

The House Committee on Transportation offers the following substitute to HB 179:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia  
2 Annotated, relating to the state highway system, so as to modify the procedures whereby  
3 owners of legally erected and maintained signs obtain and renew permits for the installation  
4 of signs; to change certain conditions relating to permits to remove vegetation from the  
5 viewing zones of outdoor signs; to provide for related matters; to provide for severability;  
6 to provide for the Department of Transportation to promulgate forms and policies; to provide  
7 for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated,  
11 relating to the state highway system, is amended by revising subsection (a) of Code Section  
12 32-6-74, relating to applications for permits for outdoor advertising signs, as follows:

13 ~~"(a) Applications for permits and the renewal thereof authorized by subsections (a) through~~  
14 ~~(d) of Code Section 32-6-79 shall be made to the department upon forms prescribed by the~~  
15 ~~department. The applications shall contain the signature of the applicant and such other~~  
16 ~~information as may be required by the department and shall be verified under oath by the~~  
17 ~~person, firm, or corporation making the application. Permits and renewals thereof shall be~~  
18 ~~issued for and shall be valid only if the sign is erected and maintained in accordance with~~  
19 ~~this part during the 12-month period next following the date of issuance. The fee for the~~  
20 ~~initial issuance of a permit shall be \$50.00. The fee for the renewal of a permit shall be~~  
21 ~~\$25.00. The money received from permit fees shall be used to help defray the expenses of~~  
22 ~~administering this part, Code Section 48-2-17 to the contrary notwithstanding. Upon receipt~~  
23 ~~of a properly executed application and the appropriate fee for the erection or maintenance~~  
24 ~~of a sign which may be lawfully erected or maintained pursuant to this part, the department~~  
25 ~~shall, within 60 days, issue a permit or renewal authorizing the erection or maintenance,~~  
26 ~~or both, of the sign for which application was made except when a person, firm, or~~

27 ~~corporation is maintaining or allowing the maintenance of an illegal sign as provided for~~  
28 ~~in subsection (f) of Code Section 32-6-79. Application for the renewal of a permit shall~~  
29 ~~be made to the department not more than 90 nor less than 60 days before the expiration~~  
30 ~~date of the permit for which renewal is sought. If the department fails to receive the~~  
31 ~~renewal application before the expiration date of the permit, the department will notify the~~  
32 ~~applicant that the renewal application is overdue when the applicant's address is known or~~  
33 ~~reasonably available to the department and shall give the applicant 30 days after the~~  
34 ~~expiration date to send the department the renewal application. If the applicant does not~~  
35 ~~send the properly executed application and the appropriate fee within the specified 30 day~~  
36 ~~period, the sign shall then become an illegal sign. No permit shall be renewed if the~~  
37 ~~application for the renewal thereof has not been made in accordance with this Code section.~~  
38 Applications for permits authorized by subsections (a) through (d) of Code Section 32-6-79  
39 shall be made to the department upon forms prescribed by the department. The  
40 applications shall contain the signature of the applicant and such other information as may  
41 be required by the department and shall be verified under oath by the person, firm, or  
42 corporation making the application. Permits and renewals thereof shall be issued for and  
43 shall be valid only if the sign is erected and maintained in accordance with this part during  
44 the 12 month period next following the date of issuance. As to permits for the initial  
45 erection of an outdoor advertising sign, one 12 month extension may be granted so long as  
46 a written request is submitted to the department at least 30 days prior to expiration along  
47 with a fee of \$35.00. Any denial of an extension request shall be sent to the applicant  
48 before the expiration date and shall state the basis for denial. Multiple extensions shall not  
49 be granted as to the same permit, and the applicant shall not be allowed to reapply for the  
50 same site until the extension has expired; however, modifications to the application which  
51 do not extend the term of the permit shall be allowed. There shall be an initial outdoor  
52 advertising permit fee and an annual renewal fee. For the calendar year 2012 and  
53 thereafter, the outdoor advertising application fee shall be \$100.00. For the calendar year  
54 2012 and thereafter, the renewal fee for each permitted sign shall be \$35.00. Application  
55 and renewal fees shall be adjusted every three years, except that no fee shall increase more  
56 than 20 percent in any three-year period. The department shall set each fee at a level no  
57 higher than that necessary to cover the average administrative costs related to such permit  
58 or renewal. Under no circumstances shall the amounts of such fees be set at a level  
59 whereby receipts for all such fees would exceed the costs of administering the outdoor  
60 advertising control program. The department shall post the new fee schedule and an  
61 accounting of how such fees are calculated on the department's website no later than  
62 January 15, 2015, and January 15 of each subsequent adjustment year. The money  
63 received from permit fees shall be used to help defray the expenses of administering this

