparagraph, the term "incorporated  
67 municipalities" shall include "urban areas", except that such "urban areas" shall  
68 not be considered "incorporated municipalities" if it is finally determined that  
69 such would have the effect of making Missouri be in noncompliance with the  
70 requirements of Title 23, United States Code, Section 131;

71 (b) The spacing between structure provisions of this subdivision do not  
72 apply to signs which are separated by buildings, natural surroundings, or other  
73 obstructions in such manner that only one sign facing located within such  
74 distance is visible at any one time. Directional or other official signs or those  
75 advertising the sale or lease of the property on which they are located, or those  
76 which advertise activities on the property on which they are located, including  
77 products sold, shall not be counted, nor shall measurements be made from them  
78 for the purpose of compliance with spacing provisions;

79 (c) No sign shall be located in such manner as to obstruct or otherwise  
80 physically interfere with the effectiveness of an official traffic sign, signal, or  
81 device or obstruct or physically interfere with a motor vehicle operator's view of  
82 approaching, merging, or intersecting traffic;

83 (d) The measurements in this section shall be the minimum distances  
84 between outdoor advertising sign structures measured along the nearest edge of  
85 the pavement between points directly opposite the signs along each side of the  
86 highway and shall apply only to outdoor advertising sign structures located on  
87 the same side of the highway involved;

88 (4) As used in this section, the words "unzoned commercial and industrial  
89 land" shall be defined as follows: that area not zoned by state or local law or  
90 ordinance and on which there is located one or more permanent structures used

91 for a commercial business or industrial activity or on which a commercial or  
92 industrial activity is actually conducted together with the area along the highway  
93 extending outwardly seven hundred fifty feet from and beyond the edge of such  
94 activity. All measurements shall be from the outer edges of the regularly used  
95 improvements, buildings, parking lots, landscaped, storage or processing areas  
96 of the commercial or industrial activity and along and parallel to the edge of the  
97 pavement of the highway. **On nonfreeway primary highways where there**  
98 **is an unzoned commercial or industrial area on one side of the road in**  
99 **accordance with this section, the unzoned commercial or industrial**  
100 **area shall also include those lands located on the opposite side of the**  
101 **highway to the extent of the same dimensions.** Unzoned land shall not  
102 include:

103 (a) Land on the opposite side of the highway from an unzoned commercial  
104 or industrial area as defined in this section and located adjacent to highways  
105 located on the interstate[, federal-aid primary system as it existed on June 1,  
106 1991, or the national highway system as amended, unless the opposite side of the  
107 highway qualifies as a separate unzoned commercial or industrial area] **or**  
108 **freeway primary highways;** or

109 (b) Land zoned by a state or local law, regulation, or ordinance;

110 (5) "Commercial or industrial activities" as used in this section means  
111 those which are generally recognized as commercial or industrial by zoning  
112 authorities in this state, except that none of the following shall be considered  
113 commercial or industrial:

114 (a) Outdoor advertising structures;

115 (b) Agricultural, forestry, ranching, grazing, farming, and related  
116 activities, including seasonal roadside fresh produce stands;

117 (c) Transient or temporary activities;

118 (d) Activities more than six hundred sixty feet from the nearest edge of  
119 the right-of-way or not visible from the main traveled way;

120 (e) Activities conducted in a building principally used as a residence;

121 (f) Railroad tracks and minor sidings;

122 (6) The words "unzoned commercial or industrial land" shall also include  
123 all areas not specified in this section which constitute an "unzoned commercial  
124 or industrial area" within the meaning of the present Section 131 of Title 23 of  
125 the United States Code, or as such statute may be amended. As used in this  
126 section, the words "zoned commercial or industrial area" shall refer to those areas

127 zoned commercial or industrial by the duly constituted zoning authority of a  
128 municipality, county, or other lawfully established political subdivision of the  
129 state, or by the state and which is within seven hundred fifty feet of one or more  
130 permanent commercial or industrial activities. Commercial or industrial  
131 activities as used in this section are limited to those activities:

132 (a) In which the primary use of the property is commercial or industrial  
133 in nature;

134 (b) Which are clearly visible from the highway and recognizable as a  
135 commercial business;

136 (c) Which are permanent as opposed to temporary or transitory and of a  
137 nature that would customarily be restricted to commercial or industrial zoning  
138 in areas comprehensively zoned; and

139 (d) In determining whether the primary use of the property is commercial  
140 or industrial pursuant to paragraph (a) of this subdivision, the state highways  
141 and transportation commission shall consider the following factors:

142 a. The presence of a permanent and substantial building;

143 b. The existence of utilities and local business licenses, if any, for the  
144 commercial activity;

145 c. On-premise signs or other identification;

146 d. The presence of an owner or employee on the premises for at least  
147 twenty hours per week;

148 (7) In zoned commercial and industrial areas, whenever a state, county  
149 or municipal zoning authority has adopted laws or ordinances which include  
150 regulations with respect to the size, lighting and spacing of signs, which  
151 regulations are consistent with the intent of sections 226.500 to 226.600 and with  
152 customary use, then from and after the effective date of such regulations, and so  
153 long as they shall continue in effect, the provisions of this section shall not apply  
154 to the erection of signs in such areas. Notwithstanding any other provisions of  
155 this section, after August 28, 1992, with respect to any outdoor advertising which  
156 is regulated by the provisions of subdivision (1), (3) or (4) of section 226.520 or  
157 subsection 1 of section 226.527:

