

CHAPTER 163

TRANSPORTATION

HOUSE BILL 96-1028

BY REPRESENTATIVES Hagedorn, Armstrong, Dean, and Friednash;
also SENATORS Tanner, Hernandez, and Pascoe.

AN ACT

CONCERNING THE AUTHORITY FOR CERTAIN KINDS OF ADVERTISING DEVICES LOCATED IN A RIGHT-OF-WAY OF A STATE HIGHWAY, AND, IN CONNECTION THEREWITH, AUTHORIZING THE EXTENSION OF ON-PREMISE ADVERTISING DEVICES AND AUTHORIZING ADVERTISING DEVICES ON BUS BENCHES OR BUS SHELTERS.

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

SECTION 1. 43-1-403 (4), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

43-1-403. Definitions. As used in this part 4, unless the context otherwise requires:

(4) "Directional advertising device" includes, but is not limited to: Advertising devices containing directional information TO FACILITATE EMERGENCY VEHICLE ACCESS TO REMOTE LOCATIONS OR about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. Such devices shall conform to standards promulgated by the department pursuant to section 43-1-415, which standards shall conform to the national policy.

SECTION 2. 43-1-407, Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-1-407. Permits. (2) (a) ANY OTHER PROVISION OF LAW NOTWITHSTANDING, THE DEPARTMENT SHALL ISSUE A PERMIT TO ERECT OR MAINTAIN AN ADVERTISING DEVICE ON A BUS BENCH OR BUS SHELTER WITHIN THE RIGHT-OF-WAY OF ANY STATE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

HIGHWAY IF THE LOCAL GOVERNING BODY HAVING AUTHORITY OVER THE STATE HIGHWAY PURSUANT TO SECTION 43-2-135 HAS APPROVED SUCH ADVERTISING DEVICE. THE STATE SHALL ACCEPT THE LOCAL PERMIT AS A STATE APPROVED PERMIT IF THE APPROVAL PROCEDURE OF THE LOCAL GOVERNING BODY INCLUDED A DETERMINATION THAT THE ADVERTISING DEVICE DOES NOT RESTRICT PEDESTRIAN TRAFFIC AND IS NOT A SAFETY HAZARD TO THE MOTORING PUBLIC.

(b) THIS SUBSECTION (2) SHALL NOT APPLY IF THE DEPARTMENT DETERMINES THAT COMPLIANCE WITH THIS SUBSECTION (2) WILL CAUSE DENIAL OF FEDERAL MONEYS THAT WOULD OTHERWISE BE AVAILABLE OR WOULD OTHERWISE BE INCONSISTENT WITH FEDERAL LAW, BUT ONLY TO THE EXTENT NECESSARY TO PREVENT DENIAL OF THE MONEYS OR TO ELIMINATE THE INCONSISTENCY WITH FEDERAL LAW.

SECTION 3. 43-1-421 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

43-1-421. On-premise advertising device - extension authorized.

(1) Notwithstanding any other provision of law and except as otherwise provided in subsection (2) of this section, ~~awnings~~ ON-PREMISE ADVERTISING DEVICES shall be allowed to extend over existing rights-of-way and future rights-of-way as described in section 43-1-210 (3) of any state highway if all of the following requirements are met:

(a) The ~~awning~~ ON-PREMISE ADVERTISING DEVICE is attached to and extended from a building and only advertises activities or services offered in that building;

(b) The building and attached ~~awning~~ ON-PREMISE ADVERTISING DEVICE is adjacent to the state highway within a city, city and county, or incorporated town HAVING AUTHORITY OVER THE STATE HIGHWAY PURSUANT TO SECTION 43-2-135;

(c) The ~~awning~~ ON-PREMISE ADVERTISING DEVICE does not restrict pedestrian traffic and is not a safety hazard to the motoring public; and

(d) Before erecting the ~~awning~~ ON-PREMISE ADVERTISING DEVICE, the owner of the ~~awning~~ ON-PREMISE ADVERTISING DEVICE obtains written permission from the city, city and county, or incorporated town.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 1996