

HOUSE BILL NO. 367
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE OLBERG

Introduced: 1/13/94

Referred: Transportation, Judiciary

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the control of outdoor advertising."

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

3 * **Section 1.** AS 19.25 is amended by adding new sections to read:

4 Sec. 19.25.091. **OUTDOOR ADVERTISING.** Except as prohibited by 23
5 U.S.C. 131 and the regulations adopted by the United States Secretary of
6 Transportation to implement and interpret that section, outdoor advertising is permitted
7 outside of the right-of-way of a state highway.

8 Sec. 19.25.093. **CONTROL OF OUTDOOR ADVERTISING.** A person may
9 not erect or maintain outdoor advertising not permitted by AS 19.25.091.

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

11 (d) Outdoor advertising [**MAY NOT BE ERECTED OR MAINTAINED**
12 **WITHIN THE RIGHT-OF-WAY OF AN INTERSTATE, PRIMARY, OR**
13 **SECONDARY HIGHWAY EXCEPT THAT OUTDOOR ADVERTISING]** is allowed
14 on bus benches and bus shelters located within the right-of-way of a state highway

1 under the authority of a permit issued under AS 19.25.200 [,] if the bus benches or bus
2 shelters are located within a borough or unified municipality and the buses that stop
3 at that location operate during the entire year.

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

5 Sec. 19.25.130. PENALTY FOR VIOLATION. A person who violates
6 AS 19.25.093 [AS 19.25.080 - 19.25.180, OR A REGULATION ADOPTED UNDER
7 THEM,] is guilty of a misdemeanor and upon conviction is punishable by a fine of not
8 less than \$50 nor more than \$1,000.

9 * Sec. 4. AS 19.25.150 is amended to read:

10 Sec. 19.25.150. UNLAWFUL ADVERTISING. An advertising sign, display,
11 or device that violates the provisions of AS 19.25.091 - 19.25.180 [AS 19.25.080 -
12 19.25.180] is a public nuisance. The department shall give 30 days' notice, by certified
13 mail, to the owner of the land on which the advertising sign, display, or device is
14 located, ordering its removal if it is prohibited by AS 19.25.091 - 19.25.180
15 [AS 19.25.080 - 19.25.180 OR ORDERING THE OWNER TO CAUSE IT TO
16 CONFORM TO REGULATIONS IF IT IS AUTHORIZED BY AS 19.25.080 -
17 19.25.180]. If the owner of the property fails to comply within 30 days as required
18 in the notice, the department shall remove the outdoor advertising sign, display, or
19 device at the expense of the owner of the land or the person who erected it.

20 * Sec. 5. AS 19.25.160 is repealed and reenacted to read:

21 Sec. 19.25.160. DEFINITIONS. In AS 19.25.091 - 19.25.180, "outdoor
22 advertising" includes an outdoor sign, display, or device used to advertise, attract
23 attention, or inform and that is visible to a person on the main-traveled way of a state
24 highway, whether by printing, writing, painting, picture, light, drawing, or whether by
25 the use of figures or objects, or a combination of these, or any other thing designed,
26 intended, or used to advertise, inform, or attract attention.

27 * Sec. 6. AS 19.25.170 is amended to read:

28 Sec. 19.25.170. AGREEMENTS WITH THE UNITED STATES [;
29 REGULATIONS]. The department may
30 (1) enter into agreements in conformity with the provisions of this title
31 with the United States Secretary of Transportation as provided by Title 23, United

1 States Code, relating to the control of outdoor advertising signs, displays, and devices;
2 [IN AREAS ADJACENT TO INTERSTATE AND PRIMARY SYSTEMS] and
3 (2) [TO] take action in the name of the state to comply with the terms
4 of the agreements [, AND TO ADOPT REQUIRED REGULATIONS].

5 * Sec. 7. AS 19.25.180 is repealed and reenacted to read:

6 Sec. 19.25.180. APPLICABILITY OF MUNICIPAL ENACTMENTS.

7 Notwithstanding AS 19.25.091 - 19.25.180, a municipality may enact ordinances that
8 regulate outdoor advertising in a way that is more restrictive than the provisions of
9 AS 19.25.091 - 19.25.180.

10 * Sec. 8. AS 19.45.002 is amended to read:

11 Sec. 19.45.002. PENALTIES. A person who violates a [ANY] provision of
12 AS 19.05 - AS 19.25, except a violation of AS 19.25.091 - 19.25.180, is guilty of a
13 misdemeanor and upon conviction is punishable by a fine of not less than \$10 nor
14 more than \$500, or by imprisonment in jail for a period not to exceed one year, or by
15 both.

16 * Sec. 9. AS 19.25.080, 19.25.090, 19.25.105(a), and 19.25.105(c) are repealed.

17 * Sec. 10. 17 AAC 20.010 is annulled.