

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1985 Session of 2019

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, ZIMMERMAN AND GILLEN, OCTOBER 25, 2019

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 18, 2019

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 DEFINITIONS, FOR CONTROL OF OUTDOOR <--
9 ADVERTISING, FOR removal of prohibited advertising devices
10 and for penalties for violation-; AND IMPOSING A DUTY ON THE <--
11 SECRETARY OF TRANSPORTATION TO NOTIFY THE FEDERAL HIGHWAY
12 ADMINISTRATION.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 ~~Section 1. Sections 10 and 11 of the act of December 15, <--~~
16 ~~1971 (P.L.596, No.160), known as the Outdoor Advertising Control~~
17 ~~Act of 1971, are amended to read:~~

18 SECTION 1. SECTION 3(1) OF THE ACT OF DECEMBER 15, 1971 <--
19 (P.L.596, NO.160), KNOWN AS THE OUTDOOR ADVERTISING CONTROL ACT
20 OF 1971, IS AMENDED AND THE SECTION IS AMENDED BY ADDING
21 CLAUSES TO READ:

1 SECTION 3. DEFINITIONS.--AS USED IN THIS ACT:

2 [(1) "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF
3 TRANSPORTATION OF THE COMMONWEALTH OF PENNSYLVANIA AND
4 "SECRETARY" SHALL MEAN THE SECRETARY OF TRANSPORTATION OF THE
5 COMMONWEALTH OF PENNSYLVANIA.]

6 (1.1) "CHARITABLE ASSOCIATION" SHALL MEAN A NOT-FOR-PROFIT
7 GROUP OR BODY OF PERSONS WHICH IS CREATED AND EXISTS FOR THE
8 PURPOSE OF PERFORMING A HUMANE SERVICE; PROMOTING THE GOOD AND
9 WELFARE OF THE AGED, POOR, INFIRM OR DISTRESSED; COMBATING
10 JUVENILE DELINQUENCY; OR ADVANCING THE SPIRITUAL, MENTAL, SOCIAL
11 AND PHYSICAL IMPROVEMENT OF YOUNG INDIVIDUALS.

12 (1.2) "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF
13 TRANSPORTATION OF THE COMMONWEALTH.

14 * * *

15 (6.1) "RELIGIOUS SERVICE ORGANIZATION" SHALL MEAN A NOT-FOR-
16 PROFIT GROUP OR BODY OF PERSONS THAT IS CREATED AND EXISTS FOR
17 THE PREDOMINANT PURPOSE OF REGULARLY HOLDING OR CONDUCTING
18 RELIGIOUS ACTIVITIES OR RELIGIOUS EDUCATION, WITHOUT PECUNIARY
19 BENEFIT TO AN OFFICER, MEMBER OR SHAREHOLDER, EXCEPT AS
20 REASONABLE COMPENSATION FOR ACTUAL SERVICES RENDERED TO THE
21 ORGANIZATION.

22 * * *

23 (7.1) "SECRETARY" SHALL MEAN THE SECRETARY OF TRANSPORTATION
24 OF THE COMMONWEALTH.

25 (7.2) "SERVICE CLUB" SHALL MEAN A NOT-FOR-PROFIT CLUB WHICH
26 IS CREATED AND EXISTS FOR THE PURPOSE OF PERFORMING A HUMANE
27 SERVICE.

28 * * *

29 SECTION 2. SECTIONS 4, 10 AND 11 OF THE ACT ARE AMENDED TO
30 READ:

1 SECTION 4. CONTROL OF OUTDOOR ADVERTISING.--TO EFFECTIVELY
2 CONTROL OUTDOOR ADVERTISING, WHILE RECOGNIZING IT TO BE A
3 LEGITIMATE COMMERCIAL USE OF PROPERTY AND AN INTEGRAL PART OF
4 THE BUSINESS AND MARKETING FUNCTION, NO OUTDOOR ADVERTISING
5 DEVICE SHALL BE ERECTED OR MAINTAINED: (1) WITHIN SIX HUNDRED
6 SIXTY FEET OF THE NEAREST EDGE OF THE RIGHT-OF-WAY IF ANY PART
7 OF THE ADVERTISING OR INFORMATIVE CONTENTS IS VISIBLE FROM THE
8 MAIN-TRAVELED WAY OF AN INTERSTATE OR PRIMARY HIGHWAY, EXCEPT:

9 (I) OFFICIAL SIGNS AND NOTICES WHICH ARE REQUIRED OR
10 AUTHORIZED BY LAW AND WHICH SHALL CONFORM TO THE NATIONAL
11 STANDARDS PROMULGATED BY THE SECRETARY OF TRANSPORTATION OF THE
12 UNITED STATES PURSUANT TO SECTION 131 OF TITLE 23, UNITED STATES
13 CODE.

