

## Unofficial Document

Amend printed copy of **HB 328/GA**On page 3, line 17, by deleting "and"; and

On page 3, between lines 17 and 18, by inserting:

**"(11) 'Conforming' means an advertising device that complies with the requirements of Sections 1 to 11 of this Act;**

**(12) 'Nonconforming' means an advertising device that:**

**(a) Was lawfully erected, but does not comply with a:**

**1. State law or administrative regulation; or**

**2. Changed condition such as:**

**a. A change in zoning;**

**b. The relocation or reclassification of a highway; or**

**c. A change in restriction on size, space, or distance; or**

**(b) Does not comply with this Sections 1 to 11 of this Act and was erected between April 24, 2020, and the effective date of this Act; and**; and

On page 3, line 18, by deleting "(11)" and inserting "(13)" in lieu thereof; and

On page 4, beginning on line 9, by deleting Section 3 in its entirety and inserting the following in lieu thereof:

**"➔Section 3. KRS 177.860 is repealed, reenacted, and amended to read as follows:**

**The Transportation Cabinet**~~[The commissioner of the Department of Highways]~~ shall

Amendment No. SFA 1Rep. Sen. Jimmy Higdon

Committee Amendment

Floor Amendment

Adopted: \_\_\_\_\_

Rejected: \_\_\_\_\_

Signed: \_\_\_\_\_

LRC Drafter: \_\_\_\_\_

Date: \_\_\_\_\_

Doc. ID: XXXX

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*promulgate administrative regulations in accordance with KRS Chapter 13A that establish:*~~[prescribe by regulations]~~

*(1) Permit fees for advertising devices not to exceed two hundred dollars (\$200). The permit fee cap in this subsection shall be adjusted to incorporate any increase in the nonseasonally adjusted Consumer Price Index for all urban consumers, U.S. city average, all items, published by the United States Department of Labor, Bureau of Labor Statistics; and*

*(2)* Reasonable standards for the advertising devices hereinafter enumerated, designed to protect the safety of and to guide the users of the highways and otherwise to achieve the objectives set forth in *Section 6 of this Act*~~[KRS 177.850]~~, and the erection and maintenance of any of the following advertising devices, if they comply with the regulations, shall not be deemed a violation of *Sections 1 to 11 of this Act*~~[KRS 177.830 to 177.890]~~:

*(a) Signs, notices, posters, displays, or other devices that do not meet the definition of advertising device as set forth in Section 1 of this Act*~~[(1) — An advertising device which is to be erected or maintained on property for the purpose of setting forth or indicating;~~

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

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

~~(c) — Information required or authorized by law to be posted or displayed on the advertising device];~~

*(b)*~~[(2)]~~ An advertising device which is not visible from any traveled portion of the highway; *and*

*(c)*~~[(3) — An advertising device indicating the sale or leasing of the property upon which it is placed;~~

~~(4)~~ Advertising devices which otherwise comply with the applicable zoning ordinances and regulations of any county or city, and which are to be located in a commercially or industrially developed area, in which the commissioner of highways determines, in exercise of his sound discretion, that the location of the advertising devices is compatible with the safety and convenience of the traveling public."; and

On page 9, between lines 13 and 14 by inserting the following:

"➔SECTION 11. A NEW SECTION OF KRS 177.830 TO 177.890 IS CREATED TO READ AS FOLLOWS:

*Notwithstanding the provisions of Sections 2, 3, 4, 5, and 8 of this Act, any advertising device erected between April 24, 2020, and the effective date of this Act, that:*

- (a) Meets the requirements of Sections 1 to 11 of this Act shall be deemed conforming and shall obtain a permit from the Transportation Cabinet; and*
- (b) Do not meet the requirements of Sections 1 to 11 of this Act shall be deemed nonconforming and shall obtain a permit from the Transportation Cabinet"; and*

On page 9, line 14, by renumbering Section 11 as Section 12.