

Enrolled House Bill 2273

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Transportation)

CHAPTER

AN ACT

Relating to signs; creating new provisions; amending ORS 366.455, 377.505, 377.510, 377.620, 377.710, 377.712, 377.715, 377.720, 377.725, 377.735, 377.745, 377.750, 377.765, 377.767, 377.768, 377.770, 377.773, 377.775, 377.780, 377.787 and 377.800; repealing ORS 377.726 and 377.727; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 4 of this 2007 Act are added to and made a part of ORS 377.700 to 377.840.

SECTION 2. (1) To determine whether a person is giving or receiving, or has given or received, compensation or anything of value as defined by the Department of Transportation by rule for displaying a sign, the department may issue an investigative demand upon any person it reasonably believes may have relevant documents or information.

(2) If any person after being served an investigative demand under subsection (1) of this section fails or refuses to obey the demand, the Department of Transportation may request that the Department of Justice apply to an appropriate circuit court and, after a hearing, request an order requiring compliance with the demand.

SECTION 3. (1) Notwithstanding the provisions of ORS 377.715, 377.725 and 377.770, the Department of Transportation may issue permits for outdoor advertising signs placed on benches or shelters erected or maintained for use by customers of a mass transit district, a transportation district or other public transportation agency.

(2) The department shall determine by rule the fees and criteria for the number, size, and location of such signs but the department may not issue a permit for a sign that is visible from an interstate highway.

SECTION 4. (1) An outdoor advertising sign under state permit prior to the effective date of this 2007 Act that has been removed by its owner due to loss of lease but has not yet been relocated as of the effective date of this 2007 Act may continue to have a relocation credit subject to all requirements for relocation.

(2) As used in this section, "relocation credit" means a credit for future relocation of a permitted outdoor advertising sign that was removed by the owner due to loss of lease, that had no legal impediment to relocation under ORS 377.767 and for which the owner had not yet obtained a permit under ORS 377.767 to relocate the sign to a new site.

SECTION 5. ORS 377.710 is amended to read:
377.710. As used in ORS 377.700 to 377.840 unless the context otherwise requires:

(1) “Back-to-back sign” means a sign with multiple display surfaces mounted on a single structure with display surfaces visible to traffic from opposite directions of travel.

[(2)] “*Business identification sign*” means a sign not exceeding 32 square feet that identifies a business and that displays only information necessary to adequately describe the business and the direction and distance to the business.]

[(3)] (2) “Commercial or industrial zone” means an area, adjacent to a state highway, that is zoned for commercial or industrial use by or under state statute or local ordinance.

[(4)] (3) “Council” means the Travel Information Council created by ORS 377.835.

[(5)] (4) “Cutout” means every type of display in the form of letters, figures, characters or other representations in cutout or irregular form attached to and superimposed upon a sign.

[(6)] (5) “Department” means the Department of Transportation.

[(7)] “*Directional sign*” means a sign:]

[(a)] *Identifying and containing directional information to one or more public places owned or operated by federal, state or local governments or one of their agencies;*]

[(b)] *Identifying and containing directional information to publicly or privately owned natural phenomena or historic, cultural, scientific, educational and religious sites; or]*

[(c)] *Identifying and containing directional information to areas of natural scenic beauty or areas naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.]*

[(8)] (6) “Director” means the Director of Transportation.

[(9)] (7) “Display surface” means the area of a sign [*made*] available for the purpose of displaying [*the advertising or informational*] a message.

[(10)] (8) “Double-faced sign” means a sign with multiple display surfaces with two or more separate and different messages visible to traffic from one direction of travel.

[(11)] (9) “Erect” means to construct, build, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish.

[(12)] (10) “Federal-aid primary system” or “primary highway” means the federal-aid primary system in existence on June 1, 1991, and any highway [*that is not on such system but*] that is on the National Highway System.

[(13)] (11) “Freeway” means a divided arterial highway with four or more lanes available for through traffic with full control of access and grade separation at intersections.

[(14)] (12) “Governmental unit” means the federal government, the state, or a city, county or other political subdivision or an agency thereof.

[(15)] (13) “Interstate highway” or “interstate system” means every state highway that is a part of the National System of Interstate and Defense Highways established pursuant to section [103(e)] 103(c), title 23, United States Code.

[(16)] (14) “Logo” means a symbol or design used by a business as a means of identification of its products or services.

[(17)] (15) “Logo sign” means a sign located on highway right of way on which logos for gas, food, lodging and camping are mounted.

[(18)] (16) “Maintain”[, “maintained,” “maintaining” or “maintenance”] includes painting, changing [*advertising or information*] **messages** on display surfaces, adding or removing a cutout **or display surface of the same dimensions, replacing lights or the catwalk, making** routine repairs necessary to [*maintain*] **keep** the sign in a neat, clean, attractive and safe condition, and [*the term includes*] allowing **the sign** to exist.

[(19)] (17) [*Main-traveled*] “**Main traveled way**” means the through traffic lanes, exclusive of frontage roads, auxiliary lanes and ramps.

[(20)] (18) “Motorist informational sign” means a sign erected in a safety rest area, scenic overlook or sign plaza and maintained under the authority of ORS 377.700 to 377.840 to inform the traveling public about public accommodations, services for the traveling public and points of scenic, historic, cultural, scientific, outdoor recreational and educational interest.

[(21)] “*Nonconforming sign*” means a sign that is subject to, but does not comply with, the provisions of ORS 377.700 to 377.840.]

(19) **“Nonconforming sign”** means a sign that complied with ORS 377.700 to 377.840 when erected, but no longer complies with ORS 377.700 to 377.840 because of a later change in the law or in the conditions outside of the owner’s control. An unlawfully located or maintained sign is not a nonconforming sign.