64 part, Code Section 48-2-17 to the contrary notwithstanding. Upon receipt of a properly  
65 executed application and the appropriate fee for the erection or maintenance of a sign  
66 which may be lawfully erected or maintained pursuant to this part, the department shall,  
67 within 60 days, issue a permit authorizing the erection or maintenance, or both, of the sign  
68 for which application was made except when a person, firm, or corporation is maintaining  
69 or allowing the maintenance of an illegal sign as provided for in subsection (f) of Code  
70 Section 32-6-79. All outdoor advertising permits and renewals shall expire on the first day  
71 of April in the year following issuance. Renewal of such permits shall be made to the  
72 department between January 1 and April 1 of each calendar year. Notice of such renewal  
73 period shall be mailed to each outdoor advertising permit holder along with an itemized list  
74 of all permits maintained by such person or entity in the month of December. In response,  
75 each permit holder should clearly indicate any permits not being renewed and return a copy  
76 to the department along with payment for all permits being renewed. If a permit holder  
77 believes the itemized list is incomplete or inaccurate, such permit holder shall clearly note  
78 such discrepancies on the list and return a copy to the department with supporting  
79 documentation. The permit holder shall submit the renewal and any suggested corrections  
80 within 60 days of the date of the department notice or by April 1, whichever occurs last.  
81 If the department fails to receive the renewal before the expiration date, the department  
82 shall notify the permit holder by certified mail that the renewal is overdue and shall give  
83 the permit holder 45 days from the date of the postmark on such notice to send the  
84 department the renewal. If the applicant does not send the permit renewal and fee within  
85 45 days after the postmark date on such notice, the permit shall expire and the sign shall  
86 then become an illegal sign. Signs shall become illegal by operation of law after the  
87 expiration of the permit followed by notice to the permit holder and a failure to submit for  
88 the renewal within 45 days. Any illegal sign may be removed without any administrative  
89 proceeding before the department. Vegetation permits or renewals issued pursuant to Code  
90 Section 32-6-75.3 shall expire on the first day of September in the year following issuance.  
91 If a vegetation permit renewal application and fee is not timely submitted and such  
92 deficiency is not cured within 45 days of the postmark date of notice via certified mail from  
93 the department, the vegetation permit shall be canceled, but the sign shall not be deemed  
94 illegal. No permit shall be renewed if the renewal thereof has not been made in accordance  
95 with this Code section."

96

**SECTION 2.**

97 Said part is further amended by revising Code Section 32-6-75.3, relating to applications for  
98 tree trimming permits, as follows:

99 "32-6-75.3.

100 (a)(1) For purposes of this Code section, the term:

101 (A) 'Removal' or 'removed' means the elimination of trees or other vegetation from a  
102 viewing zone.

103 (B) 'Target view zone' means an area of the viewing zone extending from the sign to  
104 the roadway to which the sign is permitted which shall be angled as requested by the  
105 applicant to maximize the visibility of the sign to passing motorists but not to exceed:

106 (i) Two-hundred and fifty feet along the right of way fence or boundary; and

107 (ii) Three-hundred and fifty feet along the pavement edge, to include any emergency  
108 lane or paved shoulder.

109 (C) 'Trimming' or 'trimmed' means the pruning of excess limbs or branches from trees  
110 or other vegetation which are not removed from a viewing zone.

111 ~~(C)~~(D) 'Viewing zone' means a continuous 500 foot horizontal distance parallel to a  
112 state right of way and adjacent to or otherwise within the line of sight of an outdoor  
113 advertising sign.

114 (2) The General Assembly finds and declares that outdoor advertising provides a  
115 substantial service and benefit to Georgia and Georgia's citizens as well as the traveling  
116 public. Therefore, the General Assembly declares it to be in the public interest that  
117 provisions be made for the visibility of outdoor advertising signs legally erected and  
118 maintained along the highways in this state to provide information regarding places  
119 offering lodging, food, motor vehicle fuels and lubricants, motor service and repairs, or  
120 any other services or products available to the general public. Recognizing, however, that  
121 the beautification of this state and the health of its environment are absolutely essential  
122 and equally as important to the traveling public, the General Assembly finds and declares  
123 that these needs must be balanced.

