

AMENDED IN ASSEMBLY JUNE 6, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 31

Introduced by Senator Padilla

(Principal coauthor: Senator Steinberg)

**(Coauthors: Senators *Correa, Gaines, Huff, Lara, Price, Walters,*
and Wyland)**

(Coauthors: Assembly Members Bocanegra, Bradford, Ian Calderon,
Garcia, Gomez, *Hall*, Holden, Jones-Sawyer, Rendon, Wagner, and
Wilk)

December 3, 2012

An act to amend Section 5272 of the Business and Professions Code,
relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

SB 31, as amended, Padilla. Outdoor advertising displays: arenas.

The Outdoor Advertising Act provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways. The act exempts from its provisions certain advertising displays that advertise the business conducted, services rendered, or goods produced or sold on the property upon which the display is placed, as specified. The act also exempts from its provisions specified advertising displays at an arena located on public land with a capacity of 5,000 seats or more that provides a permanent venue for professional sports, and that advertises products, goods, or services that are or will be sold on the premises of the arena on a regular basis pursuant to a specified agreement.

This bill would recast the arena advertising exception to exempt from the act specified advertising displays authorized by local ordinance, at

a venue located on public land with a capacity of 15,000 seats or more that is capable of providing a permanent venue for professional sports, or on a contiguous development project or district encompassing or adjacent to the venue that extends not more than 1,000 feet from a structure connected to the venue, as specified. These advertising displays would be authorized to advertise any products, goods, or services sold within that area on a regular basis, or marketed or promoted in that area pursuant to a sponsorship marketing plan, as defined, except distilled spirits, tobacco, firearms, or sexually explicit material, if specified conditions are met. The bill would additionally authorize, under similar conditions, up to 2 advertising displays that are not required to comply with the act, which the bill would require to be visible when approaching offramps from the interstate, primary, or state highway nearest to the venue, or nearest to a development project or district encompassing the arena within 1,000 feet of the venue or a structure connected to the venue. The bill would ~~provide that~~, *require that certain conditions apply if an* the advertising display authorized by the bill is a message center display, ~~certain conditions would apply.~~ *display. The bill would require that if an advertising display is subject to a notice from the United States Secretary of Transportation that the operation of that display will result in the reduction of federal funds, as provided, authorization of the display would cease 60 days after the owner of the display receives the notice. The bill would prohibit, among other things, the Department of Transportation from assuming any liability in connection with cessation of operation or removal of an advertising display. In addition, the bill would require an advertising display lawfully erected on or before December 31, 2013, in conformity with the law relating to the exemption for advertising displays on arenas, as it existed on that date, to remain authorized, subject to the terms of that law.*

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

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

- 1 SECTION 1. Section 5272 of the Business and Professions
- 2 Code is amended to read:
- 3 5272. (a) With the exception of Article 4 (commencing with
- 4 Section 5300) and Sections 5400 ~~and to 5404, nothing contained~~
- 5 ~~in this chapter applies~~ *inclusive, this chapter does not apply* to any

1 advertising display ~~that is~~ used exclusively for any of the following
2 purposes:

3 (1) To advertise the sale, lease, or exchange of real property
4 upon which the advertising display is placed.

5 (2) To advertise directions to, and the sale, lease, or exchange
6 of, real property for which the advertising display is placed;
7 provided, that the exemption of this paragraph does not apply to
8 advertising displays visible from a highway and subject to the
9 Highway Beautification Act of 1965 (23 U.S.C. Sec. 131).

10 (3) To designate the name of the owner or occupant of the
11 premises or to identify the premises.

12 (4) To advertise ~~the business conducted or~~ *conducted*, services
13 ~~rendered~~ *rendered*, or ~~the goods produced or sold upon the property~~
14 ~~upon~~ *on* which the advertising display is placed if the display is
15 ~~upon~~ *on* the same side of the highway and within 1,000 feet of the
16 point on the property or within 1,000 feet of the entrance to the
17 site at which ~~the business is conducted or~~ *conducted*, services are
18 ~~rendered~~ *rendered*, or goods are produced or sold.

19 (b) With the exception of Article 4 (commencing with Section
20 5300) and Sections 5400 ~~and to~~ 5404, ~~nothing contained in~~
21 ~~inclusive~~, this chapter ~~applies~~ *does not apply* to any advertising
22 display ~~that is~~ used exclusively to either advertise products, goods,
23 or services sold by persons on the premises of an arena on a regular
24 basis, or to advertise any products, goods, or services marketed or
25 promoted on the premises of an arena pursuant to a sponsorship
26 marketing plan, if all of the following conditions are met:

27 ~~(1) The arena is located on public land.~~

28 ~~(2)~~

29 ~~(1)~~ (1) The arena is capable of providing a venue for professional
30 sports on a permanent basis.

31 ~~(3)~~

32 (2) The arena has a capacity of 15,000 or more seats.

33 ~~(4) The advertising display does not cause the reduction in~~
34 ~~federal aid highway funds as provided in Section 131 of Title 23~~
35 ~~of the United States Code.~~

36 ~~(5)~~

37 (3) The advertising display is either of the following:

38 (A) Located on the premises of the arena.

