

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1093 Session of 2022

INTRODUCED BY GEBHARD, MENSCH, SCHWANK, BOSCOLA, STEFANO AND FLYNN, FEBRUARY 23, 2022

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 30, 2022

AN ACT

1 Amending the act of December 15, 1971 (P.L.596, No.160),
2 entitled "An act providing for the control and regulation of
3 outdoor advertising adjacent to the interstate and primary
4 highway systems within this Commonwealth; providing for
5 administration by the Department of Transportation to comply
6 with Federal requirements as a condition to the receipt of
7 highway funds; fixing penalties and making appropriations,"
8 further providing for definitions-, FOR CONTROL OF OUTDOOR <--
9 ADVERTISING, FOR REMOVAL OF PROHIBITED ADVERTISING DEVICES
10 AND FOR PENALTIES FOR VIOLATION; AND IMPOSING A DUTY ON THE
11 SECRETARY OF TRANSPORTATION TO NOTIFY THE FEDERAL HIGHWAY
12 ADMINISTRATION.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 3(2) of the act of December 15, 1971 <--
16 (P.L.596, No.160), known as the Outdoor Advertising Control Act
17 of 1971, is amended to read:

18 Section 3. Definitions. As used in this act:

19 \* \* \*

20 SECTION 1. SECTION 3(1) AND (2) OF THE ACT OF DECEMBER 15, <--
21 1971 (P.L.596, NO.160), KNOWN AS THE OUTDOOR ADVERTISING CONTROL
22 ACT OF 1971, ARE AMENDED AND THE SECTION IS AMENDED BY ADDING

1 CLAUSES TO READ:

2 SECTION 3. DEFINITIONS.--AS USED IN THIS ACT:

3 [(1) "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF  
4 TRANSPORTATION OF THE COMMONWEALTH OF PENNSYLVANIA AND  
5 "SECRETARY" SHALL MEAN THE SECRETARY OF TRANSPORTATION OF THE  
6 COMMONWEALTH OF PENNSYLVANIA.]

7 (1.1) "CHARITABLE ASSOCIATION" SHALL MEAN A NOT-FOR-PROFIT  
8 GROUP OR BODY OF PERSONS WHICH IS CREATED AND EXISTS FOR THE  
9 PURPOSE OF PERFORMING A HUMANE SERVICE; PROMOTING THE GOOD AND  
10 WELFARE OF THE AGED, POOR, INFIRM OR DISTRESSED; COMBATING  
11 JUVENILE DELINQUENCY; OR ADVANCING THE SPIRITUAL, MENTAL, SOCIAL  
12 AND PHYSICAL IMPROVEMENT OF YOUNG INDIVIDUALS.

13 (1.2) "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF  
14 TRANSPORTATION OF THE COMMONWEALTH.

15 (2) "Erect" means to construct, build, assemble, place,  
16 affix, attach, create, paint, draw, or in any other way bring  
17 into being or establish, but it shall not include any of the  
18 foregoing activities when performed as an incident to the change  
19 of advertising message or customary maintenance and repair of a  
20 sign or sign structure[.], including a change OF AN EXISTING <--  
21 EXTERNAL LIGHT FIXTURE to energy efficient lighting provided  
22 that, for signs that were legally erected but do not conform to  
23 the requirements of this act, such lighting does not require any  
24 structural changes to a sign or include any bracing, guy wire or  
25 other reinforcing devices or upgrades to the sign's structural  
26 support.

27 \* \* \*

28 (6.1) "RELIGIOUS SERVICE ORGANIZATION" SHALL MEAN A NOT-FOR- <--  
29 PROFIT GROUP OR BODY OF PERSONS THAT IS CREATED AND EXISTS FOR  
30 THE PREDOMINANT PURPOSE OF REGULARLY HOLDING OR CONDUCTING

1 RELIGIOUS ACTIVITIES OR RELIGIOUS EDUCATION, WITHOUT PECUNIARY  
2 BENEFIT TO AN OFFICER, MEMBER OR SHAREHOLDER, EXCEPT AS  
3 REASONABLE COMPENSATION FOR ACTUAL SERVICES RENDERED TO THE  
4 ORGANIZATION.

