

1 AN ACT relating to advertising devices located at professional sports facilities.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 177.830 TO 177.890 IS CREATED  
4 TO READ AS FOLLOWS:

- 5 *(1) As used in this section, "professional sports facility" means all or any portion of*  
6 *a stadium, arena, or other facility in the Commonwealth, the primary purpose of*  
7 *which is to provide a site or venue for the presentation to the public events of one*  
8 *(1) or more major or minor league professional sports teams that are associated*  
9 *with the Commonwealth or with a city or region of the Commonwealth.*
- 10 *(2) Prior to erection of an advertising device located on the premises of a*  
11 *professional sports facility, the owner or operator of the professional sports*  
12 *facility shall:*
- 13 *(a) Obtain all necessary local government approvals; and*
- 14 *(b) Apply to the cabinet and complete a registration form outlining the name,*  
15 *address, and contact person of the owner or operator who has the authority*  
16 *to contract for the display of advertising material on the advertising device.*
- 17 *(3) A professional sports facility shall be limited to only one (1) advertising device on*  
18 *its premises.*
- 19 *(4) An advertising device erected under this section shall be:*
- 20 *(a) Limited to a maximum area of one thousand two hundred fifty (1,250)*  
21 *square feet, including border and trim, but excluding supports; and*
- 22 *(b) 1. Located on or within fifty (50) feet of the professional sports facility's*  
23 *primary structure used by the sports teams for league play; or*
- 24 *2. Affixed, attached, or otherwise made an integral part of the primary*  
25 *structure.*
- 26 *(5) An advertising device erected under this section shall comply with KRS 177.863.*
- 27 *(6) If an advertising device is erected on the premises of a professional sports facility*

1 and:

2 (a) The owner or operator of the facility did not comply with the requirements  
3 of subsection (2)(a) and (b) of this section;

4 (b) The placement of the advertising device violates the one (1) device per  
5 facility limitation established in subsection (3) of this section; or

6 (c) The advertising device is not erected or operated in accordance with the  
7 requirements and standards established in this section or administrative  
8 regulations promulgated under this section;

9 then the advertising device shall be considered an off-premise advertising  
10 device and shall be subject to the provisions of KRS Chapter 177 that  
11 govern off-premise advertising devices.

12 (7) The owner or operator of a professional sports facility with an advertising device  
13 located on its premises prior to or on the effective date of this Act, that meets the  
14 requirements for an advertising device under this section shall have ninety (90)  
15 days after the effective date of this Act to register the advertising device in  
16 accordance with subsection (2)(b) of this section.

17 (8) If a professional sports facility containing an advertising device is sold or  
18 transferred, the new owner or operator shall have ninety (90) days from the  
19 purchase or transfer date to submit a request to the cabinet to register the  
20 advertising device in accordance with subsection (2)(b) of this section.

21 (9) Electronic advertising devices erected in accordance with this section shall not  
22 be subject to static billboard exchange requirements.

23 (10) The Transportation Cabinet shall promulgate administrative regulations in  
24 accordance with KRS Chapter 13A to implement this section, including but not  
25 limited to the registration of advertising devices and the establishment of  
26 standards for advertising devices at professional sports facilities.

27 ➔Section 2. KRS 177.841 is amended to read as follows:

1 (1) Except as otherwise provided in subsection (3) of this section and in KRS 177.830  
2 to 177.890, the erection or maintenance of any advertising device upon or within six  
3 hundred sixty (660) feet of the right-of-way of any interstate highway or federal-aid  
4 primary highway is prohibited.

5 (2) The erection or maintenance of any advertising device located outside of an urban  
6 area and beyond six hundred sixty (660) feet of the right-of-way which is legible  
7 and/or identifiable from the main traveled way of any interstate highway or federal-  
8 aid primary highway is prohibited with the exception of:

9 (a) Directional and official signs and notices;

10 (b) Signs advertising the sale or lease of property upon which they are located; or

11 (c) Signs advertising activities conducted on the property on which they are  
12 located.

13 **(3) This section does not apply to advertising devices erected in accordance with**  
14 **Section 1 of this Act.**

15 ➔Section 3. KRS 177.860 is amended to read as follows:

16 The commissioner of the Department of Highways shall prescribe by regulations  
17 reasonable standards for the advertising devices hereinafter enumerated, designed to  
18 protect the safety of and to guide the users of the highways and otherwise to achieve the  
19 objectives set forth in KRS 177.850, and the erection and maintenance of any of the  
20 following advertising devices, if they comply with the regulations, shall not be deemed a  
21 violation of KRS 177.830 to 177.890:

22 (1) An advertising device which is to be erected or maintained on property for the  
23 purpose of setting forth or indicating:

24 (a) The name and address of the owner, lessee, or occupant of the property; or

25 (b) The name or type of business or profession conducted on the property; or

26 (c) Information required or authorized by law to be posted or displayed on the  
27 advertising device;

- 1 (2) An advertising device which is not visible from any traveled portion of the  
2 highway;
- 3 (3) An advertising device indicating the sale or leasing of the property upon which it is  
4 placed;
- 5 (4) Advertising devices which otherwise comply with the applicable zoning ordinances  
6 and regulations of any county or city, and which are to be located in a commercially  
7 or industrially developed area, in which the commissioner of highways determines,  
8 in exercise of his sound discretion, that the location of the advertising devices is  
9 compatible with the safety and convenience of the traveling public; *and*
- 10 *(5) An advertising device erected in accordance with Section 1 of this Act.*