14 (II) OUTDOOR ADVERTISING DEVICES ADVERTISING THE SALE OR
15 LEASE OF THE REAL PROPERTY UPON WHICH THEY ARE LOCATED.

16 (III) OUTDOOR ADVERTISING DEVICES ADVERTISING ACTIVITIES
17 CONDUCTED ON THE PROPERTY ON WHICH THEY ARE LOCATED.

18 (IV) OUTDOOR ADVERTISING DEVICES IN ZONED OR UNZONED
19 COMMERCIAL OR INDUSTRIAL AREAS ALONG THOSE PORTIONS OF THE
20 INTERSTATE SYSTEM CONSTRUCTED ON RIGHT-OF-WAY, ANY PART OF THE
21 WIDTH OF WHICH WAS ACQUIRED ON OR BEFORE JULY 1, 1956.

22 (V) OUTDOOR ADVERTISING DEVICES IN AREAS ZONED COMMERCIAL OR
23 INDUSTRIAL ALONG THE INTERSTATE SYSTEM AND LYING WITHIN THE
24 BOUNDARIES OF ANY INCORPORATED MUNICIPALITY AS SUCH BOUNDARIES
25 EXISTED ON SEPTEMBER 21, 1959, AND DEVICES LOCATED IN ANY OTHER
26 AREA WHICH, AS OF SEPTEMBER 21, 1959, WAS CLEARLY ESTABLISHED BY
27 LAW AS INDUSTRIAL OR COMMERCIAL.

28 (VI) OUTDOOR ADVERTISING DEVICES IN ZONED OR UNZONED
29 COMMERCIAL OR INDUSTRIAL AREAS ALONG THE PRIMARY SYSTEM.

30 (VII) OUTDOOR ADVERTISING DEVICES IN THE SPECIFIC INTEREST

1 OF THE TRAVELING PUBLIC WHICH ARE AUTHORIZED TO BE ERECTED OR
2 MAINTAINED BY THE SECRETARY AND WHICH ARE DESIGNED TO GIVE
3 INFORMATION IN THE INTEREST OF THE TRAVELING PUBLIC.

4 (VIII) DIRECTIONAL SIGNS, INCLUDING BUT NOT LIMITED TO,
5 SIGNS PERTAINING TO NATURAL WONDERS, SCENIC AND HISTORICAL
6 ATTRACTIONS, AND OTHER POINTS OF INTEREST TO THE TRAVELING
7 PUBLIC WHICH SHALL CONFORM TO THE NATIONAL STANDARDS PROMULGATED
8 BY THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES PURSUANT
9 TO SECTION 131 OF TITLE 23, UNITED STATES CODE.

10 (IX) ANY OTHER OUTDOOR ADVERTISING DEVICES PERMITTED OR
11 AUTHORIZED ALONG THE INTERSTATE SYSTEM BY THE OFFICIAL AGREEMENT
12 EXECUTED JUNE 23, 1961, BETWEEN THE COMMONWEALTH AND THE FEDERAL
13 GOVERNMENT; PROVIDED SUCH OUTDOOR ADVERTISING DEVICES DO NOT
14 VIOLATE THE PROVISIONS OF TITLE 23, UNITED STATES CODE,
15 "HIGHWAYS" [; OR] .

16 (X) OUTDOOR ADVERTISING DEVICES PERMITTED UNDER SECTION 1425
17 OF THE FIXING AMERICA'S SURFACE TRANSPORTATION ACT (PUBLIC LAW
18 114-94 129 STAT. 1312); OR

19 (2) MORE THAN SIX HUNDRED SIXTY FEET FROM THE NEAREST EDGE
20 OF SUCH A RIGHT-OF-WAY AND VISIBLE AFORESAID, IF LOCATED OUTSIDE
21 OF URBAN AREAS AND ERECTED WITH THE PURPOSE OF ITS MESSAGE BEING
22 READ FROM SUCH A MAIN-TRAVELED WAY, EXCEPT:

23 (I) OFFICIAL SIGNS AND NOTICES WHICH ARE REQUIRED OR
24 AUTHORIZED BY LAW AND WHICH SHALL CONFORM TO THE NATIONAL
25 STANDARDS PROMULGATED BY THE SECRETARY OF TRANSPORTATION OF THE
26 UNITED STATES PURSUANT TO SECTION 131 OF TITLE 23, UNITED STATES
27 CODE.

28 (II) OUTDOOR ADVERTISING DEVICES ADVERTISING THE SALE OR
29 LEASE OF THE REAL PROPERTY UPON WHICH THEY ARE LOCATED.