124 (b)(1) So as to promote these objectives and in accordance with the provisions of this  
125 Code section, the commissioner shall provide by rule or regulation for the issuance and  
126 annual renewal of permits for the trimming and removal of trees and other vegetation on  
127 the state rights of way within viewing zones with respect to outdoor advertising signs  
128 legally erected and legally maintained adjacent to said rights of way. Such rules and  
129 regulations shall include, without limitation, standards for survival of vegetation trimmed  
130 or planted.

131 (2) So as to ensure that no vegetation maintenance permits are issued for the purpose of  
132 creating new outdoor advertising signs, no owner of outdoor advertising signs ~~erected~~  
133 ~~after January 1, 1999~~ permitted or assigned a working number by the department after  
134 December 31, 2010, or such owner's agent, ~~will~~ shall be eligible to make application for  
135 vegetation maintenance for a period of five years from the date a new sign is permitted.

136 (c) Application for a tree or vegetation trimming or removal permit and the annual renewal  
 137 thereof shall be made upon the forms prescribed and provided by the department and shall  
 138 contain the signature of the applicant and such other information as may be required by the  
 139 department's rules and regulations.

140 (d) An application fee shall accompany the application for each vegetation maintenance  
 141 permit, and both the application and fee shall be submitted to the department. There shall  
 142 be an annual renewal of the permit for activities in the original scope of the permit. The  
 143 department shall promulgate rules and regulations setting forth the application fees and  
 144 renewal fees. Such application and renewal fees shall be established by the department in  
 145 reasonable amounts in order to fully recover the costs of administering the vegetation  
 146 maintenance program.

147 (e)(1) The department shall evaluate each application for a permit under this Code  
 148 section and require as a condition of granting any permit under this Code section that the  
 149 value of the landscaping to be either provided or paid for by the applicant is not less than  
 150 the department's appraised value of the benefit to be conferred by the state upon the  
 151 applicant by allowing the trimming or removing of trees or other vegetation as requested,  
 152 which shall be the value of the trees or vegetation to be trimmed or removed; provided,  
 153 however, that a permit may be granted to an otherwise qualified applicant in a case where  
 154 the value of the landscaping to be either provided or paid for by the applicant is less than  
 155 the department's appraised value of the trees or other vegetation to be trimmed or  
 156 removed if, in addition, the applicant pays to the department an amount equal to the  
 157 amount of the difference between the value of the landscaping to be either provided or  
 158 paid for by the applicant and the department's appraised value of the trees or other  
 159 vegetation to be trimmed or removed.

160 ~~(2)(A)(i) No trees or vegetation shall be trimmed or removed under this Code section~~  
 161 ~~other than within a viewing zone.~~

162 ~~(ii) No removal of any hardwood tree having a diameter outside bark of more than~~  
 163 ~~8 inches at a height of 6 inches above ground level or any historic or endangered~~  
 164 ~~species tree or any tree planted as part of any local, state, or federal government~~  
 165 ~~project shall be permitted under this Code section.~~

166 ~~(iii) All hardwood trees having a diameter outside bark of 8 inches or less at a height~~  
 167 ~~of 6 inches above ground level may be removed from within a viewing zone.~~

168 ~~(iv) All nonhardwood trees may be removed from within a viewing zone for a~~  
 169 ~~combined total of 250 feet horizontal distance parallel to the right of way.~~

170 ~~(v) All nonhardwood trees having a diameter outside bark of less than 12 inches at~~  
 171 ~~a height of 6 inches above ground level may be removed from within a viewing zone.~~

172 ~~(vi) Pine trees having a diameter outside bark of 12 inches or more at a height of 6~~  
 173 ~~inches above ground level shall not be removed from a viewing zone in such numbers~~  
 174 ~~as to reduce stocking to less than the minimum standard for full stocking for such~~  
 175 ~~trees, as determined by the Georgia Forestry Commission, over an area having a~~  
 176 ~~combined total of not less than 250 feet horizontal distance parallel to the right of~~  
 177 ~~way.~~

178 ~~(vii) The provisions of divisions (iv) and (vi) of this subparagraph notwithstanding,~~  
 179 ~~in the case of any outdoor advertising sign erected on or before April 20, 1998, and~~  
 180 ~~which is less than 35 feet in height as measured from the top of the sign to the ground~~  
 181 ~~directly beneath or to the road level, whichever distance results in the best view or the~~  
 182 ~~greatest elevation, or which is subsequently lowered to such a height, the horizontal~~  
 183 ~~distance of the area within the viewing zone from which all trees, other than~~  
 184 ~~hardwoods having a diameter outside the bark of more than 8 inches at a height of 6~~  
 185 ~~inches above ground level, may be removed shall be increased to 350 feet.~~

