

SB 396 INTRODUCED BY BENGTSON, KEENAN, KOEHNKE
PROVIDES FOR A MOTORIST INFORMATION SIGN PROGRAM

3/11	INTRODUCED	
3/11	REFERRED TO HIGHWAYS & TRANSPORTATION	
3/12	HEARING	
3/13	STATEMENT OF INTENT ADOPTED	
3/13	COMMITTEE REPORT--BILL PASSED	
3/14	2ND READING PASSED	33 14
3/16	3RD READING PASSED	30 20
	TRANSMITTED TO HOUSE	
3/18	REFERRED TO HIGHWAYS & TRANSPORTATION	
3/26	HEARING	
	DIED IN COMMITTEE	

1 *Senate* BILL NO. *396*
2 INTRODUCED BY *Bangston, Keen, Frechman*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A
5 MOTORIST INFORMATION SIGN PROGRAM; AUTHORIZING INSTALLATION
6 AND MAINTENANCE OF MOTORIST INFORMATION SIGNS WITHIN THE
7 RIGHT-OF-WAY OF INTERSTATE AND PRIMARY HIGHWAYS; ALLOWING
8 THE DEPARTMENT OF HIGHWAYS TO AWARD FRANCHISES TO PRIVATE
9 PERSONS TO ESTABLISH AND OPERATE A MOTORIST INFORMATION SIGN
10 PROGRAM; PROVIDING REVENUE TO COVER THE COSTS OF THE
11 PROGRAM; GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS
12 60-5-110 AND 75-15-111, MCA; AND PROVIDING AN EFFECTIVE
13 DATE."
14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Purpose. It is the purpose of
17 [sections 1 through 17] to provide for the installation of
18 motorist information signs giving specific information of
19 interest to the traveling public regarding motorist services
20 that are conveniently accessible from the interstate and
21 primary highways within the state.

22 NEW SECTION. Section 2. Definitions. As used in
23 [sections 1 through 17], unless the context indicates
24 otherwise, the following definitions apply:

25 (1) "Business sign" means a separately attached sign

1 mounted on a motorist information sign panel to show the
2 brand, symbol, trademark, or name, or combination of these,
3 for a motorist service available on a crossroad at or near
4 an interchange or intersection.

5 (2) "Crossroad" means a marked route or other public
6 road intersecting a freeway or divided highway for which
7 access is provided at an interchange or intersection.

8 (3) "Department" means the department of highways
9 provided for in 2-15-2501.

10 (4) "Franchisee" means a person awarded a franchise as
11 provided in [section 12].

12 (5) "Motorist information sign" means a rectangular
13 sign panel located in the same manner as other official
14 traffic signs, readable from the main traveled way, and that
15 is a:

16 (a) specific information sign; or

17 (b) tourist-oriented directional sign.

18 (6) "Motorist service" means gas, food, lodging,
19 camping, recreation, and tourist services.

20 (7) "Specific information sign" means a motorist
21 information sign located on the interstate highway system
22 and consisting of:

23 (a) the words "GAS", "FOOD", "LODGING", or "CAMPING";

24 (b) directional information; and

25 (c) one or more individual business signs.

(8) "Tourist-oriented directional sign" means a motorist information sign located on the primary highway system to provide business identification and directional information for businesses, services, and activities of interest to tourists.

NEW SECTION. Section 3. Specific information signs within right-of-way of interstate highway system. (1) Specific information signs may be erected and maintained within the right-of-way of the interstate highway system to give the traveling public specific information as to gas, food, lodging, and camping available on a crossroad at or near an interchange.

(2) A specific information sign must contain the words "GAS", "FOOD", "LODGING", or "CAMPING", directional information, and one or more individual business signs on the panel.

NEW SECTION. Section 4. Specific information signs -- business signs -- maximum signs and distances. (1) The number of specific information signs permitted is limited to one for each type of motorist service along an approach to an interchange or intersection.

(2) Not more than six business signs may be permitted on any "GAS" specific information sign, and no more than four business signs may be displayed on any "FOOD", "LODGING", or "CAMPING" specific information sign. No

business may be allowed more than one business sign per individual specific information sign except as provided in subsection (3).

(3) In areas where not more than two qualified businesses are available for each of two or more types of motorist services, business signs for two types of services may be displayed by a business on the same specific information sign. Not more than two business signs for each type of service may be displayed in combination on a specific information sign.

