

Billboards Legislation Chronology (1958-2014)

Date	Event	Description	Comment
1958	"Great Billboard Battle of 1958" in debates leading to passage of the Federal-Aide Highway Act	Act outlawed most billboards within 660 feet of federal highway rights-of-way, except On-premises signs, official signs and directional signs	Voluntary compliance only—no enforcement Billboards continued to proliferate
1965	Highway Beautification Act	Conditioned 10% of Federal Highway Funds on "effective" state control of billboards on federal aide highway systems "to protect public investment in [federally-funded] highways, to promote the safety and recreational value of public travel, and to preserve natural beauty."	Regulated both public and private signs in the primary federal system "Unlike beauty, ugliness spreads if left unchecked." ⁱ
1968	Utah-Federal Agreement signed effective May 1967	Prohibited signs on rural highways and on urban highways within 660 feet of an interstate highway interchange or at-grade intersection unless within a Commercial or Industrial Zone	Original bill would have imposed a 1000' ban on all billboards
1971	Utah Legislature enacts UCA 27-12-136 (Precursor to the current Highway Protection Act)	Modernizes definitions, grandfathers non-compliant signs, enacts just compensation requirement.	"Maintenance" means "to keep in a state suitable for use" "Off premises" signs = signs located in industrial, commercial or H-1 zones or as designated by DOT All signs in un-zoned areas are non-conforming if the surrounding uses cease to be commercial for 6 months. Need permit and state business license Permits limited to 3 years
1981	Subs.SB 106	Grandfathered Nonconforming uses, Enacted just compensation requirements Limited UDOT's discretion to permit rural signs in "actually commercial areas" Created "Outdoor Advertising Corridor"—100' from edge of asphalt (up to 350' if obstructed) Limited all "outdoor advertising to the outdoor advertising corridor" No outdoor advertising without "current permit" Permits limited to 1 year	"Maintenance" also means to "reconstruct signs destroyed by vandalism or an act of god" Extended NCU period to 12 months Act does not supersede stricter local law Fiscal analyst expected additional federal funds as a result of the bill.
1989	HB 207	Allowed UDOT-leased Logo advertising on directional signs and granted UDOT broad permitting discretion in anticipation of 1991 ISTEA legislation.	Gave UDOT discretion to permit billboards on all interstate highways and freeways "opened for use by the traveling public on or after Sept. 1, 1987" 2100 North to I-80 opened in 1987 4500 South and 6200 South opened in 1989
1991	ISTEA ⁱⁱ	Allowed billboards in all non-scenic areas	

1995	1995 Scenic Byways Amendment	Allowed states to exclude roads from state or federal scenic byways designation to permit additional billboards	
1997	3 rd Subs. SB 114 Outdoor Advertising Amendments Sen. Alma Mansell Senate vote: 27-1-1 House Vote: 53-16-6	Prohibited local government from amortizing non-conforming billboards UDOT Permits now 5 years in duration Redefined Outdoor Advertising as the “structure”, including its any “devices, supports, appurtenances and lighting” Allowed “changeable message” signs to be permitted 500’ separation to billboards limited to each direction of travel New “grandfathering” clause for unpermitted signs Allowed permit holder to exclude competition within 500’ for up to one year construction season Introduced new concepts unrelated to the Utah-Federal Agreement: <ul style="list-style-type: none"> • Relocationⁱⁱⁱ • Relocation and replacement^{iv} • Remodel^v Relocation allowed within a mile as “special exception” to local zoning Unilateral relocation or condemnation UDOT landscape control program to provide “clear visibility” of outdoor advertising	Enacted in anticipation of I-15 widening and modifications to the Utah-Federal Agreement Only land use with protection from amortization Condemnation only remedy for local governments Preempts local zoning to relocate signs within 5240’ of prior sign Requires local governments to allow company to raise sign to “clearly visible” height, up to 65’ to accommodate UDOT construction Introduced unilateral relocation concept UDOT landscape control initiated and executed by billboard company
2000	SB 400 Highway Sign Obstruction Rep. John Swallow Senate Vote 27-1-1 House Vote 49-22-1	Allowed Sign Height to be raised on non-conforming signs if visibility impaired by noise attenuation walls, grade change, construction or widening of UDOT roads	Forced communities to bear all sign-related zoning impacts of state projects
2001	SB 181--FAILED Outdoor Advertising Structures Near Power Lines Sen. Mike Dmitrich	Exempted Billboard employees and contractors civil fines imposed by the High Voltage Overhead Line Safety Act	
2002	SB 145 Outdoor Advertising Sign Proximity to Utility Lines Sen. Terry Spencer Senate Vote 21-0-2	Required Cities and Counties to allow Billboard relocation if public or private utility lines prevented easy billboard maintenance due to High Voltage Overhead Line Safety Act	Solution to SB 181: make local government absorb zoning impacts Immediately effective date

