

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 KRS 177.830 to 177.890;

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

(a) Was lawfully erected, but does not comply with a changed condition such as:

1. A change in zoning;

2. The relocation or reclassification of a highway; or

3. A change in state law regarding restriction on size, space, or distance; or

(b) Was erected without a permit prior to the effective date of this Act and complies with the size, spacing, and distance requirements of KRS 177.830 to 177.890; or

(c) Was under a signed legal contract to be erected prior to the effective date of this Act, is erected within one (1) year of the date of this Act, and complies with the size, spacing, and distance requirements of KRS 177.830 to 177.890.

An advertising device deemed nonconforming under paragraph (b) or (c) of this subsection may achieve conforming status provided that it applies for and receives a permit within one (1) year of the effective date of this Act;

(13) 'Visible' means capable of being seen, whether or not readable, without visual aid by a

Amendment No. SFARep. Sen. Jimmy Higdon

Committee Amendment

Floor Amendment

Adopted: _____

Date: _____

Rejected: _____

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person of normal visual acuity; and"; and

On page 3, line 18, by deleting "**(11)**" and inserting "**(14)**" in lieu thereof; and

From page 4, line 9, through page 5, line 5, 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 KRS 177.860 is repealed, reenacted, and amended to read as follows: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 **promulgate administrative regulations in accordance with KRS Chapter 13A to establish;**~~[prescribe by regulations]~~

(1) Permit fees for advertising devices, not to exceed two hundred fifty dollars (\$250), to cover the costs of permit review and approval, including site and compliance inspections; 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 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 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

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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."