(4) The maximum distance that eligible motorist service facilities may be located from the interstate highway to qualify for a business sign may not exceed 3 miles; however, if no eligible services are located within the 3-mile limit, the distance limits may be increased in 3-mile increments until an eligible service or 15 miles is reached.

NEW SECTION. Section 5. Sign composition -- spacing -- conformity with laws. (1) A specific information sign panel must have a blue background with a white reflectorized border. The panels may be illuminated subject to regulation by the department.

(2) A business sign must have a blue background with a white legend unless other requirements are established by the department. Nationally, regionally, or locally known

commercial symbols or trademarks for service stations, restaurants, and motels must be used when applicable. The brand or trademark identification symbol used on the business sign must be reproduced in the colors and general shape consistent with customary use. Any messages, trademarks, or brand symbols that interfere with or resemble any official warning or regulatory traffic sign, signal, or device are prohibited.

(3) Specific information signs may be permitted only at locations where there is adequate distance between interchanges to ensure compliance with 23 C.F.R. 655.307.

(4) The spacing between two specific information sign panels and between specific information sign panels and official traffic control signs must be in accordance with the Manual on Uniform Traffic Control Devices. Where there is insufficient space for both official traffic control signs and specific information signs, only official traffic control signs may be installed.

(5) The erection and maintenance of specific information signs must conform to national standards promulgated by the U.S. secretary of transportation pursuant to 23 U.S.C. 131 and 23 U.S.C. 315 and rules adopted by the department under [section 15].

NEW SECTION. Section 6. Business eligibility -- restrictions. (1) To be eligible for placement of a business

sign on a specific information sign panel, a business establishment shall meet the following standards for motorist services:

(a) "GAS" services must:

(i) provide vehicle services including fuel, oil, tire repair, and water;

(ii) be in continuous operation at least 16 hours a day, 7 days a week;

(iii) provide restroom facilities and drinking water; and

(iv) have a telephone available for public use;

(b) "FOOD" services must:

(i) be licensed and approved by the department of health and environmental sciences and the local health officer as required under 50-50-201;

(ii) be in continuous operation to serve three meals a day, 7 days a week; and

(iii) provide telephone and restroom facilities;

(c) "LODGING" services must:

(i) be licensed and approved by the department of health and environmental sciences and the local health officer as required under 50-51-201;

(ii) provide adequate sleeping accommodations; and

(iii) offer public telephone facilities;

(d) "CAMPING" services must:

(i) be licensed and approved by the department of health and environmental sciences and the local health officer as required under 50-52-103;

(ii) provide adequate camping and parking spaces; and

(iii) have modern sanitary and drinking water facilities.

(2) Each business identified on a specific information sign shall provide assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, or national origin, and any such business that violates any of these laws shall lose eligibility for business signing under this section.

(3) No business that owns or advertises on any outdoor advertising structure in violation of the provisions of Title 75, chapter 15, part 1, may be eligible for business signing under this section.

NEW SECTION. Section 7. Tourist-oriented directional signs within right-of-way of primary highway system. (1) Tourist-oriented directional signs may be erected and maintained within the right-of-way of the primary highway system to provide information to the traveling public concerning gas, food, lodging, camping, recreation, and tourist services accessible from the primary highway system by way of an intersecting highway.

(2) A tourist-oriented directional sign must include directional information for qualified businesses and may contain one or more individual business signs on the panel.

(3) A tourist-oriented directional sign may not be erected if the place of business is readily visible from the main-traveled roadway.

NEW SECTION. Section 8. Tourist-oriented directional signs -- business signs -- maximum signs and distances. (1) The number of tourist-oriented directional signs is limited to three signs on an approach to an intersection.

(2) No more than four business signs may be installed on any tourist-oriented directional sign.

(3) The maximum distance that a qualified business may be located from the primary highway to be eligible for business signing may not exceed 5 miles, except as otherwise permitted by the department if no eligible business is located within the 5-mile limit.

NEW SECTION. Section 9. Sign composition -- design -- conformity with laws. (1) A tourist-oriented directional sign must be rectangular in shape and must have a white legend and border on a blue background.

(2) A tourist-oriented directional sign may contain standard general service symbols to indicate a general class of business, service, or activity.

