

SENATE BILL NO. 94
INTRODUCED BY BENGTON, KOEHNKE

IN THE SENATE

JANUARY 10, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 3, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
	STATEMENT OF INTENT ADOPTED.
FEBRUARY 6, 1989	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 7, 1989	ENGROSSING REPORT.
FEBRUARY 8, 1989	THIRD READING, PASSED. AYES, 37; NOES, 12.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 8, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
FEBRUARY 20, 1989	FIRST READING.
MARCH 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 18, 1989	SECOND READING, CONCURRED IN.
MARCH 21, 1989	THIRD READING, CONCURRED IN. AYES, 83; NOES, 11.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 1, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 4, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *State* BILL NO. *94*
2 INTRODUCED BY *Bergton, Gehlke*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MOTORIST
5 INFORMATION SIGN PROGRAM; AUTHORIZING INSTALLATION AND
6 MAINTENANCE OF MOTORIST INFORMATION SIGNS WITHIN THE
7 RIGHTS-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 FOR FEES 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 other tourist services.

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

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:

- (a) business identification; and
- (b) 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. 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 motorist services available on a crossroad at or near an interchange.

NEW SECTION. Section 4. Specific information signs -- number of business signs -- 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) No more than six business signs may be displayed on a "GAS" specific information sign, and no more than four business signs may be displayed on a "FOOD", "LODGING", or "CAMPING" specific information sign. Except as provided in subsection (3), no business may be allowed more than one business sign on the same specific information sign.

(3) In areas where there are only one or two qualified businesses 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. No more than two business signs for each type of service may be displayed in combination on a specific information sign.

(4) To qualify for business identification on a specific information sign, a motorist service facility shall meet the eligibility criteria established in [section 6] and may not be located more than 3 miles from the interstate highway. However, if no eligible services are located within the 3-mile limit, the distance limits may be increased in 3-mile increments until either 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, brands, or trademarks for service stations, restaurants, and motels must be used when applicable. The symbol, brand, or trademark used on the business sign must be reproduced in the colors and general

1 shape consistent with customary use. Messages, symbols,
2 brands, or trademarks that interfere with or resemble any
3 official warning or regulatory traffic sign, signal, or
4 device are prohibited.

5 (3) Specific information signs are permitted only at
6 locations where there is adequate distance between
7 interchanges to ensure compliance with 23 CFR 655.307.

8 (4) The spacing between two specific information sign
9 panels and between specific information sign panels and
10 official traffic control signs must be in accordance with
11 the Manual on Uniform Traffic Control Devices. If there is
12 insufficient space for both official traffic control signs
13 and specific information signs, the official traffic control
14 signs must be installed.

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

20 NEW SECTION. Section 6. Business eligibility --
21 criteria -- restrictions. (1) To be eligible for placement
22 of a business sign on a specific information sign panel, a
23 business establishment shall meet the following standards
24 for motorist services:

25 (a) "GAS" services must:

- 1 (i) provide vehicle services, including fuel, oil,
- 2 tire repair, and water;
- 3 (ii) be in continuous operation at least 16 hours a
- 4 day, 7 days a week;
- 5 (iii) provide restroom facilities and drinking water;
- 6 and
- 7 (iv) have a telephone available for public use.
- 8 (b) "FOOD" services must:
- 9 (i) be licensed by the department of health and
- 10 environmental sciences as required under 50-50-201;
- 11 (ii) be in continuous operation to serve three meals a
- 12 day, 7 days a week; and
- 13 (iii) provide telephone and restroom facilities.
- 14 (c) "LODGING" services must:
- 15 (i) be licensed by the department of health and
- 16 environmental sciences as required under 50-51-201;
- 17 (ii) provide adequate sleeping accommodations; and
- 18 (iii) offer public telephone facilities.
- 19 (d) "CAMPING" services must:
- 20 (i) be licensed by the department of health and
- 21 environmental sciences and allow inspections by the local
- 22 health officer, as required under 50-52-103;
- 23 (ii) provide adequate camping and parking spaces; and
- 24 (iii) have modern sanitary and drinking water
- 25 facilities.

(2) (a) 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, color, sex, culture, social origin or condition, or political or religious ideas.

(b) If such a business violates any of these laws, it loses eligibility for business identification on a specific information sign.

(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 identification on a specific information sign.

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 motorist services accessible from the primary highway system by way of an intersecting highway.

(2) 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 -- number of business signs -- 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 a tourist-oriented directional sign.

(3) To qualify for business identification on a tourist-oriented sign, a business shall meet the eligibility criteria established in [section 10] and may not be located more than 5 miles from the primary highway, 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 standards and rules. (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 class of business, service, or activity.

(3) Business signs for specific businesses, services, and activities may be installed on a tourist-oriented directional sign. Nationally, regionally, or locally known commercial symbols, brands, or trademarks for service stations, restaurants, and motels must be used when applicable. Such commercial symbols, brands, and trademarks must be reduced to an appropriate size. No business sign may resemble any official warning or regulatory traffic sign, signal, or device.

1 (4) A tourist-oriented directional sign may contain no
2 more than two lines of legend, including no more than one
3 business sign, a separate directional arrow, and the
4 distance to the specific business, service, or activity.

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

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

10 (7) The erection and maintenance of tourist-oriented
11 directional signs must conform to national standards
12 promulgated by the U.S. secretary of transportation
13 pursuant to 23 U.S.C. 131 and 23 U.S.C. 315 and rules
14 adopted by the department under [section 15].