[(22)] *“On-premises sign” means a sign designed, intended or used to advertise, inform or attract the attention of the public as to:*

[(a)] *Activities conducted on the premises on which the sign is located; or*

[(b)] *The sale or lease of the premises on which the sign is located.*

[(23)] (20) **“Outdoor advertising sign”** means: *[a sign designed, intended or used to advertise, inform or attract the attention of the public as to:]*

[(a)] *Goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located;*

[(b)] *Facilities not located on the premises on which the sign is located; or*

[(c)] *Activities not conducted on the premises on which the sign is located.*

(a) **A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or**

(b) **A sign for which compensation or anything of value as defined by the department by rule is given or received for the display of the sign or for the right to place the sign on another’s property.**

[(24)] (21) **“Protected area”** means an area located within 660 feet of the edge of the right of way of any portion of an interstate highway constructed upon any part of right of way, the entire width of which was acquired by the State of Oregon subsequent to July 1, 1956, and which portion or segment does not traverse:

(a) A commercial or industrial zone within the boundaries of a city, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate highway is subject to municipal regulation or control; or

(b) Other areas where land use, as of September 21, 1959, is established as industrial or commercial pursuant to state law.

[(25)] (22) [*“Reconstruction”*] **“Reconstruct”** means replacing a sign totally or partially destroyed, [*increasing its size*] **changing its overall height** or performing any work, except maintenance work, that alters or changes a sign [*authorized to exist under the provisions of*] **that lawfully exists under ORS 377.700 to 377.840.**

[(26)] (23) [*“Relocation”*] **“Relocate”** includes, but is not limited to [*the removal of*] **removing** a sign from one [*situs together with the erection of*] **site and erecting** a new sign upon another [*situs*] **site** as a substitute therefor.

[(27)] (24) **“Rest area”** means an area established and maintained within or adjacent to a state highway right of way by or under public supervision or control for the convenience of the traveling public, and includes safety rest areas, scenic overlooks or similar roadside areas.

[(28)] (25) **“Secondary highway”** means any state highway other than an interstate highway or primary highway.

[(29)] (26)(a) **“Sign”** means any sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public. [*and the term*]

(b) **“Sign”** includes the sign structure, display surface and all other component parts of a sign. [;]

(c) When dimensions of a sign are specified, [*the term*] **“sign”** includes panels and frames; [*and the term includes*] **and** both sides of a sign of specified dimensions or area.

[(30)] (27) **“Sign area”** means the overall dimensions of all panels capable of displaying messages on a sign structure.

[(31)] (28) **“Sign plaza”** means a structure erected and maintained by or for the department or the Travel Information Council, adjacent **to** or in close proximity to a state highway, for the display of motorist information.

[32] “Sign regulations for protected areas” means regulations promulgated by the department applicable to signs erected within protected areas prior to, and in effect on, July 2, 1971, or amendments to such regulations promulgated by the department.]

(29) “Sign rules for protected areas” means rules adopted by the department applicable to signs displayed within protected areas.

[33] (30) “Sign structure” or “structure” means the supports, uprights, braces, poles, pylons, foundation elements, framework and display surfaces of a sign.

[34] (31) “State highway,” “highway” or “state highway system” means the entire width between the boundary lines of the right of way of every state highway, as defined by ORS 366.005, and [the terms also include] the interstate system and the federal-aid primary system.

[35] (32) “Tourist oriented directional sign” means a sign erected on state highway right of way to provide business identification and directional information for services and activities of interest to tourists.

[36] (33) “Traffic control sign or device” means an official route marker, guide sign, warning sign, or sign directing or regulating traffic, which has been erected by or under the order of the department.

(34) “Travel plaza” means any staffed facility erected under the authority of the Travel Information Council to serve motorists by providing brochures, displays, signs and other visitor information and located in close proximity to a highway.

[37] (35) “Tri-vision sign” means [an outdoor advertising structure] a sign that contains display surfaces composed of a series of three-sided rotating slats arranged side by side, either horizontally or vertically, that are rotated by an electromechanical process[,] and capable of displaying a total of three separate and distinct messages, one message at a time, provided that the rotation from one message to another message is no more frequent than every eight seconds and the actual rotation process is accomplished in four seconds or less.

[38] (36) “V-type sign” means two signs erected independently of each other with multiple display surfaces having single or multiple messages visible to traffic from opposite directions, with an interior angle between the two signs of not more than 120 degrees and the signs separated by not more than 10 feet at the nearest point.

[39] (37) “Visible” means capable of being seen without visual aid by a person of normal visual acuity, whether or not legible from the [main-traveled] main traveled way of any state highway.

[40] “Waiver” means an agreement executed between the owner of a sign, the owner of the property on which the sign is located and the department which provides that those signs erected adjacent to an interstate or primary highway after October 22, 1965, shall be removed, with partial compensation or no compensation, as provided by the agreement.]

SECTION 6. ORS 377.712 is amended to read:

377.712. (1) Notwithstanding the provisions of ORS 377.700 to 377.780, the owner of any outdoor advertising sign in existence on [June 12, 1975] **the effective date of this 2007 Act**, located in a commercial or industrial zone in existence on [June 12, 1975] **the effective date of this 2007 Act**, that meets all requirements for obtaining an outdoor advertising sign permit as set out in ORS 377.700 to 377.780 and for which the owner had not secured an outdoor advertising permit as required by ORS 377.725 prior to [June 12, 1975,] **the effective date of this 2007 Act** either because of ignorance of the requirements of ORS 377.725 or because the area, road or street adjacent to which the sign was situated was not, at that time, designated as a state highway, shall be entitled to the issuance of an outdoor advertising sign permit by the Department of Transportation upon application by the owner of the sign and the payment of the fee established by the department under ORS 377.729.