(3) Business signs for specific businesses, services,

1 and activities may be installed on a tourist-oriented
2 directional sign. Nationally, regionally, or locally known
3 commercial symbols or trademarks for service stations,
4 restaurants, and motels must be used when applicable. Such
5 commercial symbols and trademarks must be reduced to an
6 appropriate size. No business sign may resemble any
7 official warning or regulatory traffic sign, signal, or
8 device.

9 (4) Each tourist-oriented directional sign may contain
10 no more than two lines of legend, including no more than one
11 business sign, a separate directional arrow, and the
12 distance to the specific business, service, or activity.

13 (5) The content of the legend must be limited to the
14 identification of the business, service, or activity. The
15 legend may not include promotional advertising.

16 (6) The legends, arrows, and business signs displayed
17 on a tourist-oriented directional sign may be reflectorized.

18 (7) The erection and maintenance of tourist-oriented
19 directional signs must conform to national standards
20 promulgated by the U.S. secretary of transportation pursuant
21 to 23 U.S.C. 131 and 23 U.S.C. 315 and rules adopted by the
22 department under [section 15].

23 NEW SECTION. Section 10. Business eligibility --
24 restrictions. (1) To be eligible for business identification
25 on a tourist-oriented directional sign, a business

1 establishment shall meet the following standards for a
2 business, service, or activity:

3 (a) gas, food, lodging, and camping services must:

4 (i) be licensed and approved by the state and local
5 agencies regulating the particular type of business;

6 (ii) provide an acceptable level of service to the
7 public;

8 (iii) be in continuous operation at least 8 hours a
9 day, 5 days a week, including Saturday or Sunday; and

10 (iv) have adequate public telephone and restroom
11 facilities;

12 (b) recreation services must:

13 (i) be licensed and approved by state and local
14 agencies as required by law;

15 (ii) provide activities of interest to families and the
16 public in which people participate for purposes of physical
17 exercise, collective amusement, or enjoyment of nature. Such
18 activities may include hiking, golfing, skiing, boating,
19 swimming, picnicking, fishing, and horseback riding.

20 (c) tourist services must:

21 (i) be licensed as required by law;

22 (ii) be open to the motoring public at least 8 hours a
23 day, 5 days a week, including Saturday or Sunday, during the
24 normal tourist season; and

25 (iii) provide a natural, recreational, historical,

cultural, educational, or entertainment activity or a unique or unusual commercial or nonprofit activity, from which the major portion of income or visitors is derived during normal business seasons from motorists not residing in the immediate area of the activity.

(2) Each business identified on a tourist-oriented directional sign shall provide assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, or national origin, and any such business that violates any of these laws shall lose eligibility for business signing under this section.

(3) No business that owns or advertises on any outdoor advertising structure in violation of the provisions of Title 75, chapter 15, part 1, may be eligible for business signing under this section.

NEW SECTION. Section 11. Motorist information sign program. There is a motorist information sign program established under the general supervision and control of the department. The purpose of the program is to install and maintain motorist information signs on the right-of-way of the interstate and primary highway system to give specific information of interest to the traveling public relating to gas, food, lodging, camping, recreation, and tourist services that are conveniently accessible from the

interstate and primary highways within the state.

NEW SECTION. Section 12. Franchises. (1) The department may, by public negotiation or bid, grant a franchise to qualified persons to establish and operate the motorist information sign program authorized under [section 11].

(2) A franchisee shall furnish, install, maintain, and replace motorist information signs for the benefit of businesses that provide gas, food, lodging, camping, recreation, and tourist services for the general public and may lease advertising space on the signs to eligible businesses.

(3) In establishing and operating the motorist information sign program, the franchisee shall comply with the provisions of [sections 1 through 10] and any other applicable state and federal laws and regulations.

NEW SECTION. Section 13. Contract requirements. All contracts made between the department and a franchisee must provide for:

(1) a requirement that the franchisee obtain liability insurance in an amount sufficient to jointly insure the state and the franchisee against all liability for claims for damages occurring wholly or in part because of the franchisee; and

(2) reasonable standards for the size, design,

erection, and maintenance of motorist information signs.

NEW SECTION. Section 14. Costs. The department shall authorize reasonable fees to cover all costs incurred under the motorist information sign program. Such fees must be paid under agreements negotiated between a franchisee and an advertiser unless otherwise provided in the contract between the department and the franchisee.

NEW SECTION. Section 15. Rulemaking authority. The department may adopt rules necessary to implement the provisions of [sections 1 through 14].

