

The House Committee on Transportation offers the following substitute to HB 1097:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 32-6-75 of the Official Code of Georgia Annotated, relating to
2 restrictions on outdoor advertising signs authorized by Code Section 32-6-72 on the interstate
3 system, primary highways, and other highways, so as to provide that no such signs may
4 advertise the availability of certain entertainment which appeals to the prurient interest; to
5 prohibit erecting certain signs having two faces on one visible side after a certain date; to
6 permit certain types of nonmechanical multiple message signs subject to certain limitations;
7 to impose certain height limitations on erecting such outdoor advertising signs subject to
8 certain conditions after a certain date; to provide for procedures relative to the foregoing; to
9 provide for severability; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 32-6-75 of the Official Code of Georgia Annotated, relating to restrictions on
13 outdoor advertising signs authorized by Code Sections 32-6-72, is amended by striking the
14 word "or" at the end of paragraph (20) of subsection (a), by striking the period at the end
15 paragraph (21) of such subsection and inserting in lieu thereof the symbol and word "; or",
16 and by inserting at the end of such subsection a new paragraph to read as follows:

17 "(22) Advertises, either directly or indirectly, the availability of entertainment which
18 features live performances by nude or seminude dancers, go-go dancers, strippers, or
19 similar entertainment which the average person, applying contemporary community
20 standards, would find appeals to the prurient interest."

21 **SECTION 2.**

22 Said Code section is further amended by striking in its entirety paragraph (12) of subsection
23 (a) and inserting in lieu thereof a new paragraph (12) to read as follows:

24 "(12) Contains more than two faces visible from the same direction on the main traveled
25 way; provided, however, that after July 1, 2006 no sign shall be erected that contains

1 more than one face vertically stacked visible from the same direction on the main traveled
 2 way. Double-faced, back-to-back, and V-type constructed signs shall, for the purpose of
 3 determining compliance with size and spacing limitations, be considered as one sign;"

4 SECTION 3.

5 Said Code section is further amended by striking in its entirety paragraph (8) of subsection
 6 (a) and inserting in lieu thereof a new paragraph (8) to read as follows:

7 "(8) If illuminated, contains, includes, or is illuminated by any flashing, intermittent, or
 8 moving light or lights except those giving public service information such as time, date,
 9 temperature, weather, or other similar information except as expressly permitted under
 10 subsection (c) of this Code section. The illumination of mechanical multiple message
 11 signs is not illumination by flashing, intermittent, or moving light or lights, except that
 12 no multiple message sign may include any illumination which is flashing, intermittent,
 13 or moving when the sign is in a fixed position;"

14 SECTION 4.

15 Said Code section is further amended by striking in its entirety paragraph (1) of subsection
 16 (c) and inserting in lieu thereof a new paragraph (1) to read as follows:

17 "(1) Multiple message signs shall be permitted on the interstate system, primary
 18 highways, and other highways under the following conditions:

19 (A) Each mechanically operated multiple message sign shall remain fixed for at least
 20 ten seconds;

21 (B) When a message is changed mechanically, it shall be accomplished in three
 22 seconds or less;

23 (C) No such mechanical sign shall be placed within 5,000 feet of another mechanical
 24 multiple message sign on the same side of the highway;

25 (D) Any such sign shall contain a default design that will freeze the sign in one
 26 position if a malfunction occurs; ~~and~~

27 (E) Any maximum size limitations shall apply independently to each side of a multiple
 28 message sign; and

29 (F) Nonmechanical electronic multiple message signs that are otherwise in compliance
 30 with this subsection and are illuminated entirely by the use of light emitting diodes,
 31 back lighting, or any other light source shall be permitted under the following
 32 circumstances:

33 (i) The displays on the electronic sign shall contain static messages only. Changes
 34 on the sign face shall occur only through dissolve or fade transitions, or other subtle
 35 transitions that do not have the appearance or illusion of continuous movement or

1 continuous moving text or images. Any illumination which consists of flashing,
 2 scintillating or varying of light intensity shall be considered continuous movement.
 3 Each transitional change shall occur within two (2) seconds.

4 (ii) If the department finds an electronic sign, any display or effect thereon, to cause
 5 glare or to impair the vision of the driver of any motor vehicle or which otherwise
 6 interferes with the safe operation of a motor vehicle, upon the department's request,
 7 the owner of the sign shall, within one hour, reduce the intensity of the sign to a level
 8 acceptable to the Department. The department's determination of interference or
 9 impairment caused by the intensity of the sign shall be at its sole discretion and failure
 10 to reduce lighting intensity on request shall be cause for revocation of the permit.

11 (iii) The owner of any existing or nonconforming electronic sign shall have 180 days
 12 from the date this bill is signed into law to bring the electronic sign in compliance
 13 with the law and to request a permit from the department."

14 **SECTION 5.**

15 Said Code section is further amended by adding at the end thereof a new subsection (d) to
 16 read as follows:

17 "(d) After July 1, 2006 the department shall not accept any application to construct any
 18 sign exceeding 70 feet in height as measured from the top of the sign to the road level. In
 19 exchange for an agreement by the owner with the department that the height thereof shall
 20 not thereafter be increased, any sign which is not more than 60 feet in height, or if not
 21 exceeding 70 feet is lowered at least ten feet, or if exceeding 70 feet is lowered to not more
 22 than 70 feet, shall receive the permit and renewals provided for by subsection (b) of Code
 23 Section 32-6-75.3 for not more than the fees set forth in subsection (d) of said Code
 24 section. Permits authorized hereunder shall be issued irrespective of paragraph (2) of
 25 subsection (b) and paragraph (1) of subsection (e) of said Code section in light of the
 26 substantial benefits so conferred. Any such agreement with any owner of one or more
 27 signs exceeding 70 feet shall require that at least one such sign be lowered to not more than
 28 70 feet. For each sign exceeding 70 feet that is lowered to not more than 70 feet hereunder
 29 an additional permit and renewals hereunder may be obtained for any sign of the same
 30 owner not exceeding 70 feet. Lowering for the purposes hereof shall be permitted
 31 irrespective of otherwise applicable ordinances or regulations, and permits issued pursuant
 32 hereto shall allow removal irrespective of diameter restriction and over an area two times
 33 the horizontal distance otherwise applicable."

SECTION 6.

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2 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
3 or adjudged invalid or unconstitutional, such declaration or adjudication shall affect and
4 invalidate the whole of the section in which such matter appears herein, but shall in no
5 manner affect the other sections, subsections, sentences, clauses, or phrases of this Act,
6 which shall remain of full force and effect as if the section, subsection, sentence, clause, or
7 phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof.
8 The General Assembly declares that it would have passed the remaining parts of this Act if
9 it had known that such part or parts hereof would be declared or adjudged invalid or
10 unconstitutional, but would not have passed any section of this Act containing or constituting
11 an invalid or unconstitutional provision.

SECTION 7.

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13 All laws and parts of laws in conflict with this Act are hereby repealed.