(2) Notwithstanding the provisions of ORS 377.700 to 377.780, the owner of any outdoor advertising sign visible from a road or street that is designated as a state highway after [February 19, 1990,] **the effective date of this 2007 Act** is entitled to the issuance of an outdoor advertising sign permit for the sign upon application by the owner of the sign, payment of the fee established by the department under ORS 377.729 and receipt of the affidavit required under ORS 377.723, if the sign

was [legally] **lawfully** located within a commercial or industrial zone at the time of designation as a state highway.

SECTION 7. ORS 377.715 is amended to read:

377.715. ORS 377.700 to 377.840, and the rules adopted pursuant thereto, apply to **signs** [outdoor advertising signs, on-premises signs and directional signs] erected or maintained outside the right of way along state highways and visible to the traveling public from a state highway. A person may not erect or maintain **a sign** [an outdoor advertising, on-premises or directional sign] visible to the traveling public from a state highway, except where permitted outside the right of way of a state highway, unless [it] **the sign** complies with the provisions of ORS 377.505 to 377.540[,] **and** 377.700 to 377.840, and the rules adopted pursuant thereto[, and with applicable federal requirements as of October 23, 1999, including any statute, regulation or contract]. A person may not erect or maintain **a sign** [an outdoor advertising sign, directional sign or on-premises sign] on the right of way of a state highway, **other than a traffic control sign or device.**

SECTION 8. ORS 377.720 is amended to read:

377.720. A sign may not be erected or maintained if it:

(1) Interferes with, imitates or resembles any [official] traffic control sign[, signal] or device, or attempts or appears to attempt to direct the movement of traffic.

(2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of [official] traffic control signs [and] **or devices or** approaching or merging traffic.

(3) Contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to:

(a) A traffic control sign **or device.**

[b] Signs, displays, devices or portions thereof with lights that may be changed at intermittent intervals by electronic process or remote control providing only public service information such as time, date, temperature, weather or similar information.]

[c] **(b)** Signs[, displays, devices] or portions thereof with lights that may be changed at intermittent intervals by electronic process or remote control [and that advertise activities conducted on the premises where the sign, display or device is located] **that are not outdoor advertising signs.**

[d] **(c)** A tri-vision sign, **except that a tri-vision sign may not be illuminated by any flashing, intermittent, revolving, rotating or moving lights** [if allowed specifically for Oregon, in writing, by the United States Department of Transportation].

(4) Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operation thereof.

(5) Is located upon a tree, or painted or drawn upon a rock or other natural feature.

[6] Advertises or calls attention to a business or other activity or a profession, commodity, product, service or entertainment no longer carried on, produced, sold or offered.]

[7] **(6)** Advertises activities that are illegal under any state or federal law applicable at the location of the sign or of the activities.

[8] **(7)** Is not maintained in a neat, clean and attractive condition and in good repair.

[9] **(8)** Is not able to withstand a wind pressure of 20 pounds per square foot of exposed surface.

[(10)] **(9)** Is on a vehicle or trailer that is located on public or private property. This subsection does not apply to a vehicle or trailer used for transportation by the owner or person in control of the property.

SECTION 9. ORS 377.725 is amended to read:

377.725. [(1) Unless an annual permit has been issued therefor, an outdoor advertising sign or a directional sign shall not be erected, maintained or replaced by any person.]

(1) A person may not erect, control, relocate or reconstruct an outdoor advertising sign unless the Department of Transportation has issued a permit for the erection, control, relocation or reconstruction of the sign.

(2) A person [*may apply*] **who applies** for a permit to the Director of Transportation **shall complete** [*on*] forms furnished by the director. The permit application shall include a precise description of the **outdoor advertising** sign and such other information as the director considers necessary or desirable to determine compliance with ORS 377.700 to 377.840. The director shall issue a permit for [*a*] **an outdoor advertising** sign that complies with ORS 377.700 to 377.840. A valid permit may be transferred to another person upon written notice to the director.

(3) A permit [*shall*] **may** not be issued for an outdoor advertising sign [*or a directional sign*] located adjacent to an interstate highway or freeway unless the director determines that access to the sign from the interstate highway or freeway can be obtained without violating the access control line of the interstate highway or freeway.

(4) A permit shall be renewed annually on the first day of January. Application for renewal of a permit shall be filed prior to expiration of the term of the permit. If application for renewal of a permit is filed within 30 days after the expiration of the term, the permit shall be granted if any additional fee specified by the department in rules adopted under ORS 377.729 is paid at the time the application is filed. Any permit not renewed in accordance with this section shall be canceled.

(5) Permit fees for purposes of this section are as established by the department by rule under ORS 377.729.

(6) A permit shall be issued for one year. The applicable fee shall accompany the permit application. A fee [*shall*] **may** not be prorated for a fraction of a year or be refunded if the **outdoor advertising** sign is removed.

(7) [*Advertising or information on*] The display surface of [*a*] **an outdoor advertising** sign may be changed or cutouts may be attached or removed within the sign area without obtaining a permit. However, a permit shall be obtained if the **outdoor advertising** sign is reconstructed.

(8) A reconstruction permit may be issued for the addition of another **display surface** [*face*] on the opposite side of an existing, conforming sign under permit, that is no larger than the existing [*sign face*] **display surface**.

