

# HOUSE BILL No. 1419

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-23-20-25.

**Synopsis:** Outdoor advertising sign permits. Provides that a permit issued by the Indiana department of transportation (INDOT) for an outdoor advertising sign is valid for one year from the date of issuance. (Under current law, INDOT issues a lifetime permit.) Provides for renewal of a permit. Requires INDOT to amend its rules governing permits to provide that the fee for an initial or renewal permit application is \$100. (Under current law, the fee for a lifetime permit is \$100.)

**Effective:** July 1, 2011.

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## McNamara, Soliday

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January 18, 2011, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

## HOUSE BILL No. 1419

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A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 8-23-20-25, AS AMENDED BY P.L.66-2007,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 25. (a) The department shall institute a permit  
4 system to regulate the erection and maintenance of outdoor advertising  
5 signs along:  
6 (1) the interstate and primary system, as defined in 23 U.S.C.  
7 131(t) on June 1, 1991; and  
8 (2) any other highways where control of outdoor advertising signs  
9 is required under 23 U.S.C. 131.  
10 (b) Except as provided in subsections (c) and (g) and section 25.5(c)  
11 of this chapter, a sign may not be erected, operated, used, or maintained  
12 in areas described in subsection (a) unless the owner of the sign has  
13 obtained a permit under this section. **A permit issued under this**  
14 **section is valid for one (1) year from the date of issuance and may**  
15 **be renewed.**  
16 (c) A permit is not required to erect, operate, use, or maintain the  
17 following signs:



- 1 (1) Directional or official signs and notices.
- 2 (2) Signs advertising the sale or lease of the property on which the
- 3 sign is located.
- 4 (3) Signs that primarily indicate:
- 5 (A) the name of the business, activity, or profession
- 6 conducted;
- 7 (B) the types of goods produced or sold; or
- 8 (C) the services rendered;
- 9 on the property on which the sign is located.
- 10 (d) Signs in existence on July 1, 1993, and subject to this section:
- 11 (1) must comply with the registration system described in
- 12 subsection (h); and
- 13 (2) are subject to the permit requirement after the department has
- 14 made the determination described in subsection (g).
- 15 (e) The department shall adopt rules under IC 4-22-2 to carry out
- 16 this section. Rules adopted under this section may be no broader than
- 17 necessary to implement 23 U.S.C. 131 and 23 CFR 750.
- 18 (f) In addition to the requirements of subsection (e), rules adopted
- 19 under this section must provide the following:
- 20 (1) A list of all roadways subject to the permit requirement.
- 21 (2) A procedure to appeal adverse determinations of the
- 22 department under IC 4-21.5, including provisions for judicial
- 23 review under IC 4-21.5.
- 24 (3) A ~~one-time~~ fee of one hundred dollars (\$100) per structure
- 25 must accompany ~~the~~ **each initial or renewal** permit application.
- 26 A permit fee may not be charged to a sign that is subject to and
- 27 complies with the registration system described in subsection (h).
- 28 (4) That a permit may not be issued for a sign erected in an
- 29 adjacent area after January 1, 1968, unless:
- 30 (A) the sign is erected in an area described in section 5 of this
- 31 chapter; or
- 32 (B) the permit is a conditional permit issued under subdivision
- 33 (6).
- 34 (5) That a permit may not be issued for a sign erected after June
- 35 30, 1976, outside of urban areas, beyond six hundred sixty (660)
- 36 feet of the right-of-way, visible from the traveled way, and erected
- 37 with the purpose of a message being read from the traveled way,
- 38 unless:
- 39 (A) the sign is erected in an area described in section 5 of this
- 40 chapter; or
- 41 (B) the permit is a conditional permit issued under subdivision
- 42 (6).



- 1 (6) For the issuance of a conditional permit for a nonconforming  
 2 sign that has not been acquired under section 10 of this chapter.  
 3 A conditional permit issued under this subdivision may be  
 4 revoked if the department subsequently acquires the sign.
- 5 (7) That the department is granted the right to enter the real  
 6 property on which a sign for which a permit under this section has  
 7 been applied for or issued to perform reasonable examinations  
 8 and surveys necessary to administer the permit system.
- 9 (8) The department may revoke any permit when it is found that  
 10 the permittee has provided false or misleading information and  
 11 that such a finding may be cause to subsequently refuse to issue  
 12 a permit.
- 13 **(9) A procedure to renew a permit issued under this section.**
- 14 ~~(9)~~ **(10)** Any other provisions necessary to:
- 15 (A) administer this section; or  
 16 (B) avoid sanctions under 23 U.S.C. 131.
- 17 (g) A sign that is subject to and complies with the registration  
 18 system described in subsection (h) may not be declared unlawful until  
 19 the later of the following:
- 20 (1) The department has made a determination of permit eligibility  
 21 under this section.  
 22 (2) December 31, 1993.
- 23 (h) A separate application for registration must be submitted to the  
 24 department for each structure defined in subsection (d) and must:
- 25 (1) be on a form furnished by the department;  
 26 (2) signed by the applicant or an individual authorized in writing  
 27 to sign for the applicant;  
 28 (3) provide information concerning the size, shape, and nature of  
 29 the advertising sign, display, or device;  
 30 (4) provide the sign's actual location with sufficient accuracy to  
 31 enable the department to locate the sign; and  
 32 (5) include a one-time registration fee of twenty-five dollars  
 33 (\$25).
- 34 (i) A sign that is not registered before January 1, 1994, is a public  
 35 nuisance subject to section 26 of this chapter.
- 36 (j) Each registrant shall fasten to each advertising sign or device a  
 37 label or marker provided by the department that must be plainly visible  
 38 from the traveled way.