	House Vote 61-7-7		
2002	1st Subs SB 98 Outdoor Advertising Amendments Sen. Michael Waddoups Senate Vote 27-1-1 House Vote 55-13-7	Allowed an unlimited adjustment to billboard height to accommodate UDOT construction activities	
2003	HB 346 Outdoor Advertising Amendments Rep. Brent Goodfellow House Vote 68-0-7 Senate Vote 26-0-3	Added definition of Public Assembly Facility Sign for publicly funded arena or convention facility	Allowed Maverick Center (E-Center) and eventually, RSL signs
2004	1st Subs. SB 53 County and Municipal Zoning Amendments Sen. Michael Waddoups House Vote 68-8-7 Senate Vote 22-3-4	Municipality considered to have “initiated a condemnation action” against a billboard by preventing the relocation of an illegally constructed billboard, even if the billboard was constructed contrary to an building permit, <i>unless</i> the municipality can prove that the company intentionally made a false or misleading statement in the application	Addressed specific Reagan concern with Salt Lake City
2004	SB 177 Property Tax--Outdoor Advertising Sen. Michael Waddoups House Vote 69-4-2 Senate Vote 25-2-2	Declares Billboards are “personal property” not real property Prohibits real property tax on billboards	Applied retroactively to Jan 1, 2004
2005	First Digital Billboards Installed Nationally		
2005	SB 114 County and Municipal Zoning Regarding Billboards Sen. Michael Waddoups Senate Vote 26-20-1 House Vote 67-3-5	Prohibits a landowner from rebuilding a non-conforming billboard that was abandoned by a lessee Extends a building permit to 180 days from date UDOT issues ROW permit	Deprived land owner of the value of tenant improvements without just compensation Allowed a billboard company to relocate the billboard and leave no residual value for the land owner from the tenant improvement

