

HOUSE BILL No. 1262

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-23-20.

Synopsis: Outdoor advertising signs. Provides that if a conforming outdoor advertising sign (sign) cannot be elevated or relocated within the market area due to a change along the interstate and primary system or any other highway, it is considered a total taking of the sign. Provides that an owner is entitled to full and just compensation for the taking of a sign in the amount of the fair market value of the sign and any other property right associated with the sign. Requires an appraiser to calculate the fair market value of a sign using more than one valuation approach.

Effective: July 1, 2022.

Cherry, Austin

January 10, 2022, read first time and referred to Committee on Commerce, Small Business and Economic Development.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1262

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-23-20-25.6, AS ADDED BY P.L.222-2017,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 25.6. **(a) As used in this section, "market area"**
4 **means a point within five hundred (500) feet of the prior location**
5 **of an outdoor advertising sign.**

6 ~~(a)~~ **(b)** This section applies only to a conforming outdoor advertising
7 sign located along the interstate and primary system, as defined in 23
8 U.S.C. 131(t) on June 1, 1991, or any other highway where control of
9 outdoor advertising signs is required under 23 U.S.C. 131.

10 ~~(b)~~ **(c)** If a conforming outdoor advertising sign is no longer visible
11 or becomes obstructed, or must be moved or removed, due to a noise
12 abatement or safety measure, grade changes, construction, directional
13 sign, highway widening, or aesthetic improvement made by any agency
14 of the state along the interstate and primary system or any other
15 highway, the owner or operator of the outdoor advertising sign, to the
16 extent allowed by federal or state law, may:

17 (1) elevate the outdoor advertising sign; or



1 (2) relocate the outdoor advertising sign to a point within five
 2 hundred (500) feet of its prior location, if the outdoor advertising
 3 sign complies with the applicable spacing requirements and is
 4 located in land zoned for commercial or industrial purposes or
 5 unzoned areas used for commercial or industrial purposes.

6 **Notwithstanding subsections (d) and (g), if a conforming outdoor**
 7 **advertising sign cannot be elevated or relocated within the market**
 8 **area, the removal or relocation of the conforming outdoor**
 9 **advertising sign constitutes a total taking and the owner must be**
 10 **compensated under section 27 of this chapter.**

11 ~~(e)~~ (d) Subject to subsection ~~(f)~~; (g), the county or municipality,
 12 under IC 36-7-4, may, if necessary, provide for the elevation or
 13 relocation by ordinance for a special exception to the zoning ordinance
 14 of the county or municipality.

15 ~~(d)~~ (e) The elevated outdoor advertising sign or outdoor advertising
 16 sign to be relocated shall be the same size as the previous outdoor
 17 advertising sign and, to the extent allowed by federal or state law, may
 18 be modified to:

19 (1) elevate the sign to make the entire advertising content of the
 20 sign visible; and

21 (2) an angle to make the entire advertising content of the sign
 22 visible.

23 ~~(e)~~ (f) This section does not exempt an owner or operator of a sign
 24 from submitting to the department any application or fee required by
 25 law.

26 ~~(f)~~ (g) If the county or municipality does not amend its zoning
 27 ordinance as necessary to provide for a special exception to the zoning
 28 ordinance under subsection ~~(e)~~; (d), notwithstanding IC 8-23-20-10, the
 29 county or municipality is responsible for the payment for just and full
 30 compensation to an owner under IC 32-24.

31 SECTION 2. IC 8-23-20-27 IS ADDED TO THE INDIANA CODE
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2022]: **Sec. 27. (a) This section applies to a taking of an outdoor**
 34 **advertising sign through:**

35 (1) the power of eminent domain under IC 32-24; or

36 (2) a change that prohibits a conforming outdoor advertising
 37 sign from being elevated or relocated under section 25.6 of
 38 this chapter.

39 (b) As used in this section, "condemnor" means:

40 (1) any person authorized by Indiana law to exercise the
 41 power of eminent domain; and

42 (2) an agency of the state that must provide compensation to



1 the owner of a conforming outdoor advertising sign under
2 section 25.6 of this chapter.

3 (c) As used in this section, "outdoor advertising sign" means a
4 sign that is located along the interstate and primary system, as
5 defined in 23 U.S.C. 131(t) on June 1, 1991, or any other highway
6 where control of outdoor advertising signs is required under 23
7 U.S.C. 131.

8 (d) A condemnor that acquires an outdoor advertising sign and
9 its associated rights under this section shall pay full and just
10 compensation to the owner of the outdoor advertising sign in an
11 amount equal to:

12 (1) the fair market value of the outdoor advertising sign; and
13 (2) the fair market value of any other property right
14 associated with the outdoor advertising sign, including, but
15 not limited to, leasehold interests and access rights.

16 (e) An appraiser shall calculate the fair market value under
17 subsection (d) using:

18 (1) more than one (1) valuation approach; and
19 (2) the standards governing recognized valuation approaches
20 to fair market value.