186 (2) Any measurement of vegetation to be removed for valuation purposes shall be made  
 187 at diameter breast height as shown in the section entitled 'Height of Measurement' in the  
 188 Guide for Plant Appraisal (9th Edition) as published by the International Society of  
 189 Arboriculture. Based on the substantial benefit to the state where dead or diseased trees  
 190 are removed from the right of way, and the negligible value of dead or diseased trees,  
 191 such vegetation shall not be measured or valued in determining the appraised value.  
 192 Trees shall be only deemed dead or diseased if listed as such in the report of a certified  
 193 forester or arborist, subject to review and approval by the department. Upon receipt of  
 194 a properly completed application, the department shall, within 60 days, issue the permit  
 195 for vegetation maintenance.

196 (3) The applicant shall be allowed to remove all trees and vegetation from the target view  
 197 zone so long as the sign was permitted or assigned a working number by the department  
 198 on or before December 31, 2010. Vegetation removal shall be prohibited in all areas of  
 199 the viewing zone outside of the target view zone except that portions of vegetation, such  
 200 as tree limbs, which extend into the target view zone from outside the target view zone  
 201 may be trimmed as necessary to preserve the clear target view zone. The only vegetation  
 202 which cannot be removed from the target view zone pursuant to this paragraph shall be  
 203 landmark trees, historic trees, and specimen trees, as defined in subparagraphs (A)  
 204 through (C) of this paragraph, and any tree planted as part of a permitted local, state, or  
 205 federal government beautification project. After July 1, 2011, however, no beautification  
 206 project in this state shall include the planting of trees in the right of way within 500 feet  
 207 of an outdoor advertising sign such that the visibility of a permitted outdoor advertising  
 208 sign is obscured or could later be obscured by the growth of such vegetation.

209 (A) For purposes of this paragraph, the term 'historic tree' means a tree or group of  
 210 trees that are reasonably determined by the department to be:

211 (i) Identified by a unit of government to recognize an individual or group;

212 (ii) Located at the site of a historic event and significantly impact an individual's  
 213 perception of the event;

214 (iii) Dated to the time of a historic event at the location of the tree, as identified by  
 215 a unit of government; or

216 (iv) Confirmed as the progeny of a tree that meets any of the criteria contained in this  
 217 division.

218 (B) For purposes of this paragraph, the term 'landmark tree' means a tree or group of  
 219 trees that:

220 (i) Have been planted and maintained for educational purposes for more than 75  
 221 years;

222 (ii) Were planted as a memorial to an individual, group, event, or cause and are more  
 223 than 75 years old; or

224 (iii) Symbolize a historically significant individual, place, event, or contribution, as  
 225 recognized by a unit of government prior to July 1, 2010.

226 (C) For purposes of this paragraph, the term 'specimen tree' means a hardwood tree or  
 227 group of hardwood trees that is determined to be in excess of 75 years of age as  
 228 determined by a registered forester or arborist.

229 ~~(B)~~(D) Pruning or trimming of trees under a permit shall conform to industry standards  
 230 as defined by the National Arborist Association, International Society of Arboriculture  
 231 or ANSI A300 pruning standards as of January 1, ~~1999~~ 2011, or such later edition as  
 232 may be adopted by rule or regulation of the department.

233 ~~(3)~~(4) An applicant's record of conduct regarding disturbance of trees or other vegetation  
 234 on state rights of way shall be considered by the department as part of the evaluation  
 235 process for any permit or permit renewal application.

236 ~~(4)~~(5) Prior to approving any permit application to remove allegedly diseased trees, the  
 237 department shall verify that such trees are in fact diseased. Such determination shall be  
 238 made by the department's landscape architect.

239 ~~(5)~~(6) A performance bond in an amount adequate for the requirements of the permit as  
 240 determined by the department shall be required of each permittee.

241 (f)(1) No trees or other vegetation on state rights of way shall be trimmed, killed, or  
 242 removed by any person other than in accordance with a permit issued under this Code  
 243 section by any person other than the department or an authorized agent or contractor  
 244 thereof.

245 (2) No outdoor advertising sign to which a permit under this Code section is applicable  
246 shall be unused for advertising for a period of six consecutive months or more.

247 (3) On and after July 1, 1999, no outdoor advertising sign to which a permit under this  
248 Code section is applicable shall be maintained in such a condition of disrepair as to be  
249 unusable for advertising.