(9) The director shall **require removal of a sign or shall** cancel a permit and require removal of [*the*] **an outdoor advertising** sign as provided by ORS 377.775 if the director finds a sign has been erected, maintained or serviced from the highway right of way at any portion of the right of way where the department [*of Transportation*] has acquired rights of access to the highway or rights of access have not accrued to the abutting property. **If there is no permit for the outdoor advertising sign, then the director shall require removal of the outdoor advertising sign.** In addition, the department may recover from the owner of the sign **or outdoor advertising sign or from the person** erecting, maintaining or servicing the sign **or outdoor advertising sign**, the amount of damage to landscaping, [*sodding*] **sod**, fencing, [*ditching*] **ditches** or other highway appurtenances resulting from such acts. **If a permit is canceled under this subsection, an outdoor advertising sign may not be relocated under ORS 377.767.**

(10)(a) The director may [*revoke*] **cancel** a permit, unless a corrected application is filed or the **outdoor advertising** sign is brought into compliance within 30 days after written notice thereof is mailed to the permittee, if the director finds:

[*a*] (A) The applicant has knowingly supplied materially false or misleading information in the application for a permit or renewal thereof; or

[*b*] (B) The sign covered by the permit [*is in violation of*] **violates** ORS 377.700 to 377.840.

(b) If a permit is canceled under this subsection, an outdoor advertising sign may not be relocated under ORS 377.767, and the holder of the permit is not entitled to a relocation credit as defined in section 4 of this 2007 Act.

(11) The director shall cancel a permit immediately upon failure of a permittee to erect or maintain the **outdoor advertising** sign as described by the permit application and to attach a permit [*tag thereto within 120*] **plate to the sign 180** days after the date of issuance of the permit [*therefor*].

(12) The director shall assign **a permit plate with an identification number** to [*every*] **the** permit [*when*] issued for an outdoor advertising sign [*and a directional sign a permit plate with an*]

identification number]. The permittee shall attach the [applicable] permit plate to the **outdoor advertising** sign so [as to be] **the plate is** visible from the adjacent state highway. The absence of a permit plate or failure to renew the permit annually is prima facie evidence that the **outdoor advertising** sign does not comply with ORS 377.700 to 377.840.

(13) Except as otherwise provided in ORS 377.712 and 377.765 **and section 3 of this 2007 Act**, no permits shall be issued for the erection of any new outdoor advertising sign after [June 12, 1975] **the effective date of this 2007 Act**.

(14) The director may establish more than one class or type of **outdoor advertising** sign permit as necessary or desirable to carry out ORS 377.700 to 377.840.

(15) Any hearing under this section shall be conducted as a contested case hearing under ORS chapter 183.

SECTION 10. ORS 377.735 is amended to read:

377.735. (1) [If applicable federal requirements as of October 23, 1999, are met,] The permit requirements of ORS 377.700 to 377.840 do not apply to:

(a) Signs of a governmental unit, including but not limited to traffic control [or regulatory] **signs or** devices, legal notices or warnings.

(b) A temporary sign on private property if:

(A) The sign does not exceed 12 square feet;

(B) The sign is not on a permanent base;

(C) The sign does not remain in place for a period of more than 60 days in a calendar year, except that a sign erected by a resident on the resident's residential property may remain in place for longer than 60 days in a calendar year;

(D) No person receives compensation **or anything of value as defined by the Department of Transportation by rule** for displaying the sign; and

(E) The sign complies with ORS 377.720.

[c] *On-premises signs.*

(2) The Department of Transportation may adopt rules that, for good cause shown, allow a person displaying a temporary sign to obtain a variance from the restrictions in subsection (1)(b) of this section. The department shall not consider the content of the sign in deciding whether to allow a variance.

(3) The department shall adopt rules for the approval and preservation of historic signs. Rules adopted under this subsection may not be based on or allow consideration of the content of the signs.

(4) The department shall adopt rules for the [installation] **erection** and maintenance of permanent signs that do not exceed six square feet and that provide [information] **messages** for the safety or convenience of the public.

(5) ORS 377.700 to 377.840 do not apply to [an outdoor advertising sign] **a sign** erected or maintained within a city more than 660 feet from the nearest edge of the right of way of a state highway, unless the sign is designed to be viewed primarily from the state highway.

SECTION 11. ORS 377.745 is amended to read:

377.745. (1) **Except as provided in subsection (3) of this section**, an outdoor advertising sign [shall] **may** not exceed:

(a) A length of 48 feet;

(b) A height, excluding foundation and supports, of 14 feet; or

(c) A sign area of 825 square feet.

(2) In determining the dimensions of [a] **an outdoor advertising** sign or sign area under this section:

(a) Cutouts that project beyond the borders of [a] **an outdoor advertising** sign shall be included in measuring the area of a sign, but not the height or length of a sign. The sign area of cutouts shall be no more than 20 percent of the area of the sign to which attached.

(b) The limitations apply **separately** to each side of a back-to-back sign.

(c) The size limitations apply **separately** to each sign forming a V-type sign.

(d) The size limitations apply separately to each of the *[three]* display surfaces on a tri-vision sign.

(3) A nonconforming outdoor advertising sign in existence on the effective date of this 2007 Act may continue to exceed the size limitations established in this section until the sign is reconstructed or relocated, at which time the sign must comply with subsection (1) of this section.

SECTION 12. ORS 377.750 is amended to read:

377.750. (1) For the purpose of applying the spacing provided by subsection (2) of this section:

(a) Distances shall be measured lineally along the highway and parallel to the center line of the highway.

(b) A back-to-back **sign**, double-faced **sign**, V-type **sign** or tri-vision sign shall be considered one sign.

(c) Distance from an interchange shall be measured from a point departing from or entering onto the *[main-traveled]* **main traveled** way.

(2) **Except as provided in subsection (3) of this section**, minimum spacing between outdoor advertising signs shall be:

Type of highway where erected	Minimum space between signs on same side of highway (in feet)	Minimum space from interchange (in feet)
Interstate Highway		
Inside cities	500	None
Outside cities	2,000	500
Freeway		
Inside cities	500	None
Outside cities	1,000	500
Other state highway		
Inside cities	100	None
Outside cities	500	None

(3) A nonconforming outdoor advertising sign in existence on the effective date of this 2007 Act may continue to deviate from the spacing limitations established in this section until the sign is reconstructed or relocated, at which time the sign shall comply with the spacing limitations established in this section.

