

House Bill 1097 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives McCall of the 30th, Smith of the 129th, Scheid of the 22nd, Channell of the 116th, Floyd of the 147th, and others

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 provide for severability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

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

19 **SECTION 2.**

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

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

1 way. Double-faced, back-to-back, and V-type constructed signs shall, for the purpose of
2 determining compliance with size and spacing limitations, be considered as one sign;"

3 SECTION 3.

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

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

13 SECTION 4.

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

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

18 (A) Each multiple message sign shall remain fixed for at least ten seconds;

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

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

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

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

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

31 (i) The displays on the electronic sign shall contain static messages only. Changes
32 on the sign face shall occur only through dissolve or fade transitions, or other subtle
33 transitions that do not have the appearance or illusion of continuous movement or
34 continuous moving text or images. Any illumination which consists of flashing,

1 scintillating or varying of light intensity shall be considered continuous movement.

2 Each transitional change shall occur within two (2) seconds.

3 (ii) If the department finds an electronic sign, any display or effect thereon, to cause

4 glare or to impair the vision of the driver of any motor vehicle or which otherwise

5 interferes with the safe operation of a motor vehicle, upon the department's request,

6 the owner of the sign shall, within one hour, reduce the intensity of the sign to a level

7 acceptable to the Department. The department's determination of interference or

8 impairment caused by the intensity of the sign shall be at its sole discretion and failure

9 to reduce lighting intensity on request shall be cause for revocation of the permit.

10 (iii) The owner of any existing or nonconforming electronic sign shall have 180 days

11 from the date this bill is signed into law to bring the electronic sign in compliance

12 with the law and to request a permit from the department."

13 **SECTION 5.**

14 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared

15 or adjudged invalid or unconstitutional, such declaration or adjudication shall affect and

16 invalidate the whole of the section in which such matter appears herein, but shall in no

17 manner affect the other sections, subsections, sentences, clauses, or phrases of this Act,

18 which shall remain of full force and effect as if the section, subsection, sentence, clause, or

19 phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof.

20 The General Assembly declares that it would have passed the remaining parts of this Act if

21 it had known that such part or parts hereof would be declared or adjudged invalid or

22 unconstitutional, but would not have passed any section of this Act containing or constituting

23 an invalid or unconstitutional provision.

24 **SECTION 6.**

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