NEW SECTION. Section 16. Restrictions. The department may take no action under [sections 1 through 15] that may result in the loss to the state of any federal highway construction funds.

NEW SECTION. Section 17. Federal requirements -- conflict and accord. If the secretary of the U.S. department of transportation finds any part of [sections 1 through 16] to be in conflict with federal requirements that are prescribed as a condition to the allocation of federal funds to the state, the conflicting part of [sections 1 through 16] is invalid only to the extent of the conflict and such finding may not affect the operation of the remainder of [sections 1 through 16] in its valid applications.

Section 18. Section 60-5-110, MCA, is amended to read:

"60-5-110. Commercial enterprise or structure

prohibited. No Except as provided in [section 12], no commercial enterprise or structure shall be constructed or operated on the publicly owned right-of-way of a controlled-access highway or facility or on any publicly leased land used in connection therewith."

Section 19. Section 75-15-111, MCA, is amended to read:

"75-15-111. Outdoor advertising prohibited in proximity to highway -- exceptions. (1) Outdoor advertising may not be erected or maintained which is within 660 feet of the nearest edge of the right-of-way and which is visible from any place on the main-traveled way of an interstate or primary system except:

(a) directional and other official signs and notices, which signs and notices include but are not limited to signs and notices pertaining to natural wonders and scenic and historical attractions, as authorized or required by law;

(b) signs, displays, and devices advertising the sale or lease of property upon which they are located;

(c) signs, displays, and devices advertising activities conducted on the property upon which they are located;

(d) signs, displays, and devices located in areas which are zoned industrial or commercial by a bona fide state, county, or local zoning authority;

(e) signs, displays, and devices located in unzoned commercial or industrial areas, which areas shall be determined from actual land uses and by agreement between the department of highways and the secretary and defined by rules adopted by the commission. The exception granted by this subsection shall not apply to signs, displays, and devices located within an unzoned area in which the commercial or industrial activity used in defining the area has ceased for a period of 9 months.

(f) signs or displays advertising the cultural exhibits of nonprofit historical or arts organizations if the signs or displays conform with the standards provided in Title 23, Code of Federal Regulations, section 750, subpart B.;

(g) signs, consistent with the policy of this state and the national policy set forth in 23 U.S.C. 131 and the regulations promulgated thereunder, designed to provide information in the specific interest of the traveling public as provided in [sections 3 through 5, 7 through 9, 11, and 12].

(2) Outdoor advertising authorized under subsections (a), (d), and (e) of (1) of this section shall conform with standards contained in and shall bear permits required in rules which are adopted by the commission and this part.

(3) Outdoor advertising may not be erected or

maintained beyond 660 feet of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area if such outdoor advertising is or was erected with the purpose of its message being read from such main-traveled way and visible from such main-traveled way unless such outdoor advertising meets the criteria of subsections (a), (b), or (c) of (1) of this section. Should such outdoor advertising meet said criteria, it shall conform with standards contained in rules which are adopted by the commission and this part."

NEW SECTION. Section 20. Effective date. This act is effective July 1, 1987.

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

STATEMENT OF INTENT

SENATE BILL 396

Senate Highways and Transportation Committee

A statement of intent is required for this bill because section 15 grants the department of highways authority to adopt rules to implement the provisions of this act.

It is the intent of the legislature that the department have discretion to adopt rules that will result in a motorist information sign program that will aid the traveling public in locating gas, food, lodging, camping, recreation, and tourist services that are conveniently accessible from the interstate and primary highways within the state. Such rules should supplement and interpret the provisions of this act.

In adopting rules, the department should develop a policy for installation of motorist information signs. This policy, as a minimum, should include criteria for:

(1) distances to eligible services;

(2) selection of eligible businesses for motorist information signing;

(3) location of motorist information signs at interchanges or intersections, in accordance with federal standards;

(4) standards for the size, design, installation, and

maintenance of motorist information signs; and

(5) the costs to businesses for installation, annual maintenance, and repair of business signs.

It is intended that the department may require additional terms and conditions relating to issuance of a franchise for operation of the motorist information sign program. Such additional requirements may relate to termination of a franchise agreement and to the posting of a contractor's bond for sign construction and maintenance.

Finally, the department should consider the success of motorist information sign programs established in the states of Idaho and Washington, as well as the logo sign franchise program established in the state of Minnesota.

