

**Senate File 548 - Introduced**

SENATE FILE 548

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1220)

**A BILL FOR**

1 An Act relating to the regulation of advertising devices near  
2 certain highways.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 306B.1, subsection 1, Code 2021, is  
2 amended to read as follows:

3 1. "*Advertising device*" ~~includes~~ means any outdoor sign,  
4 display, device, figure, painting, drawing, message, placard,  
5 poster, billboard, or any other device designed, intended,  
6 or used to advertise or ~~to give information in the nature of~~  
7 advertising inform, for which remuneration is paid or earned  
8 in exchange for its erection, display, or existence by any  
9 person, and having the capacity of being which is visible from  
10 the traveled portion of any highway of the interstate system  
11 in this state.

12 Sec. 2. Section 306B.1, subsection 4, Code 2021, is amended  
13 by striking the subsection and inserting in lieu thereof the  
14 following:

15 4. "*Remuneration*" means the exchange of anything of value,  
16 including but not limited to money, securities, real property  
17 interests, personal property interests, goods, services, future  
18 consideration, exchange of favor, or forbearance of debt.

19 Sec. 3. Section 306B.2, Code 2021, is amended to read as  
20 follows:

21 **306B.2 Advertising prohibited — exceptions.**

22 ~~No~~ An advertising device shall not be erected or maintained  
23 within six hundred sixty feet of the edge of the right-of-way  
24 of the interstate system ~~except the following:~~

25 ~~1. Directional or other official signs or notices that~~  
26 ~~are erected by public officers or agencies and required or~~  
27 ~~authorized by law.~~

28 ~~2. Advertising devices in compliance with national policy~~  
29 ~~and rules promulgated by the department which indicate the sale~~  
30 ~~or lease of the property upon which such devices are located~~  
31 ~~or which advertise activities being conducted on the property~~  
32 ~~where the devices are located providing said rules promulgated~~  
33 ~~by the said department shall not be more restrictive than~~  
34 ~~required to conform to the national standards as set forth in~~  
35 ~~Tit. 23, United States Code.~~

1     ~~3. Advertising devices in compliance with national policy~~  
2 ~~and rules promulgated by the department which are designed to~~  
3 ~~give information in the specific interest of the traveling~~  
4 ~~public.~~

5     ~~4. Advertising devices that are located in areas zoned and~~  
6 ~~used for commercial or industrial purposes under authority of~~  
7 ~~law, regulation, or ordinance of this state or a political~~  
8 ~~subdivision of this state. For purposes of this subsection~~  
9 ~~section, "areas zoned and used for commercial or industrial~~  
10 ~~purposes" means an area zoned for commercial or industrial~~  
11 ~~purposes in accordance with chapter 414, in the case of city~~  
12 ~~zoning, or in accordance with chapter 335, in the case of~~  
13 ~~county zoning, in which one or more commercial or industrial~~  
14 ~~activities, as defined under the city or county zoning~~  
15 ~~ordinance, are located.~~

16     Sec. 4. Section 306C.10, subsections 2 and 3, Code 2021, are  
17 amended to read as follows:

18     ~~2. "Advertising device" includes~~ means any outdoor sign,  
19 ~~display, device, figure, painting, drawing, message, placard,~~  
20 ~~poster, billboard, or any other device designed, intended,~~  
21 ~~or used to advertise or give information in the nature of~~  
22 ~~advertising, inform, for which remuneration is paid or earned~~  
23 ~~in exchange for its erection, display, or existence by any~~  
24 ~~person, and having the capacity of being which is~~ visible from  
25 the traveled portion of any primary highway.

26     ~~3. "Bonus interstate highways" includes all interstate~~  
27 ~~highways except those interstate highways adjacent to areas~~  
28 ~~excepted from control under chapter 306B by authority of~~  
29 ~~section 306B.2, subsection 4.~~

30     Sec. 5. Section 306C.10, Code 2021, is amended by adding the  
31 following new subsection:

32     NEW SUBSECTION. 15A. "*Remuneration*" means the exchange  
33 of anything of value, including but not limited to money,  
34 securities, real property interests, personal property  
35 interests, goods, services, future consideration, exchange of

1 favor, or forbearance of debt.