250 (4)(A) In cases where the department has reasonable cause to believe that a violation  
251 of this subsection has been committed by any person, the procedures provided under  
252 Code Section 32-6-95 shall apply the same as in cases wherein the department believes  
253 that a sign is being maintained in violation of this part.

254 (B) Following notice, hearing, and a finding that a person has committed a violation  
255 of paragraph (1) of this subsection, a civil fine of not less than \$10,000.00 nor more  
256 than \$20,000.00, and restitution in an amount equal to the appraised value of the trees  
257 or vegetation, or both, which were unlawfully trimmed or removed, shall be imposed  
258 on such person.

259 (C) Following notice, hearing, and a finding that a permittee under this Code section  
260 has committed a violation of paragraph (2) of this subsection, an order directing the  
261 removal of such unused sign, at the expense of the permittee, shall be issued.

262 (D) Following notice, hearing, and a finding that a permittee under this Code section  
263 has committed a violation of paragraph (3) of this subsection, an order directing the  
264 removal of such unusable sign shall be issued.

265 (E) The department or its authorized agents shall be authorized to enter upon private  
266 lands and disassemble and remove signs without civil or criminal liability therefor  
267 pursuant to an order issued in accordance with this paragraph and as provided by Code  
268 Section 32-6-96 for disassembly and removal of illegal outdoor advertising signs.

269 (g) In order to obtain a vegetation maintenance permit for signs which exceed 75 feet in  
270 height, as measured from the base of the sign or crown of the adjacent roadway to which  
271 the sign is permitted, whichever is higher, the owner of the sign shall agree to reduce the  
272 sign to 75 feet in height or less, as measured from the base of the sign or crown of the  
273 adjacent roadway to which the sign is permitted, whichever is higher, unless lowering is  
274 precluded by local government code or regulation. Work to lower the sign shall be  
275 concluded within 60 days of completion of the vegetation removal. If the terms of the  
276 work plan are not complied with and all work satisfactorily completed within the allowed  
277 time, the performance bond shall be forfeited, and the department shall be authorized to  
278 collect the bond and lower the sign. Upon completion of any project which reduces sign  
279 height by use of a new support mechanism, such as a new pole, the sign owner shall  
280 provide the department with a written footer inspection from the applicable local  
281 government or a professional engineer prior to the release of the bond.

282 (h) The department shall have the right to refuse to issue any vegetation permits to any  
283 person, firm, or entity which the department determines is maintaining or is allowing to be  
284 maintained any abandoned sign or signs, until all such abandoned signs are removed or  
285 brought into compliance with the provisions of this Code section. For purposes of this  
286 subsection, the term 'abandoned sign' means any sign adjacent to a state-controlled route  
287 that has not contained a message for six consecutive months and which has not had a  
288 message displayed within 30 days after receipt of notice by certified mail from the  
289 department. The addition of a 'for rent' panel or a phone number shall not qualify as a  
290 message for purposes of this subsection, but self promotional copy covering at least one  
291 entire sign face or advertising copy benefitting charitable, nonprofit, religious, or other  
292 noncommercial groups shall qualify as a message.

293 (i) The department shall have the right to refuse to issue any vegetation permits to any  
294 person, firm, or entity which the department determines is maintaining or is allowing to be  
295 maintained in their inventory of signs in this state any sign which depicts any material  
296 which is obscene as such term is defined in Code Section 16-12-80, or material that is in  
297 conflict with the applicable local government's obscenity ordinance.

298 (j) The removal of signs with lapsed outdoor advertising permits is of benefit to this state  
299 but is often too costly for the department to undertake. In order to encourage the removal  
300 of such signs and permitted signs that do not conform to the state's current requirements  
301 for outdoor advertising signs without the expenditure of state funds, a credit which may be  
302 used as an offset toward the total appraised value of the vegetation to be removed in  
303 accordance with a vegetation maintenance permit shall be awarded for each qualifying sign  
304 removal as follows:

305 (1) On or before March 1, 2012, the department shall prepare a list of signs which once  
306 held a valid outdoor advertising permit but for which the permit has been allowed to  
307 lapse. Notification of a sign's inclusion on such list shall be sent to the last known  
308 address for the sign's owner as listed on department records and to any other person or  
309 entity which the department reasonably finds to have an interest in such sign. Within 30  
310 days of receipt of such notice or 60 days of publication of the list, whichever comes later,  
311 any person or entity claiming to be the owner of a sign that they do not believe has been  
312 properly included on the list shall be allowed to submit written notice to the department  
313 of their objection. Such objection may include a statement of the relevant facts and any  
314 supporting documents. On or before July 1, 2012, the department shall publish the final  
315 list. Signs which are the subject of any current objections, administrative appeals, or  
316 legal disputes shall not be included on such list. This list shall be updated annually and  
317 provided to the chairpersons of the House and Senate Transportation Committees on or  
318 before the first day of March;

