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**AB-1673 Outdoor Advertising Act: local governmental entities: relocation.** (2023-2024)

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Date Published: 10/10/2023 09:00 PM

**Assembly Bill No. 1673**

**CHAPTER 590**

An act to amend Section 5443 of, and to add Section 5443.1 to, the Business and Professions Code, relating to outdoor advertising displays.

[ Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1673, Pacheco. Outdoor Advertising Act: local governmental entities: relocation.

The Outdoor Advertising Act regulates the placement of advertising displays adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal-aid highways. The act prohibits a governmental entity from compelling the removal of a lawfully erected advertising display within the state, or limiting its customary maintenance or use, without payment of compensation, as defined in the Eminent Domain Law, to the owner or owners of the display and the land upon which the display is located. This prohibition does not apply to an advertising display relocated by mutual agreement between the display owner and a local entity.

The act generally prohibits placing or maintaining advertising displays on Department of Transportation-owned property adjacent to landscaped freeways if the advertising display is designed to be viewed primarily by persons traveling on the landscaped freeway, but exempts (1) a county that designates where advertising displays may be placed or prohibited as part of a county land use or zoning ordinance and (2) the relocation or height increase for lawfully erected advertising displays pursuant to a relocation agreement, including the conversion of an advertising display to a message center as part of a relocation agreement.

This bill would expand the exemption described in (1) above to also include a city or city and county that designates where advertising displays may be placed or prohibited as part of the city's or city and county's land use or zoning ordinance. The bill would expand the exemption described in (2) above to include agreements, entered into for any purpose, to relocate an advertising display or to convert or replace a relocated advertising display with a message center, as specified. The bill would authorize a relocated advertising display to be placed in the same or a different city, county, or city and county, as specified.

This bill would require the department to allow any lawfully erected advertising display to be converted or replaced with a message center at its permitted location, as specified.

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

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

**SECTION 1.** Section 5443 of the Business and Professions Code is amended to read:

**5443.** Nothing in this article prohibits any of the following:

(a) Any city, county, or city and county from designating the districts or zones in which advertising displays may be placed or prohibited as part of a city, county, or city and county land use or zoning ordinance.

(b) (1) Any local governmental entity from entering into a relocation agreement for any purpose, including, but not limited to, those purposes provided in Section 5412, or the department from allowing any lawfully erected display to be increased in height at its permitted location or to be relocated provided the height increase or relocation would not cause a reduction in federal aid highway funds as provided in Section 131 of Title 23 of the United States Code or an increase in the number of displays within the state that does not conform to this article. Any increase in height permitted under this subdivision shall not be more than that necessary to restore the visibility of the display to the main-traveled way. Relocated displays may be placed in the same or a different city, county, or city and county, and relocation agreements shall be entered into between the sign and permit owner and the local governmental entity. An advertising display relocated pursuant to this paragraph shall be deemed a placement requiring a new permit and shall comply with all of the provisions of Article 6 (commencing with Section 5350) and Article 7 (commencing with Section 5400). A relocated display shall not result in a net increase of the number of displays adjacent to landscaped freeway segments statewide.

(2) A relocated advertising display may be converted to or replaced with a message center pursuant to a relocation agreement for any purpose, including, but not limited to, the purposes provided pursuant to Section 5412. The department shall issue a permit, without any additional consideration, for any display that is being placed pursuant to a relocation agreement with another governmental entity if the relocated display conforms with the provisions of this section. An advertising display converted or replaced with a message center pursuant to this paragraph shall be deemed a placement requiring a new permit and shall comply with all the provisions of Article 6 (commencing with Section 5350) and Article 7 (commencing with Section 5400).

**SEC. 2.** Section 5443.1 is added to the Business and Professions Code, to read:

**5443.1.** The department shall allow any lawfully erected display to be converted to or replaced with a message center at its permitted location provided the conversion or replacement would not cause a reduction in federal aid highway funds as provided in Section 131 of Title 23 of the United States Code or an increase in the number of displays within the state that does not conform to this article. An advertising display converted or replaced with a message center pursuant to this section shall be deemed a placement requiring a new permit and shall comply with all of the provisions of Article 6 (commencing with Section 5350) and Article 7 (commencing with Section 5400).