

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 181

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATORS GREEN, Pearce, Halford, Frank, Miller, Sharp

Introduced: 1/8/96

Referred: STA

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the promotion of Alaska businesses through signs, displays,
2 and devices within or adjacent to highway rights-of-way, to municipal regulation
3 of directional signs, displays, and devices, and to penalties for violations related
4 to outdoor advertising."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 19.25.105(a) is amended to read:

7 (a) Outdoor advertising may not be erected or maintained within 660 feet of
8 the nearest edge of the right-of-way and visible from the main-traveled way of the
9 interstate, primary, or secondary highways in this state except the following:

10 (1) directional and other official signs and notices which include, but
11 are not limited to, signs and notices pertaining to natural wonders, scenic and historic
12 attractions, which are required or authorized by law, and which shall conform to
13 federal standards for interstate and primary systems;

14 (2) signs, displays, and devices advertising the sale or lease of property

1 upon which they are located or advertising activities conducted on the property **upon**
2 **which they are located;**

3 (3) signs determined by the state, subject to concurrence of the United
4 States Department of Transportation, to be landmark signs, including signs on farm
5 structures, or natural surfaces, of historic or artistic significance, the preservation of
6 which would be consistent with the provisions of this chapter;

7 (4) directional signs and notices pertaining to schools;

8 (5) advertising on bus benches or bus shelters, and adjacent trash
9 receptacles, if the state determines that the advertising conforms to local, state, and
10 federal standards for interstate and primary highways;

11 **(6) signs whose size, lighting, and spacing are approved by the**
12 **United States Department of Transportation, may be erected and maintained**
13 **outside of the right-of-way adjacent to interstate and primary highways in areas**
14 **zoned industrial or commercial or in unzoned commercial or industrial areas as**
15 **may be determined by agreement with the United States Department of**
16 **Transportation; under this paragraph, the signs**

17 **(A) must be for an individual business entity that is of**
18 **significant interest to the traveling public as evidenced by documentation**
19 **that at least 25 percent of the entity's gross business receipts are from**
20 **motorists residing more than 20 miles from the business;**

21 **(B) must be consistent with format and size standards**
22 **established by the department;**

23 **(C) may be located on private property;**

24 **(D) must provide only directional information;**

25 **(E) must indicate the specific business entity; and**

26 **(F) must be located**

27 **(i) if the business entity is physically located on an**
28 **interstate or primary highway, within one mile of the physical**
29 **location of the business entity; or**

30 **(ii) if the business entity is physically located on a**
31 **road that is not an interstate or primary highway, within six miles**

1 of the nearest junction of the road with an interstate or primary
2 highway.

3 * **Sec. 2.** AS 19.25.105(d) is amended to read:

4 (d) Outdoor advertising may not be erected or maintained within the
5 right-of-way of an interstate, primary, or secondary highway except that

6 (1) outdoor advertising is allowed on bus benches and bus shelters, and
7 adjacent trash receptacles, located within the right-of-way under the authority of a
8 permit issued under AS 19.25.200, if the bus benches or bus shelters are located within
9 a borough or unified municipality and the buses that stop at that location operate
10 during the entire year;

11 (2) signs within the right-of-way that give specific business
12 information in the interest of the traveling public may be erected and maintained
13 to the extent permitted under federal law and under departmental regulations
14 governing tourist oriented directional signs.

15 * **Sec. 3.** AS 19.25.130 is amended to read:

16 Sec. 19.25.130. PENALTY FOR VIOLATION. A person who violates
17 AS 19.25.080 - 19.25.180, or a regulation adopted under AS 19.25.080 - 19.25.180
18 [THEM], is guilty of a **violation** [MISDEMEANOR] and upon conviction is
19 punishable by a fine of not less than \$50 nor more than \$1,000.

20 * **Sec. 4.** AS 19.25.180 is amended by adding a new subsection to read:

21 (b) A municipality may enact by ordinance standards for directional signs,
22 displays, and devices that have been adopted by the department.

23 * **Sec. 5.** AS 19.45.002 is amended to read:

24 Sec. 19.45.002. PENALTIES. A person who violates a [ANY] provision of
25 AS 19.05 - AS 19.25, other than a provision of AS 19.25.080 - 19.25.180, is guilty
26 of a misdemeanor and upon conviction is punishable by a fine of not less than \$10 nor
27 more than \$500, or by imprisonment in jail for a period not to exceed one year, or by
28 both.

29 * **Sec. 6.** 17 AAC 20.010 is annulled.