2 Sec. 6. Section 306C.10, subsection 18, Code 2021, is  
3 amended by striking the subsection.

4 Sec. 7. Section 306C.11, subsections 1 and 2, Code 2021, are  
5 amended by striking the subsections.

6 Sec. 8. Section 306C.11, subsection 3, paragraph b,  
7 subparagraph (3), Code 2021, is amended by striking the  
8 subparagraph.

9 Sec. 9. Section 306C.11, subsections 4 and 6, Code 2021, are  
10 amended by striking the subsections.

11 Sec. 10. Section 306C.12, Code 2021, is amended to read as  
12 follows:

13 **306C.12 None visible from highway.**

14 An advertising device shall not be constructed or  
15 reconstructed beyond the adjacent area in unincorporated areas  
16 of the state if it is visible from the main-traveled way of any  
17 primary highway ~~except for advertising devices permitted in~~  
18 ~~section 306C.11, subsections 1 and 2.~~ Any advertising device  
19 permitted beyond an adjacent area in unincorporated areas of  
20 the state shall be subject to the applicable permit provisions  
21 of [section 306C.18](#).

22 Sec. 11. Section 306C.13, subsections 2 and 3, Code 2021,  
23 are amended to read as follows:

24 2. Advertising devices located within the adjacent area of  
25 nonfreeway primary highways shall not be erected or maintained  
26 closer than one hundred feet to another advertising device  
27 facing in the same direction ~~than one hundred feet~~ if inside  
28 the corporate limits of a municipality. ~~No~~ An advertising  
29 device, ~~other than as excepted or permitted by subsection~~  
30 ~~4, 5, or 6,~~ shall not be located within the triangular area  
31 formed by the line connecting two points each fifty feet back  
32 from the point where the street right-of-way lines of the  
33 main-traveled way and the intersecting street meet, or would  
34 meet, if extended.

35 3. Advertising devices located within the adjacent area of

1 nonfreeway primary highways shall not be erected or maintained  
2 closer than three hundred feet to another advertising device  
3 facing in the same direction ~~than three hundred feet~~ if outside  
4 the corporate limits of a municipality. ~~No~~ An advertising  
5 device, ~~other than those excepted or permitted by subsection~~  
6 ~~4, 5, or 6,~~ shall not be located within the triangular area  
7 formed by a line connecting two points each one hundred feet  
8 back from the point where the street right-of-way lines of the  
9 main-traveled way and the intersecting street meet, or would  
10 meet, if extended.

11 Sec. 12. Section 306C.13, subsection 6, Code 2021, is  
12 amended by striking the subsection.

13 Sec. 13. Section 306C.13, subsection 8, paragraphs c and g,  
14 Code 2021, are amended to read as follows:

15 c. Which contain, include, or are illuminated by any  
16 flashing, intermittent, or moving light ~~or lights, except those~~  
17 ~~giving public service information such as, but not limited to~~  
18 ~~time, date, temperature, weather, news and similar information.~~

19 g. The standards contained in this section pertaining to  
20 size, lighting, and spacing shall not apply to advertising  
21 devices erected or maintained within six hundred sixty feet  
22 of the right-of-way of those portions of the interstate  
23 highway system exempted from control under chapter 306B by  
24 authority of section 306B.2, subsection 4, nor to advertising  
25 devices erected and maintained within adjacent areas along  
26 noninterstate primary highways within zoned and unzoned  
27 commercial and industrial areas, unless said advertising  
28 devices were erected subsequent to July 1, 1972.

29 Sec. 14. Section 306C.18, unnumbered paragraph 1, Code  
30 2021, is amended to read as follows:

31 The owner of every advertising device regulated by ~~this~~  
32 ~~chapter, except signs and advertising devices excepted by~~  
33 section 306C.11, subsections 1, 2, and 5, and official signs  
34 ~~erected by public officers or agencies,~~ subsection 3, shall be  
35 required to make application to the department for a permit.