<p>2006</p>	<p>SB 140 Unlawful Outdoor Advertising Sen. Michael Waddoups Rep. James Dunningan Senate Vote 28-0-1 House Vote 71-0-4</p>	<p>Increases the daily fine from \$10 to \$100 for each day after UDOT serves notice of agency action to remove an illegal billboard</p>	<p>Bill strengthens UDOT enforcement authority against billboard competitors</p>
<p>2006</p>	<p>SB222 Outdoor Advertising—Height Adjustment of Signs Sen. Parley Hellewell Rep. Steve Urquhart Senate Vote 21-3-5 House Vote 56-6-13</p>	<p>Allows billboard company to raise the height of a billboard if its “view and readability” has been obstructed by new private construction on UDOT-disposed property</p>	
<p>2006</p>	<p>1st Subs HB 394 Relocating Outdoor Advertising Rep. David Ure Sen. Michael Waddoups House Vote 55-12-8 Senate Vote 25-2-2</p>	<p>Allowed billboard company to relocate <i>and</i> remodel structures adjacent to high voltage power lines within ½ mile of the prior structure, in the same jurisdiction</p>	<p>Remodeling is the industry’s intended bootstrap to require electronic conversion</p>
<p>2007</p>	<p>HB 352 Local Government Regulation of Billboards Rep. Melvin Brown House Vote 45-20-10 Senate Vote 23-5-1</p>	<p>Allows municipalities to waive local zoning to accommodate a relocated billboard or to structurally modify or upgrade a billboard</p> <p>Requires just compensation if billboard owner’s request to relocate is denied</p>	<p>Further cements impact of unilateral relocation rule</p> <p>Structural modification and upgrade are industry’s second attempt to bootstrap state mandated electronic conversion</p>
<p>2009</p>	<p>SB 190 Acquisition of a Billboard by Eminent Domain Sen. Wayne Niederhauser Rep. Craig Frank Senate Vote 28-0-1 House Vote 63-8-4</p>	<p>Decision to relocate, structurally modify, or upgrade solely as determined by the billboard owner</p> <p>Dramatically expands the definition of “just compensation” to”</p> <ul style="list-style-type: none"> • Capitalized value of existing billboard based on actual revenue • Value of the billboard lease • Cost of the sign structure • Damage to the “economic unit” 	<p>Third attempt to bootstrap state-mandated electronic conversion</p> <p>Removes judicial oversight over the discretion of the billboard owner to move to a better location or upgrade the sign surface</p> <p>Municipality deemed to have initiated condemnation of the business, not the real estate—</p> <p>No other business is valued in a remotely similar fashion</p>
<p>2009</p>	<p>HB 141 Billboard Amendments Rep. Craig Frank Sen. Wayne Niederhauser House Vote 67-5-3 Senate Vote 24-1-4</p>	<p>Another unilateral billboard relocation bill designed to compel cities to allow the electronic conversion of existing billboards</p> <p>Defines “clearly visible”</p> <p>“Highest Allowable Height”</p> <p>“Interstate Billboard”—intended to be viewed from the interstate</p>	

		<p>“Interstate Height”</p> <p>“Non-interstate billboard”</p> <p>Interstate Billboards must be clearly visible for 500’</p> <p>Non-interstate billboards must be clearly visible for 300’</p>	
2010	<p>HB180- FAILED</p> <p>Outdoor Advertising Amendments</p> <p>Rep. Craig Frank</p> <p>No Committee Vote</p>	<p>Would have changed the forced relocation/conversion trigger from “deemed to have initiated a condemnation action” to “must initiate an action” or the request to relocate is “deemed approved”</p>	<p>Would have made it impossible to resist a billboard relocation anywhere within a jurisdiction</p>
2010	<p>SB 112-FAILED</p> <p>Termination of a Billboard and Associated Rights Amendments</p> <p>Sen. Pete Knudson</p>	<p>Would have removed land use authority to allow new and more economically beneficial uses on an owners’ land</p>	<p>Billboard industry clearly accepts role as impediment to economic development and private property ownership</p> <p>Response to Salt Lake City’s redevelopment efforts in 5th and 6th South corridor</p>
2010	<p>HB 400</p> <p>Billboard Amendments</p> <p>Rep. Stephen Clark</p>	<p>Boxcar</p>	<p>Just to keep us on our toes all session . . .</p>
2011	<p>HB295</p> <p>Outdoor Advertising Amendments</p> <p>Rep. Michael Noel</p> <p>Sen. Wayne Niederhauser</p> <p>Senate Vote</p> <p>House Vote</p>	<p>Amended Public Assembly Facility Sign definition to allow advertising only by “major sponsors”</p> <p>Required uniform application of illumination standards for public, private, on and off-premises advertisements</p> <p>Increases UDOT penalties for non-compliance</p>	<p>Bill mediated conflict among Reagan Outdoor Advertising, UDOT and alternately Sandy City for operating the RSL sign, or West Valley City for operating the Maverick Center Sign</p> <p>Bill underscored the growing rift between ROA and on-premise sign owners who have electronic signs that can easily compete for ROA’s market share</p> <p>ROA has been in pursuit of monopoly power in the Utah market by eliminating competition from Public Assembly Facilities and On-Premises advertisers</p> <p>ROA’s lobbying focus: Cities are unfairly competing with private advertising businesses</p>
2011	<p>SB 307—Did Not Pass, HB295 Compromise</p> <p>Amendments to Outdoor Advertising</p> <p>Sen. Steve Urquhart</p>	<p>Addressed same issues as HB295</p>	
2012	<p>OA industry launched new “brand position”</p>	<p>Focus: “innovation, ubiquity, and creative impact”</p>	<p>Electronic conversion = innovation</p>

