

CHAPTER 170

TRANSPORTATION

HOUSE BILL 02-1269

BY REPRESENTATIVE(S) Borodkin, Swenson, Cloer, Coleman, Harvey, Mace, Marshall, Paschall, Smith, Spradley, and Stafford;
also SENATOR(S) May and Epps.

AN ACT

CONCERNING THE REGULATION OF ROADSIDE ADVERTISING.

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

SECTION 1. 43-1-404 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

43-1-404. Advertising devices allowed - exception. (1) The following advertising devices as defined in section 43-1-403 may be erected and maintained when in compliance with all provisions of this part 4 and the rules and regulations adopted by the department:

(f) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WITH THE EXCEPTION OF SECTION 43-1-416, ANY ADVERTISING DEVICE, EXCEPT FOR A NONCONFORMING ADVERTISING DEVICE, MAY CONTAIN A MESSAGE CENTER DISPLAY WITH MOVABLE PARTS AND A CHANGEABLE MESSAGE THAT IS CHANGED BY ELECTRONIC PROCESSES OR BY REMOTE CONTROL. THE ILLUMINATION OF AN ADVERTISING DEVICE CONTAINING A MESSAGE CENTER DISPLAY IS NOT THE USE OF A FLASHING, INTERMITTENT, OR MOVING LIGHT FOR THE PURPOSES OF ANY RULE, REGULATION, AND STANDARD PROMULGATED BY THE DEPARTMENT OR ANY AGREEMENT BETWEEN THE DEPARTMENT AND THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES. NO MESSAGE CENTER DISPLAY MAY INCLUDE ANY ILLUMINATION THAT IS IN MOTION OR APPEARS TO BE IN MOTION, THAT CHANGES IN INTENSITY OR EXPOSES ITS MESSAGE FOR LESS THAN FOUR SECONDS, OR THAT HAS AN INTERVAL BETWEEN MESSAGES OF LESS THAN ONE SECOND. NO ADVERTISING DEVICE WITH A MESSAGE CENTER DISPLAY MAY BE PLACED WITHIN ONE THOUSAND FEET OF ANOTHER ADVERTISING DEVICE WITH A MESSAGE CENTER DISPLAY ON THE SAME SIDE OF A HIGHWAY. NO MESSAGE CENTER DISPLAY MAY BE PLACED IN VIOLATION OF SECTION 131 OF TITLE 23 OF THE UNITED

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

STATES CODE.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL NOT APPLY IF THE DEPARTMENT RECEIVES WRITTEN NOTIFICATION FROM THE APPLICABLE FEDERAL AUTHORITY THAT THE PROPOSED ADVERTISING DEVICE WITH A MESSAGE CENTER DISPLAY WILL DIRECTLY CAUSE THE REPAYMENT OR 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 THE REPAYMENT OR DENIAL OF THE MONEYS OR TO ELIMINATE THE INCONSISTENCY WITH FEDERAL LAW.

SECTION 2. 43-1-404, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-1-404. Advertising devices allowed - exception. (5) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EXCEPT FOR SECTION 43-1-416, AS AN ALTERNATIVE TO REMOVING ANY ADVERTISING DEVICE THAT IS OTHERWISE PERMITTED BY THIS PART 4 OR ACQUIRING ALL REAL AND PERSONAL PROPERTY RIGHTS PERTAINING TO THE DEVICE, THE DEPARTMENT MAY PERMIT THE ADVERTISING DEVICE TO BE REMODELED AND RELOCATED ON THE SAME PROPERTY IN A COMMERCIAL OR INDUSTRIAL ZONED AREA, OR ON ANOTHER AREA WHERE THE DEVICE WOULD OTHERWISE BE PERMITTED UNDER THIS ARTICLE.

(b) PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL NOT APPLY IF THE DEPARTMENT RECEIVES WRITTEN NOTIFICATION FROM THE APPLICABLE FEDERAL AUTHORITY THAT THE PROPOSED ADVERTISING DEVICE TO BE REMODELED AND RELOCATED WILL DIRECTLY CAUSE THE REPAYMENT OR 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 THE REPAYMENT OR DENIAL OF THE MONEYS OR TO ELIMINATE THE INCONSISTENCY WITH FEDERAL LAW.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 24, 2002