

ASSEMBLY BILL

No. 1373

Introduced by Assembly Member Santiago

February 27, 2015

An act to add Section 5272.2 to the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 1373, as introduced, Santiago. Outdoor advertising: City of Los Angeles.

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 certain of its provisions advertising displays that advertise the business conducted or services rendered or goods produced or sold on the property upon which the display is placed, as specified.

This bill would exempt from those provisions of the act advertising displays located in a specific geographic area in the City of Los Angeles if those displays meet specified conditions and requirements, including the adoption of, and compliance with, an ordinance by the City of Los Angeles. The bill would impose certain conditions if the advertising display authorized by this bill is a message center display. The bill would require that if an advertising display is subject to a notice from the United States Department of Transportation, Federal Highway Administration, or other applicable federal agency to the state 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 state notifies the display owner of the receipt of the federal notice, and

would require the display owner to remove all advertising copy within that time or be subject to specified civil fines.

The bill would make the City of Los Angeles primarily responsible for ensuring that a display remains in compliance with the ordinance and the bill’s requirements, and would require the city to indemnify and hold the department harmless if the city fails to do so.

This bill would also make findings and declarations as to the need for a special statute relating to the City of Los Angeles.

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 5272.2 is added to the Business and
2 Professions Code, to read:

3 5272.2. (a) With the exception of Article 4 (commencing with
4 Section 5300) and Sections 5400 to 5404, inclusive, this chapter
5 does not apply to any advertising display located in the geographic
6 area in the City of Los Angeles bounded by W. 8th Street on the
7 northeast, S. Figueroa Street on the southeast, Interstate 10 on the
8 southwest, and State Route 110 on the northwest, if all of the
9 following conditions are met:

10 (1) The advertising display is authorized by, or in accordance
11 with, an ordinance, including, but not limited to, a specific plan
12 or sign district, adopted by the City of Los Angeles that regulates
13 advertising displays by identifying the specific displays or
14 establishing regulations that include, at a minimum, all of the
15 following:

- 16 (A) Number of signs and total signage area allowed.
- 17 (B) Maximum individual signage area.
- 18 (C) Minimum sign separation.
- 19 (D) Illumination restrictions and regulations, including signage
20 refresh rate, scrolling, and brightness.
- 21 (E) Illuminated sign hours of operation.

22 (2) The owner of the advertising display has submitted to the
23 department a copy of the ordinance adopted by the City of Los
24 Angeles authorizing the advertising display and identification of
25 the provisions of the ordinance required under paragraph (1) and
26 the department has certified that the ordinance meets the minimum
27 requirements contained in paragraph (1).

1 (3) The advertising display will not advertise products, goods,
2 or services related to tobacco, firearms, or sexually explicit
3 material.

4 (4) This chapter does not limit the City of Los Angeles from
5 adopting ordinances prohibiting or further restricting the size,
6 number, or type of advertising displays permitted by this section.

7 (5) If the advertising display is a message center, the owner of
8 the display shall do one of the following:

9 (A) Make the message center display available on a
10 space-available basis for use by the department or the Department
11 of the California Highway Patrol for public service messages,
12 including Emergency Alert System (Amber Alert) messages
13 disseminated pursuant to Section 8594 of the Government Code,
14 and messages containing, among other things, reports of commute
15 times, drunk driving awareness messages, reports of accidents of
16 a serious nature, and emergency disaster communications.

17 (B) Make a message center display not subject to this section
18 that is under the control of the owner of the advertising display
19 available on a space-available basis for public service messages
20 in a location acceptable to the department and the Department of
21 the California Highway Patrol.

22 (C) Provide funding to the department for the installation of a
23 message center display to accommodate those public service
24 messages, which may include funding as part of mitigation in
25 connection with the approval of development of the property on
26 which the message center display is located by the City of Los
27 Angeles.

28 (b) If an advertising display authorized pursuant to subdivision
29 (a) is subject to a notice from the United States Department of
30 Transportation, the Federal Highway Administration, or any other
31 applicable federal agency to the state that the operation of that
32 display will result in the reduction of federal aid highway funds
33 provided in Section 131 of Title 23 of the United States Code,
34 authorization of the display under subdivision (a) shall cease and
35 the display owner shall remove all advertising copy from the
36 display within 60 days after the state notifies the display owner of
37 the receipt of the federal notice. Failure to remove the advertising
38 copy pursuant to this subdivision shall result in a civil fine, imposed
39 by the California Department of Transportation, of ten thousand
40 dollars (\$10,000) per day until the advertising copy is removed.

1 The department shall not assume any liability in connection with
2 cessation of operation or removal of an advertising display or
3 advertising copy pursuant to this subdivision.

4 (c) The City of Los Angeles shall have primary responsibility
5 for ensuring that a display authorized pursuant to subdivision (a)
6 remains in conformance with all provisions of the ordinance and
7 of this section. If the City of Los Angeles fails to ensure that the
8 display remains in conformance with all provisions of the ordinance
9 and of this section after 30 days of receipt of a written notice from
10 the department, the City of Los Angeles shall hold the department
11 harmless and indemnify the department for all costs incurred by
12 the department to ensure compliance with the ordinance and this
13 section or to defend actions challenging the adoption of the
14 ordinance allowing the displays.

15 SEC. 2. Due to unique circumstances concerning the location
16 of the advertising displays, or proposed advertising displays, set
17 forth in this act and the need for advertising in that location, it is
18 necessary that an exemption from some of the provisions of the
19 Outdoor Advertising Act be provided for those displays, and the
20 Legislature finds and declares that a general statute cannot be made
21 applicable within the meaning of Section 16 of Article IV of the
22 California Constitution.