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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11]** ( *Heading of Division 3 added by Stats. 1939, Ch. 30.* )

**CHAPTER 2. Advertisers [5200 - 5486]** ( *Chapter 2 repealed and added by Stats. 1970, Ch. 991.* )

**ARTICLE 6. Permits [5350 - 5366]** ( *Article 6 added by Stats. 1970, Ch. 991.* )

**5350.** No person shall place any advertising display within the areas affected by the provisions of this chapter in this state without first having secured a written permit from the director or from his authorized agent.

(*Added by Stats. 1970, Ch. 991.*)

**5351.** Every person desiring a permit to place any advertising display shall file an application with the director or with his authorized agent.

(*Amended by Stats. 1984, Ch. 1003, Sec. 1. Effective September 11, 1984.*)

**5353.** The application shall be filed on a blank to be furnished by the director or by his agent. It shall set forth the name and address of the applicant and shall contain a general description of the property upon which it is proposed to place the advertising display for which a permit is sought and a diagram indicating the location of the proposed advertising display on the property, in such a manner that the property and the location of the proposed advertising display may be readily ascertained and identified.

(*Added by Stats. 1970, Ch. 991.*)

**5354.** (a) The applicant for any permit shall offer written evidence that both the owner or other person in control or possession of the property upon which the location is situated and the city or the county with land use jurisdiction over the property upon which the location is situated have consented to the placing of the advertising display.

(b) At the written request of the city or county with land use jurisdiction over the property upon which a location is situated, the department shall reserve the location and shall not issue a permit for that location to any applicant, other than the one specified in the request, in advance of receiving written evidence as provided in subdivision (a) and for a period of time not to exceed 90 days from the date the department received the request.

(c) In addition to the 90-day period set forth in subdivision (b), an additional period of 30 days may be granted at the discretion of the department upon any proof, satisfactory to the department and provided by the city or county making the original request for a 90-day period, of the existence of extenuating circumstances meriting an additional 30 days. There shall be a conclusive presumption in favor of the department that the granting or denial of the request for an additional 30 days was made in compliance with this subdivision.

(*Amended by Stats. 2002, Ch. 972, Sec. 2. Effective January 1, 2003.*)

**5355.** An application for a permit to place a display shall contain a description of the display, including its material, size, and subject and the proposed manner of placing it.

(*Amended by Stats. 1983, Ch. 653, Sec. 10.*)

**5357.** If the applicant for a permit is engaged in the outdoor advertising business, the application shall contain the number of the license issued by the director.

(*Added by Stats. 1970, Ch. 991.*)

**5358.** When the application is in full compliance with this chapter and if the advertising display will not be in violation of any other state law, the director or the director's authorized agent shall, within 10 days after compliance and upon payment by the applicant of

the fee provided by this chapter, issue a permit to place the advertising display for the remainder of the calendar year in the year in which the permit is issued and for an additional four calendar years.

*(Amended by Stats. 1997, Ch. 152, Sec. 1. Effective January 1, 1998.)*

**5359.** (a) The issuance of a permit for the placing of an advertising display includes the right to change the advertising copy without obtaining a new permit and without the payment of any additional permit fee.

(b) The issuance of a permit does not affect the obligation of the owner of the advertising display to comply with a zoning ordinance applicable to the advertising display under the provisions of this chapter nor does the permit prevent the enforcement of the applicable ordinance by the county.

*(Amended by Stats. 1997, Ch. 152, Sec. 2. Effective January 1, 1998.)*

**5360.** (a) The director shall establish a permit renewal term of five years, which shall be reflected on the face of the permit.

(b) The director shall adopt regulations for permit renewal that include procedures for late renewal within a period not to exceed one year from the date of permit expiration. Any permit that was not renewed after January 1, 1993, is deemed revoked.

*(Repealed and added by Stats. 1997, Ch. 152, Sec. 4. Effective January 1, 1998.)*

**5361.** Each permit provided in this chapter shall carry an identification number and shall entitle the holder to place the advertising display described in the application.

*(Added by Stats. 1970, Ch. 991.)*

**5362.** No person shall place any advertising display unless there is securely fastened upon the front thereof an identification number plate of the character specified in Section 5363. The placing of any advertising display without having affixed thereto an identification number plate is prima facie evidence that the advertising display has been placed and is being maintained in violation of the provisions of this chapter, and any such display shall be subject to removal as provided in Section 5463.

*(Added by Stats. 1970, Ch. 991.)*

**5363.** Identification number plates shall be furnished by the director. Identification number plates shall bear the identification number of the advertising display to which they are assigned.

*(Added by Stats. 1970, Ch. 991.)*

**5364.** The provisions of this article shall apply to any advertising display which was lawfully placed and which was in existence on November 7, 1967, adjacent to an interstate or primary highway and within the limits of an incorporated area, but for which a permit has not heretofore been required. A permit which is issued pursuant to this section shall be deemed to be a renewal of an original permit for an existing advertising display.

*(Added by Stats. 1975, Ch. 1074.)*

**5365.** When a highway within an incorporated area is designated as an interstate or a primary highway, each advertising display maintained adjacent to such highway shall thereupon become subject to all of the provisions of this act. For purposes of applying the provisions of this act, each such display shall be considered as though it had been placed along an interstate or a primary highway during all of the time that it had been in existence. Within 30 days of notification by the director of such highway designation, the owner of each advertising display adjacent to such highway shall notify the director of the location of such display on a form prescribed by the director. The director shall issue a permit for each such advertising display on the basis of the notification from the display owner; provided that such permits will be issued and renewed only if the owner pays the fees required by subdivision (b) of Section 5485. Each permit issued pursuant to this section shall be deemed to be a renewal of an original permit for an existing advertising display.

*(Added by Stats. 1975, Ch. 1074.)*

**5366.** The issuance of a permit pursuant to this chapter does not allow any person to erect an advertising display in violation of any ordinance of any city, county, or city and county.

*(Added by Stats. 1983, Ch. 653, Sec. 13.)*