SENATE BILL NO. 396

INTRODUCED BY BENGTON, KEENAN, KOEHNKE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A MOTORIST INFORMATION SIGN PROGRAM; AUTHORIZING INSTALLATION AND MAINTENANCE OF MOTORIST INFORMATION SIGNS WITHIN THE RIGHT-OF-WAY OF INTERSTATE AND PRIMARY HIGHWAYS; ALLOWING THE DEPARTMENT OF HIGHWAYS TO AWARD FRANCHISES TO PRIVATE PERSONS TO ESTABLISH AND OPERATE A MOTORIST INFORMATION SIGN PROGRAM; PROVIDING REVENUE TO COVER THE COSTS OF THE PROGRAM; GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS 60-5-110 AND 75-15-111, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Purpose. It is the purpose of [sections 1 through 17] to provide for the installation of motorist information signs giving specific information of interest to the traveling public regarding motorist services that are conveniently accessible from the interstate and primary highways within the state.

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 17], unless the context indicates otherwise, the following definitions apply:

(1) "Business sign" means a separately attached sign

mounted on a motorist information sign panel to show the brand, symbol, trademark, or name, or combination of these, for a motorist service available on a crossroad at or near an interchange or intersection.

(2) "Crossroad" means a marked route or other public road intersecting a freeway or divided highway for which access is provided at an interchange or intersection.

(3) "Department" means the department of highways provided for in 2-15-2501.

(4) "Franchisee" means a person awarded a franchise as provided in [section 12].

(5) "Motorist information sign" means a rectangular sign panel located in the same manner as other official traffic signs, readable from the main traveled way, and that is a:

(a) specific information sign; or

(b) tourist-oriented directional sign.

(6) "Motorist service" means gas, food, lodging, camping, recreation, and tourist services.

(7) "Specific information sign" means a motorist information sign located on the interstate highway system and consisting of:

(a) the words "GAS", "FOOD", "LODGING", or "CAMPING";

(b) directional information; and

(c) one or more individual business signs.

1 (8) "Tourist-oriented directional sign" means a
2 motorist information sign located on the primary highway
3 system to provide business identification and directional
4 information for businesses, services, and activities of
5 interest to tourists.

6 NEW SECTION. Section 3. Specific information signs
7 within right-of-way of interstate highway system. (1)
8 Specific information signs may be erected and maintained
9 within the right-of-way of the interstate highway system to
10 give the traveling public specific information as to gas,
11 food, lodging, and camping available on a crossroad at or
12 near an interchange.

13 (2) A specific information sign must contain the words
14 "GAS", "FOOD", "LODGING", or "CAMPING", directional
15 information, and one or more individual business signs on
16 the panel.

17 NEW SECTION. Section 4. Specific information signs --
18 business signs -- maximum signs and distances. (1) The
19 number of specific information signs permitted is limited to
20 one for each type of motorist service along an approach to
21 an interchange or intersection.

22 (2) Not more than six business signs may be permitted
23 on any "GAS" specific information sign, and no more than
24 four business signs may be displayed on any "FOOD",
25 "LODGING", or "CAMPING" specific information sign. No

1 business may be allowed more than one business sign per
2 individual specific information sign except as provided in
3 subsection (3).

4 (3) In areas where not more than two qualified
5 businesses are available for each of two or more types of
6 motorist services, business signs for two types of services
7 may be displayed by a business on the same specific
8 information sign. Not more than two business signs for each
9 type of service may be displayed in combination on a
10 specific information sign.

11 (4) The maximum distance that eligible motorist
12 service facilities may be located from the interstate
13 highway to qualify for a business sign may not exceed 3
14 miles; however, if no eligible services are located within
15 the 3-mile limit, the distance limits may be increased in
16 3-mile increments until an eligible service or 15 miles is
17 reached.

18 NEW SECTION. Section 5. Sign composition -- spacing
19 -- conformity with laws. (1) A specific information sign
20 panel must have a blue background with a white reflectorized
21 border. The panels may be illuminated subject to regulation
22 by the department.

23 (2) A business sign must have a blue background with a
24 white legend unless other requirements are established by
25 the department. Nationally, regionally, or locally known

commercial symbols or trademarks for service stations, restaurants, and motels must be used when applicable. The brand or trademark identification symbol used on the business sign must be reproduced in the colors and general shape consistent with customary use. Any messages, trademarks, or brand symbols that interfere with or resemble any official warning or regulatory traffic sign, signal, or device are prohibited.