1     Sec. 15. REPEAL. Sections 306B.3 and 306C.23, Code 2021,  
2 are repealed.

3

EXPLANATION

4             The inclusion of this explanation does not constitute agreement with  
5             the explanation's substance by the members of the general assembly.

6     Under current law, Code chapter 306B provides rules,  
7 regulations, and requirements relating to advertising devices  
8 along interstate highways. Code chapter 306C provides rules,  
9 regulations, and requirements relating to advertising devices  
10 along certain primary highways, including the dimensions,  
11 lighting, and distances from one another, from cities and  
12 unincorporated areas, and from the traveled portion of the  
13 roadway.

14     For purposes of both Code chapters, this bill redefines  
15 "advertising device" to mean any outdoor sign, display, device,  
16 figure, painting, drawing, message, placard, poster, billboard,  
17 or any other device designed, intended, or used to advertise or  
18 inform, for which remuneration is paid or earned in exchange  
19 for its erection, display, or existence by any person, and  
20 which is visible from the traveled portion of the applicable  
21 highway. The bill also defines "remuneration". In Code  
22 chapter 306B, the bill strikes the definition of "national  
23 policy" which under the bill would no longer appear in the Code  
24 chapter.

25     The bill strikes existing exceptions to the prohibition  
26 against advertising devices erected or maintained within 660  
27 feet of the edge of the right-of-way of the interstate system  
28 including for directional or other official signs or notices,  
29 advertising devices which indicate the sale or lease of the  
30 property upon which such devices are located or which advertise  
31 activities being conducted on the property where the devices  
32 are located, and advertising devices which are designed to give  
33 information in the specific interest of the traveling public.

34     Under current law, advertising devices concerning the sale  
35 or lease of property upon which they are located, advertising

1 devices concerning activities conducted on the property on  
2 which they are located, official and directional signs and  
3 notices, and signs with the publication title of a newspaper on  
4 a delivery receptacle attached to a mailbox or mailbox support  
5 are all authorized to be erected or maintained near any primary  
6 highway. The bill strikes these authorizations.

7 The bill strikes the requirement that the department of  
8 transportation (DOT) promulgate rules relating to the criteria  
9 for on-premise signs.

10 The bill strikes a provision stating that official and  
11 directional signs and notices and advertising devices  
12 concerning the sale or lease of the property or activities  
13 conducted upon the property as specified in 23 U.S.C. §131(c)  
14 shall not be taken into consideration in determining compliance  
15 with spacing requirements.

16 Under current law, advertising devices giving public service  
17 information such as but not limited to time, date, temperature,  
18 weather, news, and similar information are exempt from the  
19 prohibition against flashing, intermittent, or moving lights.  
20 The bill strikes this exemption.

21 The bill repeals Code section 306B.3 which requires the  
22 DOT to promulgate and enforce rules consistent with the  
23 safety of the traveling public and in compliance with national  
24 policy governing the erection, maintenance, and frequency  
25 of advertising devices within 660 feet of the edge of the  
26 right-of-way of the interstate system, as authorized under  
27 Code chapter 306B, and which are outside of commercial and  
28 industrial zones.

29 Under current law, a special event sign is a temporary  
30 advertising device, not larger than 32 square feet in  
31 area, erected for the purpose of notifying the public of  
32 noncommercial community events including but not limited to  
33 fairs, centennials, festivals, and celebrations open to the  
34 general public and sponsored or approved by a city, county, or  
35 school district. Code section 306C.23 allows a special event

1 sign to be placed on private property with permission of the  
2 owner at any time during the period beginning 60 days prior  
3 to the date of the special event and ending on the day of the  
4 special event. Code section 306C.23 requires special event  
5 signs to be removed not later than 24 hours following the end  
6 of the special event, and prohibits special event signs where  
7 they may constitute a traffic hazard or a detriment to traffic  
8 safety.

9 The bill repeals Code section 306C.23 and strikes the  
10 corresponding definition of special event sign.

11 The bill makes corresponding changes to Code chapters 306B  
12 and 306C.