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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1985 Session of  
2019

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INTRODUCED BY LAWRENCE, BURGOS, CALTAGIRONE, SCHLEGEL CULVER,  
DUSH, EVERETT, FEE, GABLER, HEFFLEY, HERSHEY, HILL-EVANS,  
JOZWIAK, KAUFFMAN, KEEFER, MILLARD, B. MILLER, OWLETT,  
PICKETT, PYLE, RADER, RIGBY, SCHMITT, STAATS, TOPPER AND  
ZIMMERMAN, OCTOBER 25, 2019

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REFERRED TO COMMITTEE ON TRANSPORTATION, OCTOBER 25, 2019

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AN ACT

1 Amending the act of December 15, 1971 (P.L.596, No.160),  
2 entitled "An act providing for the control and regulation of  
3 outdoor advertising adjacent to the interstate and primary  
4 highway systems within this Commonwealth; providing for  
5 administration by the Department of Transportation to comply  
6 with Federal requirements as a condition to the receipt of  
7 highway funds; fixing penalties and making appropriations,"  
8 further providing for removal of prohibited advertising  
9 devices and for penalties for violation.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Sections 10 and 11 of the act of December 15,  
13 1971 (P.L.596, No.160), known as the Outdoor Advertising Control  
14 Act of 1971, are amended to read:

15 Section 10. Removal of Prohibited Advertising Devices.--(a)  
16 In addition to the penalties prescribed in this act, the  
17 secretary may institute any appropriate action or proceeding  
18 after thirty days' written notice of a violation to the person  
19 or persons maintaining or allowing to be maintained such device,  
20 to prevent, restrain, correct or abate a violation or to cause

1 the removal of any advertising device erected or maintained in  
2 violation of the provisions of this act, or the secretary may  
3 have any such device corrected or removed by his employes.

4 (b) Notwithstanding subsection (a) or any other law to the  
5 contrary, neither the secretary nor any other employe acting at  
6 his direction may remove or cause to be removed an outdoor  
7 advertising device that meets all of the following criteria:

8 (1) The maximum area of one side of the outdoor advertising  
9 device does not exceed one hundred square feet with a maximum  
10 height of ten feet and maximum length of ten feet, inclusive of  
11 any border and trim but excluding the base or apron, supports  
12 and other structural members.

13 (2) The outdoor advertising device is owned by a religious  
14 organization that has not erected any other outdoor advertising  
15 device under this subsection. For purposes of this clause, a  
16 singular two-sided outdoor advertising device shall be  
17 considered one outdoor advertising device.

18 (3) The outdoor advertising device is located not more than  
19 one and one-half miles from a structure owned by the religious  
20 organization.

21 (4) The outdoor advertising device is erected with written  
22 approval of the municipality in which the outdoor advertising  
23 device is located.

24 (c) In the event of [such] removal under subsection (a), the  
25 person or persons responsible for the erection or maintenance of  
26 such device and the person or persons allowing such device to be  
27 maintained shall be liable to the department for the cost of  
28 removal or correction of such device.

29 (d) Neither the secretary nor any other employe acting at  
30 his direction shall be liable in any criminal or civil action

1 for damages for any action authorized by this act.

2 Section 11. Penalties for Violation.--(a) Any person who  
3 shall erect or cause or allow to be erected or maintained any  
4 advertising device in violation of this act, shall, upon summary  
5 conviction thereof, be sentenced to pay a fine of five hundred  
6 dollars (\$500) to be paid into the Highway Beautification Fund,  
7 and in default of the payment thereof, shall undergo  
8 imprisonment for thirty days. Each day a device is maintained in  
9 violation of this act after conviction shall constitute a  
10 separate offense.

11 (b) Subsection (a) shall not apply to an outdoor advertising  
12 device that satisfies all of the criteria specified under  
13 section 10(b).

14 Section 2. This act shall take effect in 60 days.