

AMENDED IN SENATE JUNE 15, 1998  
AMENDED IN SENATE APRIL 14, 1998  
AMENDED IN SENATE AUGUST 6, 1997  
AMENDED IN SENATE JUNE 24, 1997  
AMENDED IN ASSEMBLY JUNE 3, 1997  
AMENDED IN ASSEMBLY MAY 12, 1997  
AMENDED IN ASSEMBLY APRIL 15, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 135**

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**Introduced by Assembly Members ~~Hertzberg, Cardenas,  
Knox, Kuchl, and Wildman~~ Member *Hertzberg*  
(Coauthors: Senators ~~Rosenthal and Schiff~~)**

January 16, 1997

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~~An act to add Section 5464.5 to the Business and Professions Code, relating to highways. An act to add Section 556.4 to the Penal Code, relating to trespass.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 135, as amended, Hertzberg. ~~Outdoor advertising: illegal displays~~ *Trespass: illegal signs: evidence.*

*Under existing law, it is a misdemeanor to place any sign, picture, transparency, advertisement, or mechanical device which is used for the purpose of advertising or which advertises or brings to notice any person, article of*

merchandise, business or profession, or anything that is to be or has been sold, bartered, or given away, on either public or private property, without lawful permission.

This bill would permit information, such as the name, telephone number, address, or other identifying information of a person or entity, as specified, that appears on any sign, picture, transparency, advertisement, or mechanical device to be used as evidence to establish the fact, and to create an inference, that the person or entity identified is responsible for the posting of the sign, picture, transparency, advertisement, or mechanical device, for purposes of these provisions.

~~(1) The Outdoor Advertising Act regulates the placement of advertising adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal-aid highways, including prohibiting the placement of advertising displays adjacent to, or within specified distances of, those highways without a permit, as prescribed.~~

~~This bill would set forth specific circumstances under which persons or entities whose names appear on illegal advertising displays would be presumed responsible for the illegal act.~~

~~Because a violation of the act is a crime, this bill would expand the scope of that crime.~~

~~(2) 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: *yes no*. State-mandated local program: *yes no*.

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

- 1 ~~SECTION 1. Section 5464.5 is added to the Business~~
- 2 ~~SECTION 1. Section 556.4 is added to the Penal Code,~~
- 3 ~~to read:~~
- 4 ~~556.4. For purposes of this article, information that~~
- 5 ~~appears on any sign, picture, transparency,~~



1 advertisement, or mechanical device such as, but not  
2 limited to, the following, may be used as evidence to  
3 establish the fact, and may create an inference, that a  
4 person or entity is responsible for the posting of the sign,  
5 picture, transparency, advertisement, or mechanical  
6 device:

7 (a) The name, telephone number, address, or other  
8 identifying information regarding the real estate broker,  
9 real estate brokerage firm, real estate agent, or other  
10 person associated with the firm.

11 (b) The name, telephone number, address, or other  
12 identifying information of the owner or lessee of property  
13 used for a commercial activity or event.

14 (c) The name, telephone number, address, or other  
15 identifying information of the sponsor or promoter of a  
16 sporting event, concert, theatrical performance, or  
17 similar activity or event.

18 and Professions Code, to read:

19 ~~5464.5. For purposes of this chapter, the following~~  
20 ~~rebuttable presumptions are applicable to an illegal~~  
21 ~~advertising display and may be used as a basis to establish~~  
22 ~~a violation of this chapter:~~

23 ~~(a) The real estate agent, broker, brokerage firm, or~~  
24 ~~other person whose name, telephone number, or address~~  
25 ~~is on the advertising display is presumed to be the person~~  
26 ~~responsible for the illegally posted advertising display.~~

27 ~~(b) The owner or lessee, if the property is leased, of~~  
28 ~~property used for a commercial activity or event is~~  
29 ~~presumed to be the person responsible for the illegal~~  
30 ~~advertising display.~~

31 ~~(c) The person whose name, telephone number, or~~  
32 ~~address appears as the sponsor for a sporting event,~~  
33 ~~concert, theatrical performance, similar activity, or event~~  
34 ~~is presumed to be the person responsible for the illegal~~  
35 ~~advertising display.~~

36 ~~(d) The person whose name, telephone number, or~~  
37 ~~address appears as the person to contact on any illegal~~  
38 ~~advertising display is presumed to be responsible for~~  
39 ~~having posted that display.~~



1 ~~SEC. 2. No reimbursement is required by this act~~  
2 ~~pursuant to Section 6 of Article XIII B of the California~~  
3 ~~Constitution because the only costs that may be incurred~~  
4 ~~by a local agency or school district will be incurred~~  
5 ~~because this act creates a new crime or infraction,~~  
6 ~~eliminates a crime or infraction, or changes the penalty~~  
7 ~~for a crime or infraction, within the meaning of Section~~  
8 ~~17556 of the Government Code, or changes the definition~~  
9 ~~of a crime within the meaning of Section 6 of Article~~  
10 ~~XIII B of the California Constitution.~~

11 ~~Notwithstanding Section 17580 of the Government~~  
12 ~~Code, unless otherwise specified, the provisions of this act~~  
13 ~~shall become operative on the same date that the act~~  
14 ~~takes effect pursuant to the California Constitution.~~