30 (III) OUTDOOR ADVERTISING DEVICES ADVERTISING ACTIVITIES

1 CONDUCTED ON THE PROPERTY ON WHICH THEY ARE LOCATED.

2 (IV) DIRECTIONAL SIGNS, INCLUDING BUT NOT LIMITED TO, SIGNS
3 PERTAINING TO NATURAL WONDERS, SCENIC AND HISTORICAL
4 ATTRACTIONS, AND OTHER POINTS OF INTEREST TO THE TRAVELING
5 PUBLIC WHICH SHALL CONFORM TO THE NATIONAL STANDARDS PROMULGATED
6 BY THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES PURSUANT
7 TO SECTION 131 OF TITLE 23, UNITED STATES CODE.

8 (V) OUTDOOR ADVERTISING DEVICES PERMITTED UNDER SECTION 1425
9 OF THE FIXING AMERICA'S SURFACE TRANSPORTATION ACT.

10 Section 10. Removal of Prohibited Advertising Devices.--(a)
11 In addition to the penalties prescribed in this act, the
12 secretary may institute any appropriate action or proceeding
13 after thirty days' written notice of a violation to the person
14 or persons maintaining or allowing to be maintained such device,
15 to prevent, restrain, correct or abate a violation or to cause
16 the removal of any advertising device erected or maintained in
17 violation of the provisions of this act, or the secretary may
18 have any such device corrected or removed by his employes.

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

23 (1) The maximum area of one side of the outdoor advertising
24 device does not exceed one hundred square feet with a maximum <--
25 height of ten feet and maximum length of ten feet THIRTY-TWO <--
26 SQUARE FEET, inclusive of any border and trim but excluding the
27 base or apron, supports and other structural members.

28 (2) The outdoor advertising device is owned by a religious <--
29 SERVICE CLUB, CHARITABLE ASSOCIATION OR RELIGIOUS SERVICE
30 organization. that has not erected any other outdoor advertising <--

1 ~~device under this subsection. For purposes of this clause, a~~
2 ~~singular two sided outdoor advertising device shall be~~
3 ~~considered one outdoor advertising device.~~

4 ~~(3) The outdoor advertising device is located not more than~~
5 ~~one and one half miles from a structure owned by the religious~~
6 ~~organization.~~

7 ~~(4) The outdoor advertising device is erected with written~~
8 ~~approval of the municipality in which the outdoor advertising~~
9 ~~device is located.~~

10 ~~(3) THE OUTDOOR ADVERTISING DEVICE WAS ERECTED ON OR BEFORE~~ <--
11 ~~DECEMBER 4, 2015, OR WAS REMOVED BETWEEN DECEMBER 4, 2012, AND~~
12 ~~DECEMBER 4, 2015.~~

13 ~~(c) In the event of [such] removal under subsection (a), the~~
14 ~~person or persons responsible for the erection or maintenance of~~
15 ~~such device and the person or persons allowing such device to be~~
16 ~~maintained shall be liable to the department for the cost of~~
17 ~~removal or correction of such device.~~

18 ~~(d) Neither the secretary nor any other employe acting at~~
19 ~~his direction shall be liable in any criminal or civil action~~
20 ~~for damages for any action authorized by this act.~~

21 Section 11. Penalties for Violation.--~~(a) Any person who~~
22 ~~shall erect or cause or allow to be erected or maintained any~~
23 ~~advertising device in violation of this act, shall, upon summary~~
24 ~~conviction thereof, be sentenced to pay a fine of five hundred~~
25 ~~dollars (\$500) to be paid into the Highway Beautification Fund,~~
26 ~~and in default of the payment thereof, shall undergo~~
27 ~~imprisonment for thirty days. Each day a device is maintained in~~
28 ~~violation of this act after conviction shall constitute a~~
29 ~~separate offense.~~

30 ~~(b) Subsection (a) shall not apply to an outdoor advertising~~

1 device that satisfies all of the criteria specified under
2 section 10(b).

3 SECTION 3. THE SECRETARY OF TRANSPORTATION OF THE <--
4 COMMONWEALTH SHALL NOTIFY THE FEDERAL HIGHWAY ADMINISTRATION
5 WITH 60 DAYS OF THE EFFECTIVE DATE OF THIS SECTION THAT THE
6 STATE HAS ELECTED TO EXEMPT SIGNS LESS THAN 32 SQUARE FEET OWNED
7 BY A SERVICE CLUB, CHARITABLE ASSOCIATION OR RELIGIOUS SERVICE
8 ORGANIZATION AS PERMITTED BY SECTION 1425 OF THE FIXING
9 AMERICA'S SURFACE TRANSPORTATION ACT (PUBLIC LAW 114-94).

10 Section ~~2~~ 4. This act shall take effect in 60 days. <--