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KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2021 REGULAR SESSION

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:

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) Was under a signed legal contract to be erected prior to the effective date of this Act without a permit, complies with KRS 177.830 to 177.890, and is erected 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 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

Amendment No. SFA 5

Rep. Sen. Jimmy Higdon

Committee Amendment

Floor Amendment

Adopted: _____

Rejected: _____

Signed: _____

LRC Drafter: _____

Date: _____

Doc. ID: XXXX

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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 KRS 177.860 is repealed, reenacted, and amended to read as follows: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 the annual amount of two hundred fifty dollars (\$250), to cover the costs of the initial permit application review and corresponding site and compliance inspections, and annual renewal fees not to exceed one hundred dollars (\$100); 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 highway; **and**

(c)~~[(3) — An advertising device indicating the sale or leasing of the property upon which~~

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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:

(1) An advertising device which was erected prior to the effective date of this Act and meets the requirements of KRS 177.830 to 177.890 shall be deemed conforming and shall obtain a permit from the Transportation Cabinet.

(2) Notwithstanding the provisions of Sections 2, 3, 4, 5, and 8 of this Act, any advertising device that was under a signed legal contract dated prior to the effective date of this Act and:

(a) Has not yet been erected; and

(b) For which a copy of the signed legal contract is tendered to the Transportation Cabinet Permits Branch on or before April 15, 2021;

shall be allowed to be erected within one (1) year of the effective date of this Act, if it meets the requirements of KRS 177.830 to 177.890. Advertising devices under this subsection 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.