

JAN 12 2005
TRANSPORTATION

HOUSE FILE 49
BY THOMAS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the removal of campaign signs from the primary
2 highway right-of-way and establishing a fee.

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

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HF 49

1 Section 1. Section 319.13, Code 2005, is amended to read
2 as follows:

3 319.13 ~~RIGHT-AND-DUTY-TO-REMOVE~~ REMOVAL OF TEMPORARY
4 OBSTRUCTIONS -- CAMPAIGN SIGNS.

5 1. If the following constitute an immediate and dangerous
6 hazard, all billboards, advertising signs or devices, fences
7 other than ~~right-of-way~~ right-of-way boundary fences, or any
8 temporary obstruction, including abandoned vehicles except
9 signs or devices authorized by law or approved by the highway
10 authorities, placed or erected upon the ~~right-of-way~~ right-
11 of-way of any public highway shall without notice or liability
12 in damages be removable and the costs thereof assessed
13 against:

14 ~~1.~~ a. The owner of any billboard, advertising sign or
15 device so removed.

16 ~~2.~~ b. The vehicle owner in the case of abandoned vehicles.

17 ~~3.~~ c. The abutting property in the case of fences other
18 than ~~right-of-way~~ right-of-way line fences and other temporary
19 obstructions placed by the owner of or tenant on said
20 property.

21 ~~4.~~ d. The owner or person responsible for placement of all
22 other obstructions.

23 2. Any such obstruction not constituting an immediate and
24 dangerous hazard shall be removed without liability after
25 forty-eight hour notice served in the same manner in which an
26 original notice is served, or in writing by certified mail, or
27 in any other manner reasonably calculated to apprise the
28 person responsible for the obstruction that the obstruction
29 will be removed at the expense of such person after the notice
30 is given.

31 3. Such removal and assessment of cost in the case of
32 primary roads shall be by the department and in the case of
33 secondary roads by the board of supervisors.

34 4. Upon removal of the obstruction, the highway authority
35 may immediately send a statement of the cost of removal to the

1 person responsible for the obstruction. If within ten days
2 after sending the statement the cost is not paid, the highway
3 authority may institute proceeding in the district court
4 system to collect the cost of removal.

5 5. If the obstruction is a campaign sign placed or erected
6 on the right-of-way of a highway under the jurisdiction of the
7 department, the department shall charge the political
8 committee or candidate's committee that owns the sign or is
9 responsible for placement of the sign a fee of twenty-five
10 dollars in addition to the department's costs for removal of
11 the sign. The department shall remove a campaign sign that
12 constitutes an immediate hazard without notice as provided in
13 subsection 1. In all other cases, upon a determination by the
14 Iowa ethics and campaign disclosure board that a sign has been
15 improperly placed pursuant to section 68A.406, the department
16 shall provide the notice required in subsection 2 of this
17 section to the political committee or candidate's committee
18 that owns the sign or is responsible for placement of the sign
19 stating that the sign will be removed and that costs and a fee
20 will be assessed against the political committee or
21 candidate's campaign fund. Upon removal of the campaign sign
22 and assessment of the costs and fee, the department shall
23 notify the Iowa ethics and campaign disclosure board by
24 ordinary mail or comparable electronic communication that the
25 costs and fee were assessed against the political committee or
26 candidate's campaign fund.

27 Fees collected by the department pursuant to this
28 subsection shall be deposited in the keep Iowa beautiful fund
29 created in section 314.28.

30 Sec. 2. Section 319.15, Code 2005, is amended to read as
31 follows:

32 319.15 ~~DEFINITION~~ DEFINITIONS.

33 As used in this chapter, unless the context otherwise
34 requires,—"department":

35 1. "Campaign sign" means an outdoor sign of a temporary

1 nature erected for the purpose of soliciting votes or support
2 for or in opposition to any candidate or any political party
3 under whose designation any candidate is seeking nomination or
4 election or any public question on the ballot in an election
5 held under the laws of this state.

6 2. "Department" means the state department of
7 transportation.

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EXPLANATION

9 This bill provides that a political committee or
10 candidate's committee shall be charged a \$25 fee, plus actual
11 costs, for removal of a campaign sign owned or placed by the
12 committee on a highway right-of-way under the jurisdiction of
13 the state department of transportation. Unless the campaign
14 sign constitutes an immediate hazard, the department will act
15 upon a determination by the Iowa ethics and campaign
16 disclosure board that a sign has been improperly placed. The
17 department is required to give 48 hours' notice to a committee
18 that its sign will be removed and a fee and costs assessed.
19 Upon removal of a campaign sign and assessment of the costs
20 and fee, the department shall notify the Iowa ethics and
21 campaign disclosure board that the costs and fee were assessed
22 against the political committee or candidate's campaign fund.
23 Fees collected for removal of campaign signs shall be
24 deposited in the keep Iowa beautiful fund.

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