

AMENDED IN SENATE JUNE 11, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2441**

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**Introduced by Assembly Member Mullin**

February 21, 2014

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An act to amend Section 5403 of the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 2441, as amended, Mullin. Outdoor advertising.

The Outdoor Advertising Act provides for the regulation of advertising displays visible from highways and prohibits, among others, advertising displays visible from a highway that simulate or imitate a directional, warning, danger, or informational sign, as specified. A violation of the act is a crime.

This bill would, ~~in addition~~, *except as specified*, prohibit an advertising display visible from a highway that appears to be an official public agency changeable message sign. Because a violation of this prohibition would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 5403 of the Business and Professions  
2 Code is amended to read:

3 5403. No advertising display shall be placed or maintained in  
4 any of the following locations or positions or under any of the  
5 following conditions or if the advertising structure or sign is of  
6 the following nature:

7 (a) If within the right-of-way of any highway.

8 (b) If visible from any highway and simulating or imitating any  
9 directional, warning, danger, or information sign permitted under  
10 the provisions of this chapter, or if likely to be mistaken for any  
11 permitted sign, ~~or if appearing to be an official public agency~~  
12 ~~changeable message sign~~, or if intended or likely to be construed  
13 as giving warning to traffic, by, for example, the use of the words  
14 “stop” or “slow down.”

15 (c) (1) *If visible from any highway and appearing to be an*  
16 *official public agency changeable message sign.*

17 (2) *This subdivision shall not apply to prohibit an advertising*  
18 *display that utilizes changeable messages authorized pursuant to*  
19 *subdivision (f) of Section 5272.*

20 ~~(e)~~

21 (d) If within any stream or drainage channel or below the  
22 floodwater level of any stream or drainage channel where the  
23 advertising display might be deluged by flood waters and swept  
24 under any highway structure crossing the stream or drainage  
25 channel or against the supports of the highway structure.

26 ~~(d)~~

27 (e) If not maintained in safe condition.

28 ~~(e)~~

29 (f) If visible from any highway and displaying any red or  
30 blinking or intermittent light likely to be mistaken for a warning  
31 or danger signal.

32 ~~(f)~~

33 (g) If visible from any highway that is a part of the interstate or  
34 primary systems, and *is* placed upon trees, or painted or drawn  
35 upon rocks or other natural features.

36 ~~(g)~~

37 (h) If any illumination shall impair the vision of travelers on  
38 adjacent highways. Illuminations shall be considered vision

1 impairing when its brilliance exceeds the values set forth in Section  
2 21466.5 of the Vehicle Code.

3 ~~(h)~~

4 (i) If visible from a state regulated highway displaying any  
5 flashing, intermittent, or moving light or lights.

6 ~~(i)~~

7 (j) If, in order to enhance the display's visibility, the owner of  
8 the display or anyone acting on the owner's behalf removes, cuts,  
9 cuts down, injures, or destroys any tree, shrub, plant, or flower  
10 growing on property owned by the department that is visible from  
11 the highway without a permit issued pursuant to Section 670 of  
12 the Streets and Highways Code.

13 SEC. 2. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution because  
15 the only costs that may be incurred by a local agency or school  
16 district will be incurred because this act creates a new crime or  
17 infraction, eliminates a crime or infraction, or changes the penalty  
18 for a crime or infraction, within the meaning of Section 17556 of  
19 the Government Code, or changes the definition of a crime within  
20 the meaning of Section 6 of Article XIII B of the California  
21 Constitution.