

AMENDED IN ASSEMBLY MAY 14, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1373

Introduced by Assembly Member Santiago
(Coauthor: Assembly Member Jones-Sawyer)

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 amended, 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~~ *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~~ *Wilshire*
7 *Boulevard* on the northeast, S. Figueroa Street on the southeast,
8 Interstate 10 on the southwest, and State Route 110 on the
9 northwest, if all of the 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

1 the department has certified that the ordinance meets the minimum
2 requirements contained in paragraph (1).

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

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

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

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

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

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

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

1 by the California Department of Transportation, of ten thousand
2 dollars (\$10,000) per day until the advertising copy is removed.
3 The department shall not assume any liability in connection with
4 cessation of operation or removal of an advertising display or
5 advertising copy pursuant to this subdivision.

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

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