SECTION 13. ORS 377.765 is amended to read:

377.765. (1) Outdoor advertising signs in existence on *[June 12, 1975]* **the effective date of this 2007 Act**, and lawfully located within commercial or industrial zones in existence on *[June 12, 1975]* **the effective date of this 2007 Act**, and outdoor advertising signs visible from a road or street that is designated as a state highway after *[February 19, 1990]* **the effective date of this 2007 Act**, and lawfully located within a commercial or industrial zone at the time *[of designation]* **the road or street is designated** as a state highway, may remain. Subject to the provisions of ORS 377.700 to 377.840, such signs may be maintained, reconstructed and relocated. However, such signs *[shall]* **may** not be relocated unless a relocation permit has been issued *[therefor]* pursuant to ORS 377.767. *[No]* **A** permit may **not** be issued to relocate an outdoor advertising sign that was not lawfully in existence on *[June 12, 1975]* **the effective date of this 2007 Act**, except that **outdoor advertising signs that are visible from a road or street that is designated as a state highway after the effective date of this 2007 Act, and that are lawfully located within a commercial or industrial zone at the time the road or street is designated as a state highway, may be relocated within the same section of highway.** *[signs that are visible from a road or street that is*

designated as a state highway after February 19, 1990, and that were lawfully located within a commercial or industrial zone at the time of designation as a state highway, may be relocated within the same section of the road or street.]

(2) All outdoor advertising signs [which] **that** are lawfully located outside of a commercial or industrial zone and visible from an interstate highway or a primary highway shall be removed [forthwith] upon payment of just compensation as provided by ORS 377.780.

(3) Upon payment of just compensation, **the Department of Transportation may remove** any **lawful** outdoor advertising sign located in a scenic area designated pursuant to ORS 377.505 to 377.540 [may be removed forthwith].

(4) Where an outdoor advertising sign was reconstructed under a waiver, upon payment of just compensation for that portion of the value [which] **that** is not covered by the waiver, **the department may remove the outdoor advertising sign.** [such outdoor advertising sign may be removed forthwith.]

(5) Outdoor advertising signs in existence on [July 1, 1971, which] **the effective date of this 2007 Act that** are lawfully located outside of a commercial or industrial zone in existence on July 1, 1971, and visible from a secondary highway and not within a scenic area existing on July 1, 1971, or thereafter designated a scenic area may be removed only upon payment of just compensation as provided in ORS 377.780. [Such a sign may, upon payment of such just compensation, be removed forthwith.] **Upon payment of just compensation, the department may remove the outdoor advertising sign.** It may not be reconstructed or replaced if destroyed by natural causes and [it may not be moved to a different location] **may not be relocated.**

(6) Subject to subsection (2) of this section, **the department may remove without payment of just compensation** every outdoor advertising sign erected since October 22, 1965, pursuant to a waiver, adjacent to an interstate highway or a primary highway and outside of a commercial or industrial zone [shall be removed forthwith, without payment of compensation], unless an owner of such a sign or signs, within 10 days after April 18, 1973, enters into an agreement transferring title to the signs to the state. Such an agreement may provide for the leasing back of such signs and for a scheduled removal which shall be not later than December 31, 1975.

(7) If a secondary highway existing on July 2, 1971, is subsequently designated as an interstate or primary highway, **upon payment of just compensation, the department may remove** outdoor advertising signs not conforming to the provisions of ORS 377.700 to 377.840 [shall be removed upon payment of just compensation].

(8) If any other highway is designated as an interstate or primary highway, **upon payment of just compensation, the department may remove** a nonconforming outdoor advertising sign lawful before such designation but nonconforming thereafter [shall be removed upon payment of just compensation].

(9) Upon the construction or designation of a secondary highway, after July 2, 1971, an outdoor advertising sign lawfully in existence and not regulated under ORS 377.700 to 377.840 prior to such construction or designation [shall be governed by] **is subject to** subsection (5) of this section.

(10) Any outdoor advertising sign lawfully in existence outside of a city on July 2, 1971, beyond 660 feet from the nearest edge of the right of way of an interstate or primary highway and designed to be viewed primarily from such highway shall be removed by July 1, 1976, without compensation.

SECTION 14. ORS 377.767 is amended to read:

377.767. A permit **or a relocation credit as defined in section 4 of this 2007 Act** shall be issued for the relocation of [an] **a permitted** outdoor advertising sign lawfully [erected in] **located within** a commercial or industrial zone in existence on [June 12, 1975,] **the effective date of this 2007 Act** if the site lease for [said] **the** sign is terminated for any reason. The existing **outdoor advertising** sign may be relocated [in] **within** any commercial or industrial zone **if the new sign and the new site comply with ORS 377.700 to 377.840, and** upon the following conditions:

(1) The **outdoor advertising** sign that is relocated [shall] **may** not have a sign size larger than that specified in the permit for the sign located on the site on which the lease was terminated. However, [a sign] **an outdoor advertising sign with 250 square feet or more of display surface**

on one side may be increased to the maximum size allowed by *[the provisions of]* ORS 377.700 to 377.840 if *[not relocated so as to be]* **the relocated sign is not** visible from Interstate Highway 5, Interstate Highway 205, or Interstate Highway 84. **A single-faced sign may be relocated as a back-to-back sign.**

(2) The site for the relocated sign is not within the distances set *[out]* **forth** below, on the same side of the highway, from a site from which an outdoor advertising sign was purchased pursuant to the provisions of ORS 377.700 to 377.840.

