



HOUSE BILL 579: Revisions to Outdoor Advertising Laws.

2017-2018 General Assembly

Committee: House State and Local Government II	Date: April 20, 2017
Introduced by: Reps. Lewis, Saine, Goodman, Hanes	Prepared by: Nicholas Giddings
Analysis of: First Edition	Committee Counsel

OVERVIEW: *House Bill 579 would amend the laws pertaining to outdoor advertising as follows:*

- *Adds and amends definitions in the Outdoor Advertising Control Act.*
- *Establishes factors for DOT to follow in determining just compensation for off-premises outdoor advertising.*
- *Prohibits cities and counties from conditioning development approvals on the removal of outdoor advertising without the payment of monetary compensation.*

CURRENT LAW: The Outdoor Advertising Control Act (Article 11 of Chapter 136 of the General Statutes) governs the control of outdoor advertising including the placement, maintenance, and removal of billboards located adjacent to highways. The Act delegates to the Department of Transportation (DOT) the authority to adopt rules governing the erection and maintenance of billboards and the permitting and appeals procedures.

BILL ANALYSIS: House Bill 579 would amend the Outdoor Advertising Control Act and related local government statutes as follows:

Section 1 would add and amend existing definitions in the Outdoor Advertising Control Act.

Section 2 would amend the process by which DOT is directed to provide just compensation for the acquisition, purchase, condemnation, or taking of an off-premises outdoor advertising sign to the owner. This section would clarify that the unit rule for valuing property does not apply to the just compensation determination. This section would establish factors to determine just compensation for off-premises outdoor advertising, direct DOT to minimize adverse impacts to the displaced off-premises outdoor advertiser and reduce the costs of acquiring the off-premises outdoor advertising and property rights. The owner of off-premises outdoor advertising would also be entitled to recover reasonable costs of relocating and reconstructing the off-premises outdoor advertising, including certain lost income, from the party causing the removal.

Sections 3 and 4 would amend the statutes governing cities' and counties' regulation of outdoor advertising to prohibit cities and counties from conditioning development approvals on the removal of off-premises outdoor advertising without the payment of monetary compensation and adjusts the way monetary compensation is determined. *Development approval* includes approval for rezoning, variances, building permits, and permits authorized for quasi-judicial proceedings. Cities and counties would also be prohibited from causing the removal of any nonconforming sign.

Section 5 would direct DOT to adopt rules using a delineated process outside the Administrative Procedure Act to implement this act within 6 months of the effective date.

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Section 6 would provide that any rule adopted by DOT contrary to the provisions of this act would be null, void, and without effect.

Section 7 would provide a severability clause.

EFFECTIVE DATE: Section 2 of this act, G.S. 153A-143(e), as amended by Section 3 of this act, and G.S. 160A-199(e), as amended by Section 4 of this act, are effective when this act becomes law and apply to determinations of just compensation on or after that date. The remainder of Sections 3 and 4 of this act are effective when this act becomes law and apply to outdoor advertising that has not been removed as of that date. The remainder of this act is effective when it becomes law.