

**CS FOR HOUSE BILL NO. 367(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 3/28/94**

**Referred: Rules**

**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 the state determines  
7 that the advertising conforms to local, state, and federal standards for interstate and  
8 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 or abutting the leased  
7 property 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 other than AS 19.25.105(a)(6). A municipality may regulate  
21 directional signs allowed under AS 19.25.105(a)(6) in a way that is more restrictive  
22 than AS 19.25.105(a)(6) by an ordinance that is adopted after the effective date of this  
23 Act.

24 \* Sec. 5. AS 19.45.002 is amended to read:

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

30 \* Sec. 6. 17 AAC 20.010 is annulled.