

HOUSE BILL 963

By Smith

AN ACT to amend Tennessee Code Annotated, Title 54, Chapter 21, Part 1, relative to the regulation of existing outdoor advertising structures along highways added to the interstate or primary highway systems.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-21-102, is amended by adding the following as a new, appropriately designated subdivision:

() "Conforming" means an outdoor advertising device that was permitted under and continues to conform to the zoning, size, lighting, and spacing criteria established in accordance with either the current agreement entered into between the commissioner and the secretary of transportation of the United States on or about October 18, 1984, or the original agreement entered into on or about November 11, 1971, as authorized in § 54-21-116. Any permitted outdoor advertising device that continues to conform to either the current agreement or the original agreement and conditions provided in § 54-21-116 is considered conforming;

SECTION 2. Tennessee Code Annotated, Section 54-21-104(a), is amended by designating the existing subsection as subdivision (a)(1) and adding a new subdivision (a)(2) as follows:

(2) If an existing outdoor advertising device was not subject to this chapter when it was erected but is subsequently made subject to this chapter by a federal law or action that adds a highway or section of a highway to the interstate or primary highway systems, such outdoor advertising device shall be required to obtain a permit and tag from the commissioner as provided in subdivision (b)(2).

SECTION 3. Tennessee Code Annotated, Section 54-21-104(b)(1), is amended by deleting the first sentence and substituting instead the following language:

Except as otherwise provided in subdivision (b)(2), permits and tags shall not be issued until applications are made in accordance with and on forms provided by the commissioner and accompanied by payment of a fee of two hundred dollars (\$200) for each permit and tag requested.

SECTION 4. Tennessee Code Annotated, Section 54-21-104(b), is amended by adding the following as a new subdivision (b)(2) and renumbering existing subdivision (b)(2) and the remaining subdivisions accordingly:

(2) If an existing outdoor advertising device is made subject to this chapter under subdivision (a)(2), the owner or operator of the device shall obtain a permit and tag in the same manner as provided in subdivision (a)(1) except as follows:

(A) The application for the permit and tag shall be made on an application form specifically provided for this purpose;

(B) The application form shall exempt the applicant of providing:

(i) Any stake or mark on the ground showing the location of the outdoor advertising device on the real property;

(ii) A map or scaled drawing showing the property lines of the real property within which the outdoor advertising device is located, the location of the outdoor advertising device within the real property, the public roads adjacent to the real property, or the means of access to the outdoor advertising device; or

(iii) Any affidavit or other document from the real property owner verifying that the owner has granted the applicant the right to construct and operate the outdoor advertising device on the real property;

(C) The application shall be accompanied by payment of a fee of seventy dollars (\$70.00) for each permit and tag requested. This fee shall represent

payment for the required tag and for the first annual permit and shall not be subject to return upon rejection of any application; and

(D) After a completed application is submitted to and processed by the department of transportation in accordance with this subdivision (b)(2) and the applicable provisions of the department's outdoor advertising regulations, the department shall issue the permit, unless an outdoor advertising device is located on a state highway right-of-way. The department shall notify the applicant in writing of the reason for the denial. Any permit that is issued under this subdivision (b)(2) shall indicate whether the outdoor advertising device is characterized and regulated as a conforming or nonconforming device under this chapter based upon the conditions and laws in effect on the date of the department's field inspection. The applicant shall have the right to appeal the department's decision in accordance with the department of transportation's outdoor advertising regulations and the applicable provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 5. This act shall take effect July 1, 2019, the public welfare requiring it.