2012	2 nd Subs. HB 87-FAILED Billboard Revisions Rep. Melvin Brown Sen. Wayne Niederhauser	<p>Would have:</p> <ul style="list-style-type: none"> • Required electronic conversion • Removed land use authority to relocate any billboard • Imposed new arbitration provisions for all billboard issues • Prevented cities from negotiating development agreements with landowners with land burdened by billboard leases • Allowed billboard companies to trim or remove others' trees on public and private property, without a public purpose, excuse from trespass, or obligation to provide just compensation to the owner 	<p>Bill and its Senate companion offered after industry claimed to have attempted to negotiate with the ULCT and its members. (Met with ULCT members on one occasion during the interim.)</p> <p>Bill died in the final 15 minutes of the last day of the session due to final hour heroics of Sen. Steve Urquhart</p>
2012	1 st Subs. SB 136--FAILED Billboard Amendments Sen. Wayne Niederhauser Rep. Melvin Brown	Senate Companion to HB87	
2013	SB 76--FAILED Outdoor Advertising Technology Amendments Sen. Pete Knudson	<p>Would have</p> <ul style="list-style-type: none"> • Eliminated local land use control over electronic conversion of billboards statewide • Required relocation across jurisdictional boundaries of converted signs • Required municipalities to initiate condemnation action to resist relocation • Amend "maintenance" definition to include "upgrade" to force electronic conversion • Added ineffective curfew for electronic messages 	
2013	SB 240—Not Pursued Billboard Amendments Sen. Steve Urquhart	Would have eliminated preferential land use treatment for billboards	
2013	RAO acquire CBS and Simmons Billboard interests in Utah	RAO has 80% share of Utah Outdoor Advertising Market	

<p>2014</p>	<p>SB82-FAILED--Property Rights Related To Outdoor Advertising Sen. Margaret Dayton</p>	<p>Would have:</p> <ul style="list-style-type: none"> • Eliminated local land use control over electronic conversion of billboards statewide • prohibited a municipality or county from commencing eminent domain proceedings to prevent a billboard owner from upgrading a billboard to an electronic or mechanical changeable message sign • amended the definition of maintenance to include upgrading a sign for the purposes of outdoor advertising regulations 	<p>SB223 caused standstill</p>
<p>2014</p>	<p>SB 223—Billboard Related Amendments Sen Urquhart</p>	<p>Would have:</p> <ul style="list-style-type: none"> • prohibited the placement of a sign on certain property unless a property owner and a sign owner have entered into an outdoor advertising agreement; • prohibited long term leases and automatic renewals; and • allowed a property owner, municipality, county, or UDOT to file an action to void certain outdoor advertising agreements. 	

Color Key:

Blue type = federal legislation

Black type = neutral/ULCT supported bills

Red type = Advertising industry sponsored events/bills

ⁱ Review of Highway Beautification—1967: Hearings on H.R. 7797 Before the Subcommittee on Roads of the H. Comm. On Public Works, 90th Cong. 932 (1967) (statement of Allan S. Boyd, Secretary of Transportation).

ⁱⁱ Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. No. 102-240 (1991).

ⁱⁱⁱ "Relocation" includes the removal of a sign from one situs together with the erection of a new sign upon another situs in a commercial or industrial zoned area as a substitute.

^{iv} Relocation and replacement" means allowing all outdoor advertising signs or permits the right to maintain outdoor advertising along the interstate, federal aid primary highway existing as of June 1, 1991, and national highway system highways to be maintained in a commercial or industrial zoned area **regardless of the need for their removal** to accommodate the displacement, remodeling, or widening of the highway systems.

^v "Remodel," means the upgrading, changing, alteration, refurbishment, modification, or complete substitution of a new outdoor advertising structure for one permitted pursuant to this act and that is located in a commercial or industrial area.