

CS FOR HOUSE BILL NO. 367(TRA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 3/11/94

Referred: Judiciary

Sponsor(s): REPRESENTATIVE OLBERG

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to limitations on outdoor advertising signs, displays, and devices**
2 **and penalties for violations related to outdoor advertising."**

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

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

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

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

12 (2) signs, displays, and devices advertising the sale or lease of property
13 upon which they are located or advertising activities conducted on the property upon
14 which they are located;

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

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

6 (5) advertising on bus benches or bus shelters if

7 (A) the state determines that the advertising conforms to local,
8 state, and federal standards for interstate and primary highways;

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

15 (A) be for an individual business entity that is of significant
16 interest to the traveling public as evidenced by documentation that at least
17 75 percent of the entity's gross business receipts are from motorists
18 residing more than 20 miles from the business;

19 (B) consist of four or fewer off-premises signs for each
20 business, and each sign

21 (i) must be located on private property;

22 (ii) must provide directional information;

23 (iii) must indicate the specific business entity;

24 (iv) must be located within 50 miles of the physical
25 location of the business entity; and

26 (v) may not exceed 8 feet by 12 feet in size

27 [HIGHWAY SYSTEMS].

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

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

31 (1) outdoor advertising is allowed on bus benches and bus shelters

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

5 (2) signs, displays, and devices located on right-of-way property
6 leased from the state that advertise activities conducted on business property
7 adjacent to the highway may be erected and maintained;

8 (3) signs within the right-of-way that give specific business
9 information in the interest of the traveling public may be erected and maintained
10 to the extent permitted under federal law or regulation.

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

12 Sec. 19.25.130. PENALTY FOR VIOLATION. A person who violates
13 AS 19.25.080 - 19.25.180, or a regulation adopted under AS 19.25.080 - 19.25.180
14 [THEM], is guilty of a violation [MISDEMEANOR] and upon conviction is
15 punishable by a fine of not less than \$250 [\$50] nor more than \$2,500 [\$1,000].

16 * Sec. 4. AS 19.25.180 is repealed and reenacted to read:

17 Sec. 19.25.180. APPLICABILITY OF MUNICIPAL ENACTMENTS.
18 Notwithstanding AS 19.25.080 - 19.25.180, a municipality may enact ordinances that
19 regulate outdoor advertising in a way that is more restrictive than the provisions of
20 AS 19.25.080 - 19.25.180, except that a municipality may not restrict directional signs
21 allowed under AS 19.25.105(a)(6).

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

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

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