<u>Types of Highway</u>	<u>Distance in Either Direction from Site</u>
Interstate	2,000 feet
Freeway	1,000 feet
Other State Highway	500 feet

(3)(a) *[Where a]* **If an outdoor advertising sign** is relocated *[in]* **within** a commercial or industrial zone *[which]* **that** first came into existence after January 1, 1973, the site shall be within 750 feet of a developed commercial or industrial area, as measured parallel to the centerline of the highway. *[For the purposes of ORS 377.710, 377.715, 377.725, 377.735, 377.770, 377.773, 377.780, 377.800 and 377.845 and this section, A]*

(b) **For purposes of this subsection**, “developed commercial or industrial area” *[shall include]* **includes** only the land occupied by a building, parking lot, storage **area** or processing area of a commercial or industrial use and on the same side of the highway.

(4) *[After October 4, 1977, no permit shall]* **A permit may not** be issued to relocate *[a]* **an outdoor advertising sign** more than 100 miles from the **existing** site of *[an existing]* **the** sign as of *[September 1, 1977]* **the effective date of this 2007 Act**, as measured along public streets, roads or highways between that site and the proposed new site. **For relocation credits that exist as of the effective date of this 2007 Act, a permit may not be issued to relocate an outdoor advertising sign more than 100 miles from the existing site of the sign as of September 1, 1977, as measured along public streets, roads or highways between that site and proposed new site.**

[(5) In accordance with applicable provisions of ORS chapter 183, the Department of Transportation may adopt rules to:]

[(a) Prohibit the erection of signs, including relocation of signs, along any portion of U.S. Highway 101 if the signs or the erection of such signs would violate federal scenic byway laws or regulations or conditions of federal grants relating to scenic byways.]

[(b) Establish design standards for signs on any highway or portion of highway that is designated a scenic byway by the Oregon Transportation Commission.]

(5) **Outdoor advertising signs may not be relocated to a state highway or portion of a state highway designated as part of the scenic byway system by the Oregon Transportation Commission. If a portion of a highway is no longer designated as a scenic byway, as provided by state and federal law, an outdoor advertising sign may be relocated to that portion subject to ORS 377.700 to 377.840 and 377.992 and any other limitations provided by law.**

(6) If the *[sign that is]* **outdoor advertising sign being** relocated is relocated as a tri-vision sign, **the applicant shall obtain three equivalent permits or relocation credits** *[three equivalent permits must be issued for the sign]* and the sign must meet all requirements of this section.

(7) **If the outdoor advertising sign being relocated is relocated as a back-to-back tri-vision sign or V-type tri-vision sign, the applicant shall obtain six equivalent permits and the sign must meet all requirements of this section.**

SECTION 15. ORS 377.768 is amended to read:

377.768. Notwithstanding *[any provision in]* ORS 377.700 to 377.840 *[to the contrary]*:

(1) Issuance of a permit under ORS 377.767 to relocate [a] **an outdoor advertising** sign for which a permit has been issued under ORS 377.725 [shall] **does** not cancel the original permit issued under ORS 377.725 except as provided in this section. The applicant for the permit to relocate shall surrender the original permit to the Director of Transportation upon issuance of the permit to relocate. Upon completion of the relocation of the **outdoor advertising** sign, **including the removal of the sign structure from the original site**, the person holding the permit for relocation of the sign shall **immediately** notify the director **in writing**.

(2) The director shall retain any permit surrendered under subsection (1) of this section. If the director:

(a) Is notified that the relocation of the **outdoor advertising** sign is completed within [120] **180** days after the issuance of the permit for relocation, the director shall cancel the original permit.

(b) Cancels the permit for relocation [of the sign] because the relocation of the **outdoor advertising** sign is not completed within [120] **180** days as required under ORS 377.725, the director shall [return] **reinstate** the original permit for the sign to the person whose permit for relocation of the sign is canceled.

(3) A permit that is [returned] **reinstituted** under subsection (2) of this section remains valid and retains all rights under ORS 377.725 of a permit that has not been surrendered under this section.

(4) Relocation credits as defined in section 4 of this 2007 Act issued prior to the effective date of this 2007 Act and not yet used as of the effective date of this 2007 Act are valid subject to ORS 377.767.

SECTION 16. ORS 377.770 is amended to read:

377.770. (1) Signs and outdoor advertising signs erected or maintained within protected areas shall comply with the sign [regulations] **rules** for protected areas. If any provision of ORS 377.700 to 377.840 or rules [promulgated] **adopted** pursuant thereto are more restrictive than the sign [regulations] **rules** for protected areas, the more restrictive provision or rule applies.

(2) In addition to the requirements provided by subsection (1) of this section, and subject to ORS 377.505 to 377.540, 377.720, 377.725, 377.745, 377.750 and 377.767:

(a) Outdoor advertising signs **lawfully** in existence on [June 12, 1975] **the effective date of this 2007 Act**, may be maintained, reconstructed or relocated [in] **within** commercial or industrial zones. Within cities, an outdoor advertising sign [shall] **may** not be erected more than 660 feet from the nearest edge of the right of way if [such] **the** sign is designed to be viewed primarily from a state highway.

(b) The Legislative Assembly declares it is the paramount policy of this state to prohibit outdoor advertising signs **visible to the traveling public from a state highway** except those **lawfully** in existence on [June 12, 1975], **the effective date of this 2007 Act** in commercial or industrial zones established on [June 12, 1975] **the effective date of this 2007 Act**, except as provided by ORS 377.765 and 377.767 **and section 3 of this 2007 Act**.