(3) Specific information signs may be permitted only at locations where there is adequate distance between interchanges to ensure compliance with 23 C.F.R. 655.307.

(4) The spacing between two specific information sign panels and between specific information sign panels and official traffic control signs must be in accordance with the Manual on Uniform Traffic Control Devices. Where there is insufficient space for both official traffic control signs and specific information signs, only official traffic control signs may be installed.

(5) The erection and maintenance of specific information signs must conform to national standards promulgated by the U.S. secretary of transportation pursuant to 23 U.S.C. 131 and 23 U.S.C. 315 and rules adopted by the department under [section 15].

NEW SECTION. Section 6. Business eligibility -- restrictions. (1) To be eligible for placement of a business

sign on a specific information sign panel, a business establishment shall meet the following standards for motorist services:

(a) "GAS" services must:

(i) provide vehicle services including fuel, oil, tire repair, and water;

(ii) be in continuous operation at least 16 hours a day, 7 days a week;

(iii) provide restroom facilities and drinking water; and

(iv) have a telephone available for public use;

(b) "FOOD" services must:

(i) be licensed and approved by the department of health and environmental sciences and the local health officer as required under 50-50-201;

(ii) be in continuous operation to serve three meals a day, 7 days a week; and

(iii) provide telephone and restroom facilities;

(c) "LODGING" services must:

(i) be licensed and approved by the department of health and environmental sciences and the local health officer as required under 50-51-201;

(ii) provide adequate sleeping accommodations; and

(iii) offer public telephone facilities;

(d) "CAMPING" services must:

(i) be licensed and approved by the department of health and environmental sciences and the local health officer as required under 50-52-103;

(ii) provide adequate camping and parking spaces; and

(iii) have modern sanitary and drinking water facilities.

(2) Each business identified on a specific information sign shall provide assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, or national origin, and any such business that violates any of these laws shall lose eligibility for business signing under this section.

(3) No business that owns or advertises on any outdoor advertising structure in violation of the provisions of Title 75, chapter 15, part 1, may be eligible for business signing under this section.

NEW SECTION. Section 7. Tourist-oriented directional signs within right-of-way of primary highway system. (1) Tourist-oriented directional signs may be erected and maintained within the right-of-way of the primary highway system to provide information to the traveling public concerning gas, food, lodging, camping, recreation, and tourist services accessible from the primary highway system by way of an intersecting highway.

(2) A tourist-oriented directional sign must include directional information for qualified businesses and may contain one or more individual business signs on the panel.

(3) A tourist-oriented directional sign may not be erected if the place of business is readily visible from the main-traveled roadway.

NEW SECTION. Section 8. Tourist-oriented directional signs -- business signs -- maximum signs and distances. (1) The number of tourist-oriented directional signs is limited to three signs on an approach to an intersection.

(2) No more than four business signs may be installed on any tourist-oriented directional sign.

(3) The maximum distance that a qualified business may be located from the primary highway to be eligible for business signing may not exceed 5 miles, except as otherwise permitted by the department if no eligible business is located within the 5-mile limit.

NEW SECTION. Section 9. Sign composition -- design -- conformity with laws. (1) A tourist-oriented directional sign must be rectangular in shape and must have a white legend and border on a blue background.

(2) A tourist-oriented directional sign may contain standard general service symbols to indicate a general class of business, service, or activity.

(3) Business signs for specific businesses, services,

1 and activities may be installed on a tourist-oriented
2 directional sign. Nationally, regionally, or locally known
3 commercial symbols or trademarks for service stations,
4 restaurants, and motels must be used when applicable. Such
5 commercial symbols and trademarks must be reduced to an
6 appropriate size. No business sign may resemble any
7 official warning or regulatory traffic sign, signal, or
8 device.

9 (4) Each tourist-oriented directional sign may contain
10 no more than two lines of legend, including no more than one
11 business sign, a separate directional arrow, and the
12 distance to the specific business, service, or activity.

13 (5) The content of the legend must be limited to the
14 identification of the business, service, or activity. The
15 legend may not include promotional advertising.

16 (6) The legends, arrows, and business signs displayed
17 on a tourist-oriented directional sign may be reflectorized.

