

CHAPTER 137

TRANSPORTATION

SENATE BILL 01-107

BY SENATOR(S) May;
also REPRESENTATIVE(S) Cadman and Swenson.

AN ACT

CONCERNING REGULATORY AUTHORITY OVER CERTAIN ROADSIDE ADVERTISING, AND, IN CONNECTION THEREWITH, CLARIFYING THE AUTHORITY OF LOCAL GOVERNMENTS TO CONTROL ADVERTISING DEVICES ON BUS BENCHES AND BUS SHELTERS.

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

SECTION 1. 43-1-407 (2), Colorado Revised Statutes, is amended to read:

43-1-407. Permits. (2) (a) (I) 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 LOCATED EITHER within the right-of-way of any state highway OR ON LAND ADJACENT TO OR VISIBLE FROM THE RIGHT-OF-WAY OF ANY STATE 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.

(II) EXCEPT FOR SAFETY REQUIREMENTS FOR BUS BENCHES OR BUS SHELTERS LOCATED WITHIN THE RIGHT-OF-WAY OF ANY STATE HIGHWAY, THE DEPARTMENT SHALL NOT IMPOSE ANY ADDITIONAL REQUIREMENTS OR MORE STRICT REQUIREMENTS IN CONNECTION WITH PERMITS FOR ADVERTISING DEVICES ON A BUS BENCH OR BUS SHELTER THAN THOSE IMPOSED BY THE LOCAL GOVERNING BODY UNLESS SPECIFICALLY REQUIRED BY FEDERAL LAW.

(III) THE DEPARTMENT SHALL IMPLEMENT THIS SUBSECTION (2) WITH THE PURPOSE OF PROMOTING THE USE OF BUS TRANSPORTATION.

(b) This subsection (2) shall not apply if the department ~~determines~~ RECEIVES

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

WRITTEN NOTIFICATION FROM THE APPLICABLE FEDERAL AUTHORITY that compliance with this subsection (2) will DIRECTLY 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 2. 43-1-411 (1) (d), Colorado Revised Statutes, is amended to read:

43-1-411. Issuance of permits prohibited - when. (1) No permit shall be issued for the erection, use, or maintenance of any advertising device which is or would be:

(d) ~~Used or intended to be used for more than two advertisements facing in the same direction.~~ DESIGNED, USED, OR INTENDED TO BE DESIGNED OR USED TO INCLUDE MORE THAN TWO ADVERTISING PANELS ON AN ADVERTISING DEVICE FACING IN THE SAME DIRECTION.

SECTION 3. 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: April 19, 2001