

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0900.01 Jason Gelender x4330

HOUSE BILL 24-1242

HOUSE SPONSORSHIP

Lynch,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF A PROCESS TO ENSURE THAT
102 DEPARTMENT OF TRANSPORTATION RULES GOVERNING
103 OUTDOOR ADVERTISING IN THE STATE DO NOT ALLOW THE
104 ERECTION OR MAINTENANCE OF OUTDOOR ADVERTISING
105 DEVICES THAT WOULD DISQUALIFY THE STATE FROM RECEIVING
106 FEDERAL-AID HIGHWAY FUNDING.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Federal law requires a state to comply with federal requirements

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

regarding effective control, as described in federal law, of outdoor advertising along federal-aid highways (outdoor advertising) or be subject to the loss of 10% of its federal-aid highway funding. State law authorizes the department of transportation (CDOT) to adopt rules governing outdoor advertising but also, to ensure that the state does not lose any federal-aid highway funding, specifies that state law does not authorize the erection or maintenance of advertising devices that would disqualify the state from receiving federal-aid highway funding made available to states that exercise effective control of outdoor advertising (complying state funding).

CDOT has adopted rules governing outdoor advertising in Colorado (the rules) for the purpose of establishing effective control through a statewide uniform program controlling the use of advertising devices in areas adjacent to the state highway system, but certain persons have alleged that CDOT's rules allow or might allow advertising devices to be erected and maintained that would disqualify the state from receiving complying state funding. The bill requires CDOT to hold a public hearing, on or before October 1, 2024, at which any person may identify any provision of the rules that the person believes allows or might allow the erection or maintenance of any advertising device that would disqualify the state from receiving complying state funding (disqualifying provision). CDOT shall review any provision identified and, if CDOT determines that the provision is a disqualifying provision, shall conduct new rule making to repeal or amend the disqualifying provision to mitigate the risk of losing complying state funding.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 43-1-415, **amend** (2);
3 and **add** (5) as follows:

4 **43-1-415. Administration and enforcement - authority for**
5 **agreements - rules - repeal.** (2) Nothing in this part 4 ~~shall be construed~~
6 ~~to permit~~ PERMITS advertising devices to be erected or maintained ~~which~~
7 THAT would disqualify the state for payments made available to those
8 states which meet federal standards of roadside advertising control.

9 (5) (a) TO ENSURE THAT THE RULES OF THE DEPARTMENT
10 GOVERNING OUTDOOR ADVERTISING IN THIS STATE DO NOT VIOLATE
11 SUBSECTION (2) OF THIS SECTION BY ALLOWING ADVERTISING DEVICES TO

1 BE ERECTED OR MAINTAINED THAT WOULD DISQUALIFY THE STATE FOR
2 PAYMENTS MADE AVAILABLE TO THOSE STATES WHICH MEET FEDERAL
3 STANDARDS OF ROADSIDE ADVERTISING CONTROL, ON OR BEFORE
4 OCTOBER 1, 2024, THE DEPARTMENT SHALL HOLD A PUBLIC HEARING AT
5 WHICH ANY PERSON MAY IDENTIFY ANY PROVISION OF THE RULES THAT
6 THE PERSON BELIEVES ALLOWS OR MIGHT ALLOW THE ERECTION OR
7 MAINTENANCE OF ANY SUCH ADVERTISING DEVICE. IF ANY PERSON
8 IDENTIFIES SUCH A PROVISION, THE DEPARTMENT SHALL REVIEW THE
9 PROVISION IDENTIFIED AND, IF THE DEPARTMENT DETERMINES THAT THE
10 PROVISION DOES OR MIGHT ALLOW THE ERECTION OR MAINTENANCE OF
11 ANY SUCH ADVERTISING DEVICE, SHALL CONDUCT NEW RULE MAKING TO
12 REPEAL OR AMEND THE PROVISION TO MITIGATE THE RISK OF LOSING SUCH
13 PAYMENTS.

14 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2025.

15 **SECTION 2. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2024 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.