SECTION 17. ORS 377.773 is amended to read:

377.773. Any [outdoor advertising sign which] **sign that** does not have [copy] **a message** on the display surface for a period of six months [shall be] **is** deemed to have been abandoned by the owner [thereof and becomes] **and is** a noncomplying sign subject to removal by the Director of Transportation under the procedure set forth in ORS 377.775.

SECTION 18. ORS 377.775 is amended to read:

377.775. (1) Any sign that fails to comply with ORS 377.700 to 377.840 [hereby is declared to be] **is** a public and private nuisance. In addition to the penalties provided by ORS 377.992 [for violation thereof], such a sign may be removed by the Director of Transportation or the duly authorized representative of the director as provided by this section. The director may enter upon private property and remove the sign without incurring any liability therefor.

(2) If a noncomplying sign does not bear the name and address of its owner or if the owner is not readily identified and located, the director may remove it immediately.

(3)(a) If a noncomplying sign bears the name and address of its owner or if the owner of the sign is readily identified and located, the director shall notify the owner that the sign is in violation of

ORS 377.700 to 377.840 and that the owner has 30 days from the date of the notice within which to make the sign comply, to remove the sign or to request a hearing before the director within the time specified in the notice.

(b) If the sign is not made to comply or is not removed and if the owner does not request a hearing within the time required, or if the owner after a hearing fails to comply with the final order in the proceedings, the director or the duly authorized representatives of the director may remove and destroy or otherwise dispose of the sign.

(4)(a) If the person who receives notice under subsection (3) of this section intends to raise issues regarding ownership interests in the sign or its appurtenances in a hearing requested under subsection (3) of this section, the request for hearing must include notice that the person intends to raise those issues and must contain the names and addresses of all persons who have ownership interests in the sign or its appurtenances.

(b) If the person requesting the hearing under subsection (3) of this section fails to include notice of intent to raise issues regarding ownership interests, the person may not raise the issues in the hearing. In addition, the person who requested the hearing may not raise issues regarding ownership interests of any person whose name and address the person who requested the hearing has failed to provide as required by paragraph (a) of this subsection.

(c) For purposes of this subsection, an ownership interest includes, but is not limited to:

(A) An interest in the land on which the sign is located, in the sign structure and in the [*sign face*] **display surface**; and

(B) A right to operate the sign, whether the right is created by lease, operating agreement or otherwise.

(5)(a) The director shall, after removing a sign in accordance with subsection (2) of this section, place [*it*] **the sign** in storage for 30 days while the director makes a further effort to find its owner.

(b) If the owner cannot be found within [*that time*] **30 days**, the director may, without incurring any liability therefor, destroy or otherwise dispose of the sign.

(c) If the owner is found within [*that time*] **30 days**, the owner may be required to remove the sign from storage.]; and]

(d) If the owner is found at any time, the director may recover from the owner the cost of storage. The cost of storage is in addition to the cost of removal payable under subsection (6) of this section.

(6) The owner is liable for, and the director shall collect, the costs of removing a sign. Costs shall be determined by the director on the basis of actual costs of removal or on a square-foot flat fee basis.

[*(7) If a sign does not bear the name and address of its owner, the advertisement thereon of the goods, products, facilities, services or business of a person or commercial enterprise is prima facie evidence of ownership of the sign by that person or commercial enterprise.*]

(7) A hearing under this section shall be conducted as a contested case hearing under ORS chapter 183.

SECTION 19. ORS 377.780 is amended to read:

377.780. (1) Where the Department of Transportation elects to remove and pay for a sign visible from secondary highways pursuant to ORS 377.765 (5), **upon removal, the department shall pay** just compensation [*shall be paid upon the removal thereof*].

(2) For the purposes of ORS 377.700 to 377.840, the department may acquire by purchase, agreement, donation or exercise of the power of eminent domain land or an interest in land or a sign. [*It*] **The department** shall pay just compensation for:

(a) The taking from the owner of such lawfully [*placed*] **located** sign all right, title, leasehold and interest in such sign; and

(b) The taking from the owner of the real property on which the sign is located the right to place such sign thereon.

(3) When the department is required under ORS 377.700 to 377.840 to make payment therefor to remove a sign, the payment shall be for the value of the items specified by subsection (2) of this

section, as determined by the department. In determining value, the department shall use the accepted appraisal method customarily used in such cases or the method prescribed by federal regulations, if any, applicable to such appraisals or payments, whichever results in the lowest valuation. However, in any case, the department shall so appraise such signs or rights taken by whatever method may be required to avoid imposition of a reduction in the amount of federal highway funds the state otherwise would be eligible to receive.

SECTION 20. ORS 377.787 is amended to read:

377.787. (1) The Travel Information Council may enter into contractual or other agreements with other governmental agencies of this state or an independent contractor to study various ways of providing information deemed necessary to the [motoring] **traveling** public by signs, information centers or other means. The council may also enter into contractual or other agreements with other governmental agencies of this state or an independent contractor for the construction of experimental signs or displays to provide information deemed necessary to the [motoring] **traveling** public.

(2) Notwithstanding any other provisions of ORS 377.700 to 377.840, the Travel Information Council shall institute logo sign and motorist informational sign programs on the state highway system and adopt any rules necessary to carry out such programs.

SECTION 21. ORS 377.505 is amended to read:

377.505. As used in ORS 377.505 to 377.540:

[1] "Public highway" means the entire width between the boundary lines of every state highway as defined in ORS 366.005.]

(1) "**State highway**" has the meaning given that term in ORS 377.710.

(2) "Scenic area" means an area adjacent to or along a segment of a [public] **state** highway that is within a federal or state park, is a site of historical significance or affords a view of unusual natural beauty, and has been established as a scenic area under the provisions of ORS 377.505 to 377.545 (1975 Replacement Part).