158 (a) No county or municipality shall issue a permit to allow a regulated  
159 sign to be newly erected without a permit issued by the state highways and  
160 transportation commission;

161 (b) A county or municipality may charge a reasonable one-time permit or  
162 inspection fee to assure compliance with local wind load and electrical

163 requirements when the sign is first erected, but a county or municipality may not  
164 charge a permit or inspection fee for such sign after such initial fee. Changing  
165 the display face or performing routine maintenance shall not be considered as  
166 erecting a new sign;

167 (8) The state highways and transportation commission on behalf of the  
168 state of Missouri, may seek agreement with the Secretary of Transportation of the  
169 United States under Section 131 of Title 23, United States Code, as amended,  
170 that sections 226.500 to 226.600 are in conformance with that Section 131 and  
171 provides effective control of outdoor advertising signs as set forth therein. If such  
172 agreement cannot be reached and the penalties under subsection (b) of Section  
173 131 are invoked, the attorney general of this state shall institute proceedings  
174 described in subsection (1) of that Section 131.

226.550. 1. No outdoor advertising which is regulated by subdivision (1),  
2 (3) or (4) of section 226.520 or subsection 1 of section 226.527 shall be erected or  
3 maintained on or after August 28, 1992, without a one-time permanent permit  
4 issued by the state highways and transportation commission. Application for  
5 permits shall be made to the state highways and transportation commission on  
6 forms furnished by the commission and shall be accompanied by a permit fee of  
7 two hundred dollars for all signs; except that, tax-exempt religious organizations  
8 as defined in subdivision (11) of section 313.005, service organizations as defined  
9 in subdivision (12) of section 313.005, veterans' organizations as defined in  
10 subdivision (14) of section 313.005, and fraternal organizations as defined in  
11 subdivision (8) of section 313.005 shall be granted a permit for signs less than  
12 seventy-six square feet without payment of the fee. **The permit fee of two**  
13 **hundred dollars shall be waived for landowners, provided that the**  
14 **landowner owns both the land upon which the outdoor advertising is**  
15 **placed and the business being advertised on the sign, so long as the**  
16 **business being advertised is located within seven hundred fifty feet of**  
17 **the sign location.** In the event a permit holder fails to erect a sign structure  
18 within twenty-four months of issuance, said permit shall expire and a new permit  
19 must be obtained prior to any construction.

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

25 transportation commission after March 30, 1972, and before August 28, 1992, it  
26 is not necessary for a new permit to be issued. If a one-time permanent permit  
27 was not issued for a lawfully erected and lawfully existing sign by the state  
28 highways and transportation commission after March 30, 1972, and before August  
29 28, 1992, a one-time permanent permit shall be issued by the commission for each  
30 sign which is lawfully in existence on the day prior to August 28, 1992, upon  
31 application and payment of a permit fee of two hundred dollars. All applications  
32 and fees due pursuant to this subsection shall be submitted before December 31,  
33 1992. **The permit fee of two hundred dollars shall be waived for**  
34 **landowners, provided that the landowner owns both the land upon**  
35 **which the outdoor advertising is placed and the business being**  
36 **advertised on the sign, so long as the business being advertised is**  
37 **located within seven hundred fifty feet of the sign location.**

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

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

43 (2) All signs erected before March 30, 1972, but on or after January 1,  
44 1968, which would otherwise be lawful but for the failure to have a permit for  
45 such signs prior to March 30, 1972, except that any sign or structure which was  
46 not in compliance with sizing, spacing, lighting, or location requirements of  
47 sections 226.500 to 226.600 as the sections appeared in the revised statutes of  
48 Missouri 1969, wheresoever located, shall not be considered a lawfully existing  
49 sign or structure;

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

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

54 4. On or after August 28, 1992, the state highways and transportation  
55 commission may, in addition to the fees authorized by subsections 1 and 2 of this  
56 section, collect a biennial inspection fee every two years after a state permit has  
57 been issued. Biennial inspection fees due after August 28, 2002, and prior to  
58 August 28, 2003, shall be fifty dollars. Biennial inspection fees due on or after  
59 August 28, 2003, shall be seventy-five dollars. Biennial inspection fees due on or  
60 after August 28, 2004, shall be one hundred dollars; except that, tax-exempt

61 religious organizations as defined in subdivision (11) of section 313.005, service  
62 organizations as defined in subdivision (12) of section 313.005, veterans'  
63 organizations as defined in subdivision (14) of section 313.005, and fraternal  
64 organizations as defined in subdivision (8) of section 313.005 shall not be required  
65 to pay such fee. **The biennial inspection fee shall be waived for**  
66 **landowners, provided that the landowner owns both the land upon**  
67 **which the outdoor advertising is placed and the business being**  
68 **advertised on the sign, so long as the business being advertised is**  
69 **located within seven hundred fifty feet of the sign location.**

70         5. In order to effect the more efficient collection of biennial inspection  
71 fees, the state highways and transportation commission is encouraged to adopt  
72 a renewal system in which all permits in a particular county are renewed in the  
73 same month. In conjunction with the conversion to this renewal system, the state  
74 highways and transportation commission is specifically authorized to prorate  
75 renewal fees based on changes in renewal dates.

76         6. Sign owners or owners of the land on which signs are located must  
77 apply to the state highways and transportation commission for biennial  
78 inspection and submit any fees as required by this section on or before December  
79 31, 1992. For a permitted sign which does not have a permit, a permit shall be  
80 issued at the time of the next biennial inspection.

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

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