

AMENDED IN SENATE AUGUST 2, 2016
AMENDED IN SENATE SEPTEMBER 2, 2015
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, and declaring the urgency thereof, to take effect immediately.

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~~ *an* 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 require the department, before the advertising display may be placed, to determine or to request the Federal Highway Administration to determine that the display will not cause a reduction in federal aid funds or otherwise be inconsistent with any federal law, regulation, or agreement between the state and a federal agency or department.~~

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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 Wilshire Boulevard
- 7 on the northeast, S. Figueroa Street on the southeast, Interstate 10
- 8 on the southwest, and State Route 110 on the northwest, if all of
- 9 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:

- 1 (A) Number of signs and total signage area allowed.
- 2 (B) Maximum individual signage area.
- 3 (C) Minimum sign separation.
- 4 (D) Illumination restrictions and regulations, including signage
- 5 refresh rate, scrolling, and brightness.
- 6 (E) Illuminated sign hours of operation.
- 7 (2) The owner of the advertising display has submitted to the
- 8 department a copy of the ordinance adopted by the City of Los
- 9 Angeles authorizing the advertising display and identification of
- 10 the provisions of the ordinance required under paragraph (1) and
- 11 the department has certified that the ordinance meets the minimum
- 12 requirements contained in paragraph (1).
- 13 (3) The advertising display will not advertise products, goods,
- 14 or services related to tobacco, firearms, or sexually explicit
- 15 material.
- 16 (4) This chapter does not limit the City of Los Angeles from
- 17 adopting ordinances prohibiting or further restricting the size,
- 18 number, or type of advertising displays permitted by this section.
- 19 (5) If the advertising display is a message center, the owner of
- 20 the display shall do one of the following:
 - 21 (A) Make the message center display available on a
 - 22 space-available basis for use by the department or the Department
 - 23 of the California Highway Patrol for public service messages,
 - 24 including Emergency Alert System (Amber Alert) messages
 - 25 disseminated pursuant to Section 8594 of the Government Code,
 - 26 and messages containing, among other things, reports of commute
 - 27 times, drunk driving awareness messages, reports of accidents of
 - 28 a serious nature, and emergency disaster communications.
 - 29 (B) Make a message center display not subject to this section
 - 30 that is under the control of the owner of the advertising display
 - 31 available on a space-available basis for public service messages
 - 32 in a location acceptable to the department and the Department of
 - 33 the California Highway Patrol.
 - 34 (C) Provide funding to the department for the installation of a
 - 35 message center display to accommodate those public service
 - 36 messages, which may include funding as part of mitigation in
 - 37 connection with the approval of development of the property on
 - 38 which the message center display is located by the City of Los
 - 39 Angeles.

1 ~~(b) If an advertising display authorized pursuant to subdivision~~
2 ~~(a) is subject to a notice from the United States Department of~~
3 ~~Transportation, the Federal Highway Administration, or any other~~
4 ~~applicable federal agency to the state that the operation of that~~
5 ~~display will result in the reduction of federal aid highway funds~~
6 ~~provided in Section 131 of Title 23 of the United States Code,~~
7 ~~authorization of the display under subdivision (a) shall cease and~~
8 ~~the display owner shall remove all advertising copy from the~~
9 ~~display within 60 days after the state notifies the display owner of~~
10 ~~the receipt of the federal notice. Failure to remove the advertising~~
11 ~~copy pursuant to this subdivision shall result in a civil fine, imposed~~
12 ~~by the California Department of Transportation, of ten thousand~~
13 ~~dollars (\$10,000) per day until the advertising copy is removed.~~
14 ~~The department shall not assume any liability in connection with~~
15 ~~cessation of operation or removal of an advertising display or~~
16 ~~advertising copy pursuant to this subdivision.~~

17 *(b) (1) Before the advertising display authorized pursuant to*
18 *subdivision (a) may be placed, the department shall determine that*
19 *the display will not cause a reduction in federal aid funds or*
20 *otherwise be inconsistent with any federal law, regulation, or*
21 *agreement between the state and a federal agency or department.*

22 *(2) If the department is unable to make the determination*
23 *required pursuant to paragraph (1), the department shall request*
24 *the Federal Highway Administration (FHA) of the United States*
25 *Department of Transportation to make the determination. Upon*
26 *receipt of a determination by the FHA that makes the finding*
27 *described in paragraph (1), the advertising display may be placed.*

28 (c) The City of Los Angeles shall have primary responsibility
29 for ensuring that a display authorized pursuant to subdivision (a)
30 remains in conformance with all provisions of the ordinance and
31 of this section. If the City of Los Angeles fails to ensure that the
32 display remains in conformance with all provisions of the ordinance
33 and of this section after 30 days of receipt of a written notice from
34 the department, the City of Los Angeles shall hold the department
35 harmless and indemnify the department for all costs incurred by
36 the department to ensure compliance with the ordinance and this
37 section or to defend actions challenging the adoption of the
38 ordinance allowing the displays.

39 SEC. 2. Due to unique circumstances concerning the location
40 of the advertising displays, or proposed advertising displays, set

1 forth in this act and the need for advertising in that location, it is
2 necessary that an exemption from some of the provisions of the
3 Outdoor Advertising Act be provided for those displays, and the
4 Legislature finds and declares that a general statute cannot be made
5 applicable within the meaning of Section 16 of Article IV of the
6 California Constitution.

7 SEC. 3. This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health, or safety within
9 the meaning of Article IV of the Constitution and shall go into
10 immediate effect. The facts constituting the necessity are:

11 Given the rapidity with which this area of Los Angeles is being
12 developed, it is necessary that this act take effect immediately.

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