5 \* \* \*

6 (7.1) "SECRETARY" SHALL MEAN THE SECRETARY OF TRANSPORTATION  
7 OF THE COMMONWEALTH.

8 (7.2) "SERVICE CLUB" SHALL MEAN A NOT-FOR-PROFIT CLUB WHICH  
9 IS CREATED AND EXISTS FOR THE PURPOSE OF PERFORMING A HUMANE  
10 SERVICE.

11 \* \* \*

12 SECTION 2. SECTIONS 4, 10 AND 11 OF THE ACT ARE AMENDED TO  
13 READ:

14 SECTION 4. CONTROL OF OUTDOOR ADVERTISING.--TO EFFECTIVELY  
15 CONTROL OUTDOOR ADVERTISING, WHILE RECOGNIZING IT TO BE A  
16 LEGITIMATE COMMERCIAL USE OF PROPERTY AND AN INTEGRAL PART OF  
17 THE BUSINESS AND MARKETING FUNCTION, NO OUTDOOR ADVERTISING  
18 DEVICE SHALL BE ERECTED OR MAINTAINED: (1) WITHIN SIX HUNDRED  
19 SIXTY FEET OF THE NEAREST EDGE OF THE RIGHT-OF-WAY IF ANY PART  
20 OF THE ADVERTISING OR INFORMATIVE CONTENTS IS VISIBLE FROM THE  
21 MAIN-TRAVELED WAY OF AN INTERSTATE OR PRIMARY HIGHWAY, EXCEPT:

22 (I) OFFICIAL SIGNS AND NOTICES WHICH ARE REQUIRED OR  
23 AUTHORIZED BY LAW AND WHICH SHALL CONFORM TO THE NATIONAL  
24 STANDARDS PROMULGATED BY THE SECRETARY OF TRANSPORTATION OF THE  
25 UNITED STATES PURSUANT TO SECTION 131 OF TITLE 23, UNITED STATES  
26 CODE.

27 (II) OUTDOOR ADVERTISING DEVICES ADVERTISING THE SALE OR  
28 LEASE OF THE REAL PROPERTY UPON WHICH THEY ARE LOCATED.

29 (III) OUTDOOR ADVERTISING DEVICES ADVERTISING ACTIVITIES  
30 CONDUCTED ON THE PROPERTY ON WHICH THEY ARE LOCATED.

1 (IV) OUTDOOR ADVERTISING DEVICES IN ZONED OR UNZONED  
2 COMMERCIAL OR INDUSTRIAL AREAS ALONG THOSE PORTIONS OF THE  
3 INTERSTATE SYSTEM CONSTRUCTED ON RIGHT-OF-WAY, ANY PART OF THE  
4 WIDTH OF WHICH WAS ACQUIRED ON OR BEFORE JULY 1, 1956.

5 (V) OUTDOOR ADVERTISING DEVICES IN AREAS ZONED COMMERCIAL OR  
6 INDUSTRIAL ALONG THE INTERSTATE SYSTEM AND LYING WITHIN THE  
7 BOUNDARIES OF ANY INCORPORATED MUNICIPALITY AS SUCH BOUNDARIES  
8 EXISTED ON SEPTEMBER 21, 1959, AND DEVICES LOCATED IN ANY OTHER  
9 AREA WHICH, AS OF SEPTEMBER 21, 1959, WAS CLEARLY ESTABLISHED BY  
10 LAW AS INDUSTRIAL OR COMMERCIAL.

11 (VI) OUTDOOR ADVERTISING DEVICES IN ZONED OR UNZONED  
12 COMMERCIAL OR INDUSTRIAL AREAS ALONG THE PRIMARY SYSTEM.

13 (VII) OUTDOOR ADVERTISING DEVICES IN THE SPECIFIC INTEREST  
14 OF THE TRAVELING PUBLIC WHICH ARE AUTHORIZED TO BE ERECTED OR  
15 MAINTAINED BY THE SECRETARY AND WHICH ARE DESIGNED TO GIVE  
16 INFORMATION IN THE INTEREST OF THE TRAVELING PUBLIC.