39 (B) Has been authorized as of January 1, 2019, by, or in
40 accordance with, a local ordinance, including, but not limited to,

1 a specific plan or sign district adopted in connection with the
2 approval of the arena by the city or county, bears the name or logo
3 of the arena, and is visible when approaching offramps from the
4 interstate, primary, or state highway nearest to the premises of the
5 arena. No arena shall be permitted more than two advertising
6 displays allowed under this subparagraph.

7 (c) (1) Any advertising display erected pursuant to subdivision
8 (b) and located on the premises of the arena shall be *lawful only*
9 *if* authorized by, or in accordance with, an ordinance, including,
10 but not limited to, a specific plan or sign district, adopted by the
11 city or county, that regulates advertising displays on the premises
12 of the arena by ~~either identifying the specific displays or by~~
13 establishing regulations that include, at a minimum, all of the
14 following:

15 (A) Number of signs and total signage area allowed.

16 (B) Maximum individual signage area.

17 (C) Minimum sign separation.

18 (D) Illumination restrictions and regulations, including signage
19 refresh rate, scrolling, and brightness.

20 (E) Illuminated sign hours of operation.

21 (2) Authorization of advertising displays under subdivision (b)
22 is subject to the owner of the advertising display submitting to the
23 ~~Secretary of Transportation~~ *department* a copy of the ordinance
24 adopted by the city or county in which the arena is located
25 authorizing the advertising display and, for signs located on the
26 premises of the arena, identification of the provisions of the
27 ordinance required under paragraph (1). ~~The secretary~~ *department*
28 ~~shall review and certify, in consultation with the Department of~~
29 ~~Transportation, certify~~ that the proposed ~~displays and~~ ordinance
30 ~~meet~~ *meets* the minimum requirements contained in ~~this section~~
31 *paragraph (1)*.

32 (3) An advertising display authorized pursuant to subdivision
33 (b) shall not advertise products, goods, or services related to
34 distilled spirits, tobacco, firearms, or sexually explicit material.

35 (4) ~~Nothing in this chapter limits~~ *This chapter does not limit* a
36 local government from adopting ordinances *prohibiting or* further
37 restricting the size, number, or type of advertising displays
38 permitted by this section.

39 (d) As used in this section, “the premises of an arena” means
40 either of the following:

1 (1) A venue for indoor or outdoor sports, concerts, or other
2 events.

3 (2) Any development project or district encompassing the venue,
4 adjacent to it, or separated from it only by public or private
5 rights-of-way, the boundaries of which have been set by the city
6 or county in which the arena is located. The development project
7 or district must be contiguous and may not extend more than 1,000
8 feet beyond the arena structure or any structure physically
9 connected to the arena structure.

10 (e) As used in this section, “sponsorship marketing plan” means
11 an agreement between the property owner, facility owner, facility
12 operator, or occupant of the premises of an arena and a sponsor
13 pursuant to which the sponsor is allowed to include its logo, slogan,
14 or advertising on advertising displays and that meets both of the
15 following conditions:

16 (1) The sponsorship marketing plan is for a period of not less
17 than one year.

18 (2) The sponsorship marketing plan grants the sponsor the
19 opportunity to display its logo, slogan, or advertising in the interior
20 of structures on the premises of an arena, or conduct promotions,
21 public relations, or marketing activities on the premises of an arena.

22 (f) Authorization of an advertising display under subdivision
23 (b) that is a message center display is subject to the owner of the
24 display complying with one of the following conditions:

25 (1) Making a message center display within the premises of the
26 arena available on a space-available basis for use by the
27 ~~Department of Transportation~~ *department* or the Department of
28 the California Highway Patrol for public service messages,
29 including so-called “Amber Alert” *Emergency Alert System (Amber*
30 *Alert)* messages disseminated pursuant to Section 8594 of the
31 Government Code, and messages containing, among other things,
32 reports of commute times, drunk driving awareness messages,
33 reports of accidents of a serious nature, and emergency disaster
34 communications.

35 (2) Making a message center display not subject to this section
36 that is under the control of the owner of the advertising display
37 available on a space-available basis for public service messages
38 in a location acceptable to the ~~Department of Transportation~~
39 *department* and the Department of the California Highway Patrol.

1 (3) Providing funding to the ~~Department of Transportation~~
2 *department* for the installation of a message center display to
3 accommodate those public service messages, which may include
4 funding as part of mitigation in connection with the approval of
5 the arena by the city or county.

6 (g) *If an advertising display authorized under subdivision (b)*
7 *is subject to a notice from the United States Secretary of*
8 *Transportation that the operation of that display will result in the*
9 *reduction of federal aid highway funds provided in Section 131 of*
10 *Title 23 of the United States Code, authorization of the display*
11 *under subdivision (b) shall cease 60 days after the owner of the*
12 *display receives notice. The California Department of*
13 *Transportation shall not assume any liability in connection with*
14 *cessation of operation or removal of an advertising display*
15 *pursuant to this subdivision and shall be held harmless and*
16 *indemnified from all legal actions involving the displays by the*
17 *city, county, or city and county that adopted the ordinance allowing*
18 *those displays.*

19 (h) *Except as provided in this section, the department shall not*
20 *otherwise be responsible for any regulation of the displays allowed*
21 *under this section.*

22 (i) *An advertising display lawfully erected on or before*
23 *December 31, 2013, in conformity with subdivision (e) of this*
24 *section as it read on that date, shall remain authorized, subject to*
25 *the terms of that subdivision.*