

AMENDED IN SENATE APRIL 22, 2013

**SENATE BILL**

**No. 694**

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**Introduced by Senator Correa**

February 22, 2013

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An act to ~~amend Section 5203 of~~ *add Section 5272.1* to the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

SB 694, as amended, Correa. ~~Outdoor advertising: definition of advertising structure.~~ *Outdoor advertising: transit stations.*

*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. Existing law also exempts certain advertising displays in existence before January 1, 2009, at an arena located on public land with a capacity of 5,000 seats or more that provides a permanent venue for professional sports, subject to certain conditions.*

*This bill would also exempt from certain provisions of the Outdoor Advertising Act advertising displays on public property upon which is located a facility that primarily serves as a multimodal transit station that is to serve as a station for the high-speed train system, as specified. The bill would impose various conditions on an advertising display erected under these circumstances.*

~~The Outdoor Advertising Act provides for regulation by the Director of Transportation of advertising displays, as defined, within view of public highways. The act regulates the placement of off-premises~~

advertising displays along highways, which displays generally advertise business conducted or services rendered or goods produced or sold at a location other than the property upon which the display is located.

~~This bill would make nonsubstantive changes to the act.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5272.1 is added to the Business and  
2 Professions Code, to read:

3 5272.1. (a) With the exception of Article 4 (commencing with  
4 Section 5300) and Sections 5400 and 5404, inclusive, nothing  
5 contained in this chapter applies to any advertising display that  
6 is exclusively on public property upon which is located a facility  
7 that primarily serves as a multimodal transit station for various  
8 modes of transportation, including, but not limited to, passenger  
9 rail, that supports the goals of the region’s sustainable communities  
10 strategy, as described in Section 65080 of the Government Code,  
11 and that satisfies either of the following:

12 (1) Serves as a current or future station for the high-speed train  
13 system at a location in the corridor identified in paragraph (2) of  
14 subdivision (b) of Section 2704.04 of the Streets and Highways  
15 Code.

16 (2) Serves as a station for the high-speed train system at any  
17 additional location in the corridors identified in paragraph (3) of  
18 subdivision (b) of Section 2704.04 of the Streets and Highways  
19 Code, provided it is approved as a station by the High-Speed Rail  
20 Authority.

21 (b) To advertise any products, goods, or services on an  
22 advertising display pursuant to this section, all of the following  
23 shall apply:

24 (1) The facility shall be publicly owned and operated and shall  
25 be located on public land.

26 (2) The advertising display shall not advertise products, goods,  
27 or services related to distilled spirits, tobacco, firearms, or sexually  
28 explicit material.

29 (3) The advertising display shall not cause a reduction in federal  
30 aid highway funds as provided in Section 131 of Title 23 of the  
31 United States Code.

1 (c) Any advertising display erected pursuant to this section shall  
2 be authorized by, or be in accordance with, an ordinance,  
3 including, but not limited to, a specific plan or sign district,  
4 adopted by the city or county, as applicable, that regulates  
5 advertising displays by either identifying the specific displays or  
6 by establishing regulations that include, at a minimum, all of the  
7 following:

- 8 (1) The number of signs and total signage area allowed.
- 9 (2) The maximum individual signage area.
- 10 (3) Minimum sign separation.
- 11 (4) Illumination restrictions and regulations, including signage  
12 refresh rate, scrolling, and brightness.
- 13 (5) Illuminated sign hours of operation.

14 (d) Nothing in this chapter limits a city or county from adopting  
15 an ordinance further restricting the size, number, or types of  
16 advertising displays authorized by this section.

17 SECTION 1. ~~Section 5203 of the Business and Professions~~  
18 ~~Code is amended to read:~~

19 ~~5203. “Advertising structure” means a structure of any kind~~  
20 ~~or character that is erected, used, or maintained for outdoor~~  
21 ~~advertising purposes, upon which any poster, bill, printing,~~  
22 ~~painting, or other advertisement of any kind whatsoever may be~~  
23 ~~placed, including statuary, for advertising purposes.~~

24 ~~“Advertising structure” does not include any of the following:~~

- 25 ~~(a) Official notices issued by any court or public body or officer.~~
- 26 ~~(b) Notices posted by any public officer in performance of a~~  
27 ~~public duty or by any person in giving legal notice.~~
- 28 ~~(c) Directional, warning, or information structures required by~~  
29 ~~or authorized by law or by federal, state or county authority.~~

30 ~~(d) A structure that is erected near a city or county boundary~~  
31 ~~that contains the name of the city or county and the names of, or~~  
32 ~~any other information regarding, civic, fraternal, or religious~~  
33 ~~organizations located therein.~~