17 (VIII) DIRECTIONAL SIGNS, INCLUDING BUT NOT LIMITED TO,  
18 SIGNS PERTAINING TO NATURAL WONDERS, SCENIC AND HISTORICAL  
19 ATTRACTIONS, AND OTHER POINTS OF INTEREST TO THE TRAVELING  
20 PUBLIC WHICH SHALL CONFORM TO THE NATIONAL STANDARDS PROMULGATED  
21 BY THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES PURSUANT  
22 TO SECTION 131 OF TITLE 23, UNITED STATES CODE.

23 (IX) ANY OTHER OUTDOOR ADVERTISING DEVICES PERMITTED OR  
24 AUTHORIZED ALONG THE INTERSTATE SYSTEM BY THE OFFICIAL AGREEMENT  
25 EXECUTED JUNE 23, 1961, BETWEEN THE COMMONWEALTH AND THE FEDERAL  
26 GOVERNMENT; PROVIDED SUCH OUTDOOR ADVERTISING DEVICES DO NOT  
27 VIOLATE THE PROVISIONS OF TITLE 23, UNITED STATES CODE,  
28 "HIGHWAYS" [; OR] .

29 (X) OUTDOOR ADVERTISING DEVICES PERMITTED UNDER SECTION 1425  
30 OF THE FIXING AMERICA'S SURFACE TRANSPORTATION ACT (PUBLIC LAW

1 114-94, 129 STAT. 1312); OR

2 (2) MORE THAN SIX HUNDRED SIXTY FEET FROM THE NEAREST EDGE  
3 OF SUCH A RIGHT-OF-WAY AND VISIBLE AFORESAID, IF LOCATED OUTSIDE  
4 OF URBAN AREAS AND ERECTED WITH THE PURPOSE OF ITS MESSAGE BEING  
5 READ FROM SUCH A MAIN-TRAVELED WAY, EXCEPT:

6 (I) OFFICIAL SIGNS AND NOTICES WHICH ARE REQUIRED OR  
7 AUTHORIZED BY LAW AND WHICH SHALL CONFORM TO THE NATIONAL  
8 STANDARDS PROMULGATED BY THE SECRETARY OF TRANSPORTATION OF THE  
9 UNITED STATES PURSUANT TO SECTION 131 OF TITLE 23, UNITED STATES  
10 CODE.

11 (II) OUTDOOR ADVERTISING DEVICES ADVERTISING THE SALE OR  
12 LEASE OF THE REAL PROPERTY UPON WHICH THEY ARE LOCATED.

13 (III) OUTDOOR ADVERTISING DEVICES ADVERTISING ACTIVITIES  
14 CONDUCTED ON THE PROPERTY ON WHICH THEY ARE LOCATED.

15 (IV) DIRECTIONAL SIGNS, INCLUDING BUT NOT LIMITED TO, SIGNS  
16 PERTAINING TO NATURAL WONDERS, SCENIC AND HISTORICAL  
17 ATTRACTIONS, AND OTHER POINTS OF INTEREST TO THE TRAVELING  
18 PUBLIC WHICH SHALL CONFORM TO THE NATIONAL STANDARDS PROMULGATED  
19 BY THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES PURSUANT  
20 TO SECTION 131 OF TITLE 23, UNITED STATES CODE.

21 (V) OUTDOOR ADVERTISING DEVICES PERMITTED UNDER SECTION 1425  
22 OF THE FIXING AMERICA'S SURFACE TRANSPORTATION ACT.

23 SECTION 10. REMOVAL OF PROHIBITED ADVERTISING DEVICES.--(A)  
24 IN ADDITION TO THE PENALTIES PRESCRIBED IN THIS ACT, THE  
25 SECRETARY MAY INSTITUTE ANY APPROPRIATE ACTION OR PROCEEDING  
26 AFTER THIRTY DAYS' WRITTEN NOTICE OF A VIOLATION TO THE PERSON  
27 OR PERSONS MAINTAINING OR ALLOWING TO BE MAINTAINED SUCH DEVICE,  
28 TO PREVENT, RESTRAIN, CORRECT OR ABATE A VIOLATION OR TO CAUSE  
29 THE REMOVAL OF ANY ADVERTISING DEVICE ERECTED OR MAINTAINED IN  
30 VIOLATION OF THE PROVISIONS OF THIS ACT, OR THE SECRETARY MAY