18 (7) The erection and maintenance of tourist-oriented
19 directional signs must conform to national standards
20 promulgated by the U.S. secretary of transportation pursuant
21 to 23 U.S.C. 131 and 23 U.S.C. 315 and rules adopted by the
22 department under [section 15].

23 NEW SECTION. Section 10. Business eligibility --
24 restrictions. (1) To be eligible for business identification
25 on a tourist-oriented directional sign, a business

1 establishment shall meet the following standards for a
2 business, service, or activity:

3 (a) gas, food, lodging, and camping services must:

4 (i) be licensed and approved by the state and local
5 agencies regulating the particular type of business;

6 (ii) provide an acceptable level of service to the
7 public;

8 (iii) be in continuous operation at least 8 hours a
9 day, 5 days a week, including Saturday or Sunday; and

10 (iv) have adequate public telephone and restroom
11 facilities;

12 (b) recreation services must:

13 (i) be licensed and approved by state and local
14 agencies as required by law;

15 (ii) provide activities of interest to families and the
16 public in which people participate for purposes of physical
17 exercise, collective amusement, or enjoyment of nature. Such
18 activities may include hiking, golfing, skiing, boating,
19 swimming, picnicking, fishing, and horseback riding.

20 (c) tourist services must:

21 (i) be licensed as required by law;

22 (ii) be open to the motoring public at least 8 hours a
23 day, 5 days a week, including Saturday or Sunday, during the
24 normal tourist season; and

25 (iii) provide a natural, recreational, historical,

1 cultural, educational, or entertainment activity or a unique
2 or unusual commercial or nonprofit activity, from which the
3 major portion of income or visitors is derived during normal
4 business seasons from motorists not residing in the
5 immediate area of the activity.

6 (2) Each business identified on a tourist-oriented
7 directional sign shall provide assurance of its conformity
8 with all applicable laws concerning the provision of public
9 accommodations without regard to race, religion, color, sex,
10 or national origin, and any such business that violates any
11 of these laws shall lose eligibility for business signing
12 under this section.

13 (3) No business that owns or advertises on any outdoor
14 advertising structure in violation of the provisions of
15 Title 75, chapter 15, part 1, may be eligible for business
16 signing under this section.

17 NEW SECTION. Section 11. Motorist information sign
18 program. There is a motorist information sign program
19 established under the general supervision and control of the
20 department. The purpose of the program is to install and
21 maintain motorist information signs on the right-of-way of
22 the interstate and primary highway system to give specific
23 information of interest to the traveling public relating to
24 gas, food, lodging, camping, recreation, and tourist
25 services that are conveniently accessible from the

1 interstate and primary highways within the state.

2 NEW SECTION. Section 12. Franchises. (1) The
3 department may, by public negotiation or bid, grant a
4 franchise to qualified persons to establish and operate the
5 motorist information sign program authorized under [section
6 11].

7 (2) A franchisee shall furnish, install, maintain, and
8 replace motorist information signs for the benefit of
9 businesses that provide gas, food, lodging, camping,
10 recreation, and tourist services for the general public and
11 may lease advertising space on the signs to eligible
12 businesses.

13 (3) In establishing and operating the motorist
14 information sign program, the franchisee shall comply with
15 the provisions of [sections 1 through 10] and any other
16 applicable state and federal laws and regulations.

17 NEW SECTION. Section 13. Contract requirements. All
18 contracts made between the department and a franchisee must
19 provide for:

20 (1) a requirement that the franchisee obtain liability
21 insurance in an amount sufficient to jointly insure the
22 state and the franchisee against all liability for claims
23 for damages occurring wholly or in part because of the
24 franchisee; and

25 (2) reasonable standards for the size, design,

erection, and maintenance of motorist information signs.

NEW SECTION. Section 14. Costs. The department shall authorize reasonable fees to cover all costs incurred under the motorist information sign program. Such fees must be paid under agreements negotiated between a franchisee and an advertiser unless otherwise provided in the contract between the department and the franchisee.

NEW SECTION. Section 15. Rulemaking authority. The department may adopt rules necessary to implement the provisions of [sections 1 through 14].

NEW SECTION. Section 16. Restrictions. The department may take no action under [sections 1 through 15] that may result in the loss to the state of any federal highway construction funds.