319 (2) The department shall, on or before January 1, 2012, prepare a schedule or formula  
320 to determine the credit to be received for the removal of lapsed-permit signs and  
321 permitted nonconforming outdoor advertising signs. Such schedule shall provide a  
322 valuation of the credit based on four factors: material used in sign structure, height of  
323 sign, size of sign, and terrain and topography. The department shall also prepare a form  
324 to be submitted by any person or entity seeking a credit under this subsection. Such form  
325 shall require a description of the material used in the sign structure, the height of the sign,  
326 the size of the sign, and the terrain and topography where the sign is situated and a  
327 calculation of the anticipated credit in accordance with the department's schedule or  
328 formula;

329 (3) At such time as any lapsed-permit sign from the department's updated list or a  
330 nonconforming outdoor advertising sign is removed, the person or entity responsible for  
331 such removal shall submit to the department the completed removal form and  
332 photographic evidence of the removal. For purposes of this subsection, the term 'removal'  
333 means removal of all structural elements above ground level; removal of footers or  
334 foundation elements shall not be required. Within 60 days of such submission, the  
335 department shall certify and return the form. No credit shall be allowed for the removal  
336 of a lapsed-permit sign by the owner of such sign. The certified form shall serve as a  
337 credit voucher. Credit vouchers may be transferred to another party via notarized  
338 statement signed by both parties;

339 (4) Where a lapsed-permit sign from the department's updated list or a nonconforming  
340 sign is to be removed in conjunction with a specific application for a vegetation  
341 maintenance permit, the sign to be removed shall be designated by department permit  
342 number. If the vegetation permit is approved, then the sign designated for removal shall  
343 be removed at least 15 days prior to initiation of work pursuant to the vegetation permit.  
344 Removal shall be deemed complete when the removal form and photographic evidence  
345 of the removal are submitted to the department. The sign designated for removal need  
346 not be owned by the vegetation permit applicant. As such, nothing herein shall be  
347 interpreted to require that the removed sign be owned or controlled by the vegetation  
348 permit applicant. All work hereunder shall be performed by licensed and bonded entities  
349 or individuals, where required by law, and the department shall not be liable for the  
350 actions of any nondepartment personnel; and

351 (5) A credit voucher may be used by an applicant for a vegetation maintenance permit  
352 as an offset against the total appraised value of the vegetation to be removed on a  
353 dollar-for-dollar basis, except that the total payment shall not be reduced below  
354 \$4,000.00. Any unused portion of a credit voucher may be used in conjunction with a  
355 subsequent vegetation maintenance application.

356 (k) Nothing contained in this Code section shall render any sign existing on July 1, 2011,  
357 nonconforming. Nothing in this Code section shall supersede any applicable local rules or  
358 ordinances. The department shall not deny an applicant a vegetation maintenance permit  
359 for complying with applicable local rules or ordinances."

360 **SECTION 3.**

361 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared  
362 or adjudged invalid or unconstitutional, such declaration or adjudication shall affect and  
363 invalidate the whole of the smallest section or subsection in which such matter appears  
364 herein, but shall in no manner affect the other sections, subsections, sentences, clauses, or  
365 phrases of this Act, which shall remain of full force and effect as if the section, subsection,  
366 sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not  
367 originally a part hereof. The General Assembly declares that it would have passed the  
368 remaining parts of this Act if it had known that such part or parts hereof would be declared  
369 or adjudged invalid or unconstitutional, but would not have passed any section of this Act  
370 containing or constituting an invalid or unconstitutional provision.

371 **SECTION 4.**

372 The Department of Transportation shall have 120 days from the effective date to promulgate  
373 any forms or policies necessary to implement this Act. Those applications submitted before  
374 any necessary forms and policies are in place shall be processed in accordance with the  
375 regulations in place prior to the effective date. Those holding vegetation maintenance  
376 permits or renewals issued at any time prior to the promulgation of the necessary forms and  
377 policies shall, upon written request to the department, be able to trim or remove vegetation  
378 in accordance with the terms of this Act.

379 **SECTION 5.**

380 This Act shall become effective on July 1, 2011.

381 **SECTION 6.**

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