

**STATEMENT OF EMERGENCY**  
**603 KAR 10:011E.**

This emergency repealer is being promulgated in order to repeal three (3) obsolete administrative regulations identified as 603 KAR 10:002 (Definitions for 603 KAR Chapter 10) 603 KAR 10:010 (Static advertising devices), and 603 KAR 10:021 (Electronic advertising devices). These regulations are being replaced by 603 KAR 10:040E which is being filed pursuant to the requirements established within House Bill 328 from the 2021 Regular Session of the General Assembly effective as the result of an emergency provision on March 18, 2021. House Bill 328 was precipitated by an April 24, 2020 decision of the 6th Circuit Federal Court which found KRS 177.830 through 177.890 and 603 KAR 10:002, 10:010, and 10:021 as unconstitutional on their face. The General Assembly directed that the administrative regulation associated with House Bill 328 be promulgated on or before August 1, 2021 and that reasonable standards for advertising devices be enacted to ensure the continued safety of the traveling public. In response to this directive, it was determined that the ordinary administrative regulation process required a longer period of time to complete than was allotted by the General Assembly and as such, implementation of this emergency repealer is required to meet the general assembly deadline. With the establishment of new guidelines and requirements to regulate advertising devices provided for within 603 KAR 10:040E, the immediate repeal of 603 KAR 10:002, 10:010, and 10:021 should be implemented pursuant to this emergency repealer to eliminate conflicts of law. An ordinary administrative regulation will not be filled with this emergency repealer.

*ANDY BESHEAR, Governor*  
*JIM GRAY, Secretary*

**TRANSPORTATION CABINET**  
**Department of Highways**  
**Division of Maintenance**  
**(New Emergency Administrative Regulation)**

**603 KAR 10:011E. Repeal of 603 KAR 10:002, 10:010, and 10:021.**

RELATES TO: KRS 177.572 - 177.576, 177.830 - 177.890, 177.990(2), 23 C.F.R. Part 750, 23 U.S.C. 131

STATUTORY AUTHORITY: KRS 177.860, 23 U.S.C. 131

NECESSITY, FUNCTION, AND CONFORMITY: KRS 177.860 requires the Commissioner of the Department of Highways to promulgate administrative regulations establishing standards for advertising devices. KRS 177.890 authorizes the Commissioner of the Department of Highways to enter into agreements with the United States Secretary of Transportation in order to carry out national policy relating to interstate, defense, and federal-aid primary highways within the state. 23 U.S.C. 131, the Highway Beautification Act, authorizes retention of additional federal funding on the establishment of controls over the placement of outdoor advertising devices. These administrative regulations are being repealed because they are obsolete and no longer necessary and because a new administrative regulation will govern this subject matter.

Section 1. The following administrative regulations are hereby repealed:

- (1) 603 KAR 10:002, Definitions for 603 KAR Chapter 10;
- (2) 603 KAR 10:010, Static advertising devices; and
- (3) 603 KAR 10:021, Electronic advertising devices.

*JIM GRAY, Secretary*

*JAMES BALLINGER, State Highway Engineer*

APPROVED BY AGENCY: July 27, 2021

FILED WITH LRC: July 30, 2021 at 9:22 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 10:00 a.m. on September 22, 2021 at the Transportation Cabinet, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on September 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email [jon.johnson@ky.gov](mailto:jon.johnson@ky.gov).