

AMENDED IN SENATE MARCH 29, 2016

**SENATE BILL**

**No. 1199**

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**Introduced by Senator Hall**  
(*Coauthor: Assembly Member Burke*)

February 18, 2016

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An act to amend Section 5273 of the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

SB 1199, as amended, Hall. Advertising displays: redevelopment agency project areas.

Existing law, 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 regulates the placement of off-premises advertising displays along highways that generally advertise business conducted or services rendered or goods produced or sold at a location other than the property upon which the display is located. *A violation of the act is a crime.*

The act also provides that an advertising display advertising businesses and activities *developed* within the boundary limits of, and as a part of, an individual redevelopment agency project, as those project boundaries existed on December 29, 2011, may remain and be considered an on-premises display, until January 1, 2023, if the advertising display meets specified criteria. The act further authorizes, on and after January 1, 2022, the applicable city, county, or city and county to request from the department an extension for good cause, as specified, beyond January 1, 2023, not to exceed the expiration of the redevelopment project area.

~~This bill would make a nonsubstantive change to these provisions.~~

*This bill would expand these provisions to include the advertising of businesses or activities operating outside the redevelopment project, but within the boundaries of the city, county, or city and county that contained the redevelopment project. By expanding the scope of the Outdoor Advertising Act, a violation of which is 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: ~~no~~-yes.  
 State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 5273 of the Business and Professions  
 2 Code is amended to read:  
 3 5273. (a) Notwithstanding the dissolution of a state  
 4 redevelopment agency, and subject to subdivision (b), for purposes  
 5 of this chapter, an advertising display advertising ~~the businesses~~  
 6 and activities developed within the boundary limits ~~of, and as a~~  
 7 ~~part of, an individual~~ of a city, county, or city and county that  
 8 contained a redevelopment ~~agency project, project,~~ as ~~those the~~  
 9 boundaries of the city, county, city and county, and redevelopment  
 10 project existed on December 29, 2011, may continue to exist and  
 11 be considered an on-premises display, as defined in Section 5490,  
 12 if the advertising display meets all of the following conditions:  
 13 (1) The advertising display is located within the boundary limits  
 14 of the ~~project.~~ city, county, or city and county of the former  
 15 redevelopment project.  
 16 (2) The advertising display was constructed on or before January  
 17 1, 2012.  
 18 (3) The advertising display does not cause the reduction of  
 19 federal aid highway funds provided pursuant to Section 131 of  
 20 Title 23 of the United States Code. If an advertising display  
 21 authorized under this section is subject to a notice from the United  
 22 States Department of Transportation, the Federal Highway  
 23 Administration, or any other applicable federal agency to the state

1 that the operation of that display will result in the reduction of  
2 federal aid highway funds as provided in Section 131 of Title 23  
3 of the United States Code, the display owner or operator shall  
4 remove all advertising copy from the display within 60 days after  
5 the date the state notifies the owner or operator, and the applicable  
6 city, county, or city and county, by certified mail, of the receipt  
7 of the federal notice. Failure to remove the advertising copy  
8 pursuant to this paragraph shall result in a civil fine, imposed by  
9 the California Department of Transportation, of ten thousand  
10 dollars (\$10,000) per day until the advertising copy is removed.  
11 The department shall not assume any liability in connection with  
12 the cessation of operation or removal of an advertising display or  
13 advertising copy pursuant to this paragraph. If the name of the  
14 owner or operator of the display is not indicated on the display,  
15 the state is only required to send the notice to the applicable city,  
16 county, or city and county.

17 (b) An advertising display described in subdivision (a) may  
18 remain until January 1, 2023, after which date the display shall be  
19 removed, unless it otherwise qualifies as a lawful advertising  
20 display pursuant to this chapter, without the payment of any  
21 compensation to the owner or operator. On and after January 1,  
22 2022, the applicable city, county, or city and county may for good  
23 cause request from the department an extension beyond January  
24 1, 2023, not to exceed the expiration of the redevelopment project  
25 area. “Good cause” for these purposes means that all of the  
26 following are satisfied: (1) there has been a finding by the  
27 applicable city, county, or city and county that the advertising  
28 display has had a positive economic impact on the redevelopment  
29 project area and provides a public benefit, (2) there have been no  
30 violations by the display owner or operator of this section or of  
31 any applicable illumination standards in the previous 10 years that  
32 have not been corrected within 30 days of the date of mailing of  
33 a violation notice to the owner or operator by the department, and  
34 (3) there has been compliance by the owner and operator with all  
35 other standards adopted by the applicable city, county, or city and  
36 county, or by the department.

37 (c) The applicable city, county, or city and county shall be  
38 responsible for ensuring that an advertising display is consistent  
39 with this section and provides a public benefit. This provision shall

1 not be construed to preclude any enforcement authority of the  
 2 department under this chapter.

3 (d) The applicable city, county, or city and county shall ~~annually,~~  
 4 ~~by December 31,~~ *annually* certify to the ~~department~~ *department,*  
 5 *by December 31 of each year,* that the advertising copy of the  
 6 advertising display is advertising businesses or activities operating  
 7 within the boundaries of the *city, county, or city and county that*  
 8 *adopted the* redevelopment project area and that at least 10 percent  
 9 of the advertising copy, up to a maximum of 100 square feet, is  
 10 used to display the address or location or locations of the business  
 11 or activity, or to identify the route to the business or activity from  
 12 the nearest freeway offramp. The department may independently  
 13 review compliance with this certification. An advertising display  
 14 subject to this section shall be removed if it is in violation of this  
 15 subdivision more than three times within a 10-year period and the  
 16 violation has not been corrected within 30 days of the date of  
 17 mailing of a violation notice to the owner or operator by the  
 18 department.

19 (e) The applicable city, county, or city and county authorizing  
 20 an advertising display placed pursuant to this section shall have  
 21 primary responsibility for ensuring that the display remains in  
 22 conformance with all provisions of this section. If the city, county,  
 23 or city and county fails to do so within 30 days of the date of  
 24 mailing of a notice to the city, county, or city and county by the  
 25 department, the city, county, or city and county shall hold the  
 26 department harmless and indemnify the department for all costs  
 27 incurred by the department to ensure compliance with this section  
 28 or to defend actions challenging the authorization of displays  
 29 pursuant to this section.

30 *SEC. 2. No reimbursement is required by this act pursuant to*  
 31 *Section 6 of Article XIII B of the California Constitution because*  
 32 *the only costs that may be incurred by a local agency or school*  
 33 *district will be incurred because this act creates a new crime or*  
 34 *infraction, eliminates a crime or infraction, or changes the penalty*  
 35 *for a crime or infraction, within the meaning of Section 17556 of*  
 36 *the Government Code, or changes the definition of a crime within*  
 37 *the meaning of Section 6 of Article XIII B of the California*  
 38 *Constitution.*

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