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AB-1373 Outdoor advertising: City of Los Angeles. (2015-2016)

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Assembly Bill No. 1373

CHAPTER 853

An act to add Section 5272.2 to the Business and Professions Code, relating to outdoor advertising.

[Approved by Governor September 30, 2016. Filed with Secretary of State September 30, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1373, Santiago. Outdoor advertising: City of Los Angeles.

The Outdoor Advertising Act provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways. The act exempts from certain of its provisions advertising displays that advertise the business conducted or services rendered or goods produced or sold on the property upon which the display is placed, as specified.

This bill would exempt from those provisions of the act advertising displays located in specific geographic areas in the City of Los Angeles if those displays meet specified conditions and requirements, including the adoption of, and compliance with, an ordinance by the City of Los Angeles. The bill would impose certain conditions if an advertising display authorized by this bill is a message center display. The bill would require the department, before the advertising display may be placed, to determine or to request the Federal Highway Administration to determine that the display will not cause a reduction in federal aid funds or otherwise be inconsistent with any federal law, regulation, or agreement between the state and a federal agency or department.

The bill would make the City of Los Angeles primarily responsible for ensuring that a display remains in compliance with the ordinance and the bill's requirements, and would require the city to indemnify and hold the department harmless if the city fails to do so.

This bill would also make findings and declarations as to the need for a special statute relating to the City of Los Angeles.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5272.2 is added to the Business and Professions Code, to read:

5272.2. (a) With the exception of Article 4 (commencing with Section 5300) and Sections 5400 to 5404, inclusive, this chapter does not apply to any advertising display located in the geographic area in the City of Los Angeles bounded by Wilshire Boulevard on the northeast, S. Figueroa Street on the southeast, Interstate 10 on the southwest, and State Route 110 on the northwest, or to any advertising display located in the geographic area in the City of Los Angeles on the westerly side of State Route 110 bounded by West 8th Place, James M. Wood Boulevard, and Golden Avenue, if all of the following conditions are met:

(1) The advertising display is authorized by, or in accordance with, an ordinance, including, but not limited to, a specific plan or sign district, adopted by the City of Los Angeles that regulates advertising displays by identifying the specific displays or establishing regulations that include, at a minimum, all of the following:

- (A) Number of signs and total signage area allowed.
- (B) Maximum individual signage area.
- (C) Minimum sign separation.
- (D) Illumination restrictions and regulations, including signage refresh rate, scrolling, and brightness.
- (E) Illuminated sign hours of operation.

(2) The owner of the advertising display has submitted to the department a copy of the ordinance adopted by the City of Los Angeles authorizing the advertising display and identification of the provisions of the ordinance required under paragraph (1) and the department has certified that the ordinance meets the minimum requirements contained in paragraph (1).

(3) The advertising display will not advertise products, goods, or services related to tobacco, firearms, or sexually explicit material.

(4) (A) Except as otherwise provided in subparagraph (B), there shall be at least 500 feet between any two advertising displays located on the same side of the freeway unless the advertising displays are separated by buildings or other obstructions in a manner that only one of the advertising displays is visible from any given location on the freeway. For purposes of determining compliance with the spacing requirement, the distance between advertising displays shall be measured along the nearest edge of pavement between points directly opposite the advertising displays along each side of the freeway.

(B) The spacing requirement in subparagraph (A) does not apply to an advertising display that advertises only the business conducted, services rendered, or goods produced and sold upon the property upon which the advertising display is located and that, accordingly, is not subject to the requirements of this chapter.

(C) When counting the number of advertising displays and measuring the distance between them for purposes of subparagraph (A), the advertising displays described in subparagraph (B) shall be excluded from the count, and no measurements shall be made relative to the excluded advertising displays for purposes of subparagraph (A).

(5) This chapter does not limit the City of Los Angeles from adopting ordinances prohibiting or further restricting the size, number, or type of advertising displays permitted by this section.

(6) If the advertising display is a message center, the owner of the display shall do one of the following:

(A) Make the message center display available on a space-available basis for use by the department or the Department of the California Highway Patrol for public service messages, including Emergency Alert System (Amber Alert) messages disseminated pursuant to Section 8594 of the Government Code, and messages containing, among other things, reports of commute times, drunk driving awareness messages, reports of accidents of a serious nature, and emergency disaster communications.

(B) Make a message center display not subject to this section that is under the control of the owner of the advertising display available on a space-available basis for public service messages in a location acceptable to the department and the Department of the California Highway Patrol.

(C) Provide funding to the department for the installation of a message center display to accommodate those public service messages, which may include funding as part of mitigation in connection with the approval of development of the property on which the message center display is located by the City of Los Angeles.

(b) (1) Before the advertising display authorized pursuant to subdivision (a) may be placed, the department shall determine that the display will not cause a reduction in federal aid funds or otherwise be inconsistent with any federal law, regulation, or agreement between the state and a federal agency or department.

(2) If the department is unable to make the determination required pursuant to paragraph (1), the department shall request the Federal Highway Administration (FHWA) of the United States Department of Transportation to make the determination. Upon receipt of a determination by the FHWA that makes the finding described in paragraph (1), the advertising display may be placed.

(c) The City of Los Angeles shall have primary responsibility for ensuring that a display authorized pursuant to subdivision (a) remains in conformance with all provisions of the ordinance and of this section. If the City of Los Angeles fails to ensure that the

display remains in conformance with all provisions of the ordinance and of this section after 30 days of receipt of a written notice from the department, the City of Los Angeles shall hold the department harmless and indemnify the department for all costs incurred by the department to ensure compliance with the ordinance and this section or to defend actions challenging the adoption of the ordinance allowing the displays.

SEC. 2. Due to unique circumstances concerning the locations of the advertising displays, or proposed advertising displays, set forth in this act and the need for advertising in those locations, it is necessary that an exemption from some of the provisions of the Outdoor Advertising Act be provided for those displays, and the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.