

AMENDED IN ASSEMBLY MAY 15, 2007

AMENDED IN ASSEMBLY MAY 3, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 830

**Introduced by Assembly Member Ma
(Coauthor: Assembly Member Plescia)**

February 22, 2007

An act to add Section 5442.14 to the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 830, as amended, Ma. Outdoor advertising.

The Outdoor Advertising Act regulates placement of advertising signs adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal-aid highways. The act prohibits advertising displays from being placed or maintained on property adjacent to a section of a freeway that has been landscaped, with certain exceptions. A violation of the act is a misdemeanor.

This bill would authorize the conversion of a permitted advertising display for use as a message center, subject to specified conditions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to recognize the
- 2 legitimacy of changing technology performed incident to customary

1 maintenance and changing advertising on outdoor advertising
2 displays and to enhance the business climate and emergency
3 messaging within the jurisdiction of cities and counties.

4 SEC. 2. Section 5442.14 is added to the Business and
5 Professions Code, to read:

6 5442.14. (a) Notwithstanding any other provision of this
7 chapter, Section 5440 shall not prohibit the conversion of a
8 permitted advertising display for use as a message center, if all of
9 the following conditions are met:

10 (1) The size, height, location, and configuration of the display
11 remain unchanged.

12 (2) The conversion of the display complies with the provisions
13 of Article 6 (commencing with Section 5350), and the message
14 center complies with the requirements of Sections 5400 to 5405,
15 inclusive, and Section 5408.

16 (3) Maintenance of the display does not require the immediate
17 trimmings, pruning, topping, or removal of existing trees to provide
18 visibility for the display, unless done as part of the normal
19 landscape maintenance activities that would have been undertaken
20 without regard to the placement or maintenances of the display.
21 However, any tree or foliage removed at any time to provide
22 visibility to a display shall be replaced with equivalent trees or
23 foliage at the expense of the owner of the display.

24 (4) The display shall not cause a reduction in federal aid
25 highway funds, as provided in Section 131 of Title 23 of the United
26 States Code.

27 (5) The display shall have the capacity to communicate
28 emergency messaging and be part of an agreement providing a
29 system for communicating public emergency messages, including
30 Amber Alert and other emergencies as defined by the Governor's
31 Office of Emergency Services.

32 (6) The message center is arranged and illuminated so that it
33 does not impair the vision of motorists on an adjacent highway.
34 The illumination of the message center shall be deemed to impair
35 the vision of a motorist for purposes of this paragraph if its
36 brilliance exceeds the values set forth in Section 21466.5 of the
37 Vehicle Code.

38 (7) *The message center does not advertise products or services*
39 *that are directed to an adult population, including, but not limited*
40 *to, alcohol, tobacco, gambling, or sexually explicit material.*

1 (b) If a converted display is acquired by the Department of
2 Transportation for a public purpose, the compensation required to
3 be paid under Section 5412 as defined in the Eminent Domain
4 Law (Title 7 (commencing with Section 1230.010) of Part 3 of the
5 Code of Civil Procedure) shall be required, provided compensation
6 shall be determined without regard to the display's use as a
7 message center.

8 (c) "Message center," for purposes of this section, means a
9 digital advertising display where the message is changed not more
10 than once every six seconds.