NEW SECTION. Section 17. Federal requirements -- conflict and accord. If the secretary of the U.S. department of transportation finds any part of [sections 1 through 16] to be in conflict with federal requirements that are prescribed as a condition to the allocation of federal funds to the state, the conflicting part of [sections 1 through 16] is invalid only to the extent of the conflict and such finding may not affect the operation of the remainder of [sections 1 through 16] in its valid applications.

Section 18. Section 60-5-110, MCA, is amended to read:

"60-5-110. Commercial enterprise or structure

prohibited. ~~No~~ Except as provided in [section 12], no commercial enterprise or structure shall be constructed or operated on the publicly owned right-of-way of a controlled-access highway or facility or on any publicly leased land used in connection therewith."

Section 19. Section 75-15-111, MCA, is amended to read:

"75-15-111. Outdoor advertising prohibited in proximity to highway -- exceptions. (1) Outdoor advertising may not be erected or maintained which is within 660 feet of the nearest edge of the right-of-way and which is visible from any place on the main-traveled way of an interstate or primary system except:

(a) directional and other official signs and notices, which signs and notices include but are not limited to signs and notices pertaining to natural wonders and scenic and historical attractions, as authorized or required by law;

(b) signs, displays, and devices advertising the sale or lease of property upon which they are located;

(c) signs, displays, and devices advertising activities conducted on the property upon which they are located;

(d) signs, displays, and devices located in areas which are zoned industrial or commercial by a bona fide state, county, or local zoning authority;

(e) signs, displays, and devices located in unzoned commercial or industrial areas, which areas shall be determined from actual land uses and by agreement between the department of highways and the secretary and defined by rules adopted by the commission. The exception granted by this subsection shall not apply to signs, displays, and devices located within an unzoned area in which the commercial or industrial activity used in defining the area has ceased for a period of 9 months.

(f) signs or displays advertising the cultural exhibits of nonprofit historical or arts organizations if the signs or displays conform with the standards provided in Title 23, Code of Federal Regulations, section 750, subpart B-;

(g) signs, consistent with the policy of this state and the national policy set forth in 23 U.S.C. 131 and the regulations promulgated thereunder, designed to provide information in the specific interest of the traveling public as provided in [sections 3 through 5, 7 through 9, 11, and 12].

(2) Outdoor advertising authorized under subsections (a), (d), and (e) of (1) of this section shall conform with standards contained in and shall bear permits required in rules which are adopted by the commission and this part.

(3) Outdoor advertising may not be erected or

maintained beyond 660 feet of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area if such outdoor advertising is or was erected with the purpose of its message being read from such main-traveled way and visible from such main-traveled way unless such outdoor advertising meets the criteria of subsections (a), (b), or (c) of (1) of this section. Should such outdoor advertising meet said criteria, it shall conform with standards contained in rules which are adopted by the commission and this part."

NEW SECTION. Section 20. Effective date. This act is effective July 1, 1987.

-End-

1 SENATE BILL NO. 396

2 INTRODUCED BY BENGTON, KEENAN, KOEHNKE

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A
5 MOTORIST INFORMATION SIGN PROGRAM; AUTHORIZING INSTALLATION
6 AND MAINTENANCE OF MOTORIST INFORMATION SIGNS WITHIN THE
7 RIGHT-OF-WAY OF INTERSTATE AND PRIMARY HIGHWAYS; ALLOWING
8 THE DEPARTMENT OF HIGHWAYS TO AWARD FRANCHISES TO PRIVATE
9 PERSONS TO ESTABLISH AND OPERATE A MOTORIST INFORMATION SIGN
10 PROGRAM; PROVIDING REVENUE TO COVER THE COSTS OF THE
11 PROGRAM; GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS
12 60-5-110 AND 75-15-111, MCA; AND PROVIDING AN EFFECTIVE
13 DATE."

14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Purpose. It is the purpose of
17 [sections 1 through 17] to provide for the installation of
18 motorist information signs giving specific information of
19 interest to the traveling public regarding motorist services
20 that are conveniently accessible from the interstate and
21 primary highways within the state.

22 NEW SECTION. Section 2. Definitions. As used in
23 [sections 1 through 17], unless the context indicates
24 otherwise, the following definitions apply:

25 (1) "Business sign" means a separately attached sign

THERE ARE NO CHANGES ON SB 396
AND WILL NOT BE REPRINTED. PLEASE
REFER TO SECOND READING (YELLOW)
FOR COMPLETE TEXT.

THIRD READING