SECTION 22. ORS 377.510 is amended to read:

377.510. (1) [No sign which] **A sign that** is visible from a [public] **state** highway [shall] **may not** be erected or maintained in an area [which] **that** has been established by final order as a scenic area except:

[a] *Directional or other official signs or notices.*]

[b] *Signs advertising the sale or lease of the property upon which they are located.*]

[c] *Signs advertising only the name or nature of the business being conducted on, or the products, facilities, goods or services being sold, supplied or distributed on or from the premises on which the signs are located.*]

(a) **Traffic control signs or devices.**

(b) **Signs other than outdoor advertising signs, as defined in ORS 377.710.**

[d] (c) Signs approved by the Director of Transportation, or the authorized representative of the director, erected and maintained by a public utility or telecommunications utility for the purpose of giving warning of the location of an underground cable or other installations.

[e] (d) Signs identifying incorporated or unincorporated communities, erected in compliance with ORS 377.715 and 377.756 to 377.758, that are designed to complement the scenic quality of the area in which [they] **the signs** are erected. Signs located in snow zones may be more than eight feet in height to compensate for snow if approved by the director.

(2) Unless adequately screened as provided in ORS 377.620 (3)(a) or unless located within a zoned industrial area, no junkyard shall be established which is visible from a [public] **state** highway where the area immediately adjacent to the [public] **state** highway has been established by final order as a scenic area.

SECTION 23. ORS 366.455 is amended to read:

366.455. The Department of Transportation may take down and remove from the right of way of any state highway [or from private property adjoining the highway any advertising sign] **any sign** or other structure or thing erected or maintained thereon contrary to law. When removing [such

sign, thing or structure] **a sign or other structure or thing** the department shall follow and comply with the legal or statutory procedure provided by law.

SECTION 24. ORS 377.620 is amended to read:

377.620. (1) Except as provided in subsection (3) of this section, no junkyard in existence on June 30, 1967, may be maintained after June 30, 1967, within 1,000 feet of the nearest edge of the right of way of:

(a) The Interstate System.

(b) The federal-aid primary system.

(c) Other state highways, unless permitted by the Director of Transportation and subject to rules adopted by the director.

(2) Except as provided in subsection (3) of this section, no junkyard shall be established after June 30, 1967, within 1,000 feet of the nearest edge of the right of way of any state highway or which is visible from any [*public*] **state** highway, as defined by ORS 377.505, where the area immediately adjacent to the [*public*] **state** highway retains designation as a scenic area pursuant to ORS 377.521.

(3) Except as provided in ORS 377.510 relating to location of junkyards within or adjacent to designated scenic areas, this section does not prohibit the establishment or maintenance along state highways of the following junkyards:

(a) Junkyards that are hidden or adequately screened by the terrain or other natural objects, or by plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the state highway, in accordance with regulations promulgated by the director.

(b) Junkyards located in zoned industrial areas.

(4) No owner or operator of a junkyard shall place any junk on a state highway right of way.

SECTION 25. ORS 377.800 is amended to read:

377.800. (1) For the convenience and information of the traveling public, a person may upon obtaining a permit therefor display messages as may be allowed by rule adopted by the Travel Information Council for the particular type of sign on a motorist informational sign, tourist oriented directional sign[,] or logo sign or at a sign plaza **or travel plaza**.

(2) The Travel Information Council may not erect a travel plaza on public lands without first obtaining consent from the agency that owns the land.

SECTION 26. (1) **There is created the Sign Task Force on outdoor signs, consisting of 13 members appointed as follows:**

(a) The President of the Senate shall appoint one member from among members of the Senate.

(b) The Speaker of the House of Representatives shall appoint one member from among members of the House of Representatives.

(c) The Governor shall appoint one representative from the Department of Transportation.

(d) The Attorney General shall appoint one member.

(e) The Director of Transportation shall appoint three representatives from the outdoor sign industry holding 300 or more outdoor sign permits and relocation credits combined.

(f) The director shall appoint three representatives from the outdoor sign industry holding fewer than 300 outdoor sign permits and relocation credits combined.

(g) The director shall appoint one representative from an organization that promotes scenic values.

(h) The director shall appoint one representative who is a landowner and who receives compensation from outdoor advertising companies.

(i) The director shall appoint one representative from an advertising agency that does business with outdoor advertising companies in this state.

(2) The task force shall examine:

(a) Permitting of tri-vision signs;

(b) Ownership, use and other issues regarding relocation credits;

(c) Emerging technologies in the outdoor sign industry;
(d) Increasing the penalties for violation of outdoor sign regulations;
(e) Just compensation related to required removal of outdoor advertising signs; and
(f) Any other issues relating to the regulation of the outdoor sign industry the task force determines is appropriate.

(3) A majority of the members of the task force constitutes a quorum for the transaction of business.

(4) Official action by the task force requires the approval of a majority of the members of the task force.

(5) The task force shall elect one of its members to serve as chairperson.

(6) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(7) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the members of the task force.

(8) The task force shall have its first meeting on or before the later of 30 days after adjournment sine die of the regular session of the Seventy-fourth Legislative Assembly or July 31, 2007.

(9) The task force may adopt rules necessary for the operation of the task force.

(10) The task force shall submit a report, and may include recommendations for legislation, to an interim committee related to transportation as appropriate no later than November 1, 2008.

(11) The Department of Transportation shall provide staff support to the task force.

(12) Members of the task force who are not members of the Legislative Assembly are not entitled to compensation but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions of the task force shall be paid out of funds appropriated to the department for that purpose.

(13) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties.

SECTION 27. Section 26 of this 2007 Act is repealed on the date of the convening of the next regular biennial legislative session.

SECTION 28. ORS 377.726 and 377.727 are repealed.

SECTION 29. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by House May 1, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 17, 2007

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President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State