1 HAVE ANY SUCH DEVICE CORRECTED OR REMOVED BY HIS EMPLOYEES.

2 (B) NOTWITHSTANDING SUBSECTION (A) OR ANY OTHER LAW TO THE  
3 CONTRARY, NEITHER THE SECRETARY NOR ANY OTHER EMPLOYEE ACTING AT  
4 HIS DIRECTION MAY REMOVE OR CAUSE TO BE REMOVED AN OUTDOOR  
5 ADVERTISING DEVICE THAT MEETS ALL OF THE FOLLOWING CRITERIA:

6 (1) THE MAXIMUM AREA OF ONE SIDE OF THE OUTDOOR ADVERTISING  
7 DEVICE DOES NOT EXCEED THIRTY-TWO SQUARE FEET, INCLUSIVE OF ANY  
8 BORDER AND TRIM BUT EXCLUDING THE BASE OR APRON, SUPPORTS AND  
9 OTHER STRUCTURAL MEMBERS.

10 (2) THE OUTDOOR ADVERTISING DEVICE IS OWNED BY A SERVICE  
11 CLUB, CHARITABLE ASSOCIATION OR RELIGIOUS SERVICE ORGANIZATION.

12 (3) THE OUTDOOR ADVERTISING DEVICE WAS ERECTED ON OR BEFORE  
13 DECEMBER 4, 2015, OR WAS REMOVED BETWEEN DECEMBER 4, 2012, AND  
14 DECEMBER 4, 2015.

15 (C) IN THE EVENT OF [SUCH] REMOVAL UNDER SUBSECTION (A), THE  
16 PERSON OR PERSONS RESPONSIBLE FOR THE ERECTION OR MAINTENANCE OF  
17 SUCH DEVICE AND THE PERSON OR PERSONS ALLOWING SUCH DEVICE TO BE  
18 MAINTAINED SHALL BE LIABLE TO THE DEPARTMENT FOR THE COST OF  
19 REMOVAL OR CORRECTION OF SUCH DEVICE.

20 (D) NEITHER THE SECRETARY NOR ANY OTHER EMPLOYEE ACTING AT  
21 HIS DIRECTION SHALL BE LIABLE IN ANY CRIMINAL OR CIVIL ACTION  
22 FOR DAMAGES FOR ANY ACTION AUTHORIZED BY THIS ACT.

23 SECTION 11. PENALTIES FOR VIOLATION.--(A) ANY PERSON WHO  
24 SHALL ERECT OR CAUSE OR ALLOW TO BE ERECTED OR MAINTAINED ANY  
25 ADVERTISING DEVICE IN VIOLATION OF THIS ACT, SHALL, UPON SUMMARY  
26 CONVICTION THEREOF, BE SENTENCED TO PAY A FINE OF FIVE HUNDRED  
27 DOLLARS (\$500) TO BE PAID INTO THE HIGHWAY BEAUTIFICATION FUND,  
28 AND IN DEFAULT OF THE PAYMENT THEREOF, SHALL UNDERGO  
29 IMPRISONMENT FOR THIRTY DAYS. EACH DAY A DEVICE IS MAINTAINED IN  
30 VIOLATION OF THIS ACT AFTER CONVICTION SHALL CONSTITUTE A

1 SEPARATE OFFENSE.

2 (B) SUBSECTION (A) SHALL NOT APPLY TO AN OUTDOOR ADVERTISING  
3 DEVICE THAT SATISFIES ALL OF THE CRITERIA SPECIFIED UNDER  
4 SECTION 10(B).

5 SECTION 3. THE SECRETARY OF TRANSPORTATION OF THE  
6 COMMONWEALTH SHALL NOTIFY THE FEDERAL HIGHWAY ADMINISTRATION  
7 WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS SECTION THAT THE  
8 STATE HAS ELECTED TO EXEMPT SIGNS LESS THAN 32 SQUARE FEET OWNED  
9 BY A SERVICE CLUB, CHARITABLE ASSOCIATION OR RELIGIOUS SERVICE  
10 ORGANIZATION AS PERMITTED BY SECTION 1425 OF THE FIXING  
11 AMERICA'S SURFACE TRANSPORTATION ACT (PUBLIC LAW 114-94, 129  
12 STAT. 1312).

13 Section ~~2~~ 4. This act shall take effect in 60 days.

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