15 NEW SECTION. Section 10. Business eligibility --
16 criteria -- restrictions. (1) To be eligible for business
17 identification on a tourist-oriented directional sign, a
18 business establishment shall meet the following standards
19 for a business, service, or activity:

20 (a) Gas, food, lodging, and camping services must:

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

23 (ii) provide an acceptable level of service to the
24 public;

25 (iii) be in continuous operation at least 8 hours a

1 day, 5 days a week, including Saturday or Sunday; and

2 (iv) have adequate public telephone and restroom
3 facilities.

4 (b) Recreation services must:

5 (i) be licensed and approved by state and local
6 agencies as required by law;

7 (ii) provide to families and the public activities of
8 interest in which people participate for purposes of
9 physical exercise, collective amusement, or enjoyment of
10 nature. Such activities may include hiking, golfing, skiing,
11 boating, swimming, picnicking, fishing, and horseback
12 riding.

13 (c) Tourist services must:

14 (i) be licensed as required by law;

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

18 (iii) provide a natural, recreational, historical,
19 cultural, educational, or entertainment activity or a unique
20 or unusual commercial or nonprofit activity, from which the
21 major portion of income or visitors is derived during normal
22 business seasons from motorists not residing in the
23 immediate area of the activity.

24 (2) (a) Each business identified on a tourist-oriented
25 directional sign shall provide assurance of its conformity

with all applicable laws concerning the provision of public accommodations without regard to race, color, sex, culture, social origin or condition, or political or religious ideas.

(b) If a business violates any of these laws, it loses eligibility for business identification on a tourist-oriented directional sign.

(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 identification on a tourist-oriented directional sign.

NEW SECTION. Section 11. Motorist information sign program -- department. There is a motorist information sign program established under the general supervision and control of the department.

NEW SECTION. Section 12. Franchises. (1) The department may grant a franchise by public negotiation or bid 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 motorist services for the general public and may lease space on the signs to eligible businesses.

(3) A 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) the standards for the size, design, erection, and maintenance that were adopted under [section 15].

NEW SECTION. Section 14. Costs. The department shall authorize reasonable fees to cover all costs incurred under the motorist information sign program. 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.

1 NEW SECTION. **Section 17.** Federal requirements --
 2 conflict and accord. If the secretary of the U.S. department
 3 of transportation finds any part of [sections 1 through 16]
 4 to be in conflict with federal requirements that are
 5 prescribed as a condition to the allocation of federal funds
 6 to the state, the conflicting part of [sections 1 through
 7 16] is invalid only to the extent of the conflict and such
 8 finding may not affect the operation of the remainder of
 9 [sections 1 through 16] in its valid applications.

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

11 "60-5-110. Commercial enterprise or structure
 12 prohibited -- exception. No Except as provided in [section
 13 12], no commercial enterprise or structure shall be
 14 constructed or operated on the publicly owned right-of-way
 15 of a controlled-access highway or facility or on any
 16 publicly leased land used in connection therewith."

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

19 "75-15-111. Outdoor advertising prohibited in
 20 proximity to highway -- exceptions. (1) Outdoor advertising
 21 may not be erected or maintained which is within 660 feet of
 22 the nearest edge of the right-of-way and which is visible
 23 from any place on the main-traveled way of an interstate or
 24 primary system except:

25 (a) directional and other official signs and notices,

1 which signs and notices include but are not limited to signs
 2 and notices pertaining to natural wonders and scenic and
 3 historical attractions, as authorized or required by law;

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

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

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

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

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

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

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

11 (3) Outdoor advertising may not be erected or
12 maintained beyond 660 feet of the nearest edge of the
13 right-of-way of an interstate or primary highway outside of
14 an urban area if such outdoor advertising is or was erected
15 with the purpose of its message being read from such
16 main-traveled way and visible from such main-traveled way
17 unless such outdoor advertising meets the criteria of
18 subsections (a), (b), or (c) of (1) of this section. Should
19 such outdoor advertising meet said criteria, it shall
20 conform with standards contained in rules which are adopted
21 by the commission and this part."

22 NEW SECTION. Section 20. Effective date. [This act]
23 is effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB094, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating 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 for fees to cover the costs of the program; granting rule making authority; amending Sections 60-5-110 and 75-15-111, MCA; and providing an effective date.

ASSUMPTIONS:

1. There will be no revenue derived by the department the first year, but it will incur expenses.
2. Section 14 authorizes the department to collect sufficient revenue to cover expenses.
3. One FTE will be required to initiate this program - an Administrative Officer, grade 15. This position will manage the program thereafter.
4. Indirect costs will be recovered by a cost assessed per sign.
5. Supervising the sign program to ensure conformity with rules and regulations, will be part of the indirect costs.


FISCAL IMPACT:Proposed Law

	<u>FY90</u>	<u>FY91</u>
<u>FTE:</u>	1.0	1.0
<u>Expenditures:</u>		
Personal Services	\$26,475	\$26,475
Operating Expenses	<u>5,758</u>	<u>9,345</u>
Total	\$32,233	\$35,820
<u>Funding Source:</u>		
Earmarked Special Revenue	\$32,233	\$35,820
<u>Revenue:</u>		
Franchise Fee	-0-	\$68,053



RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

1/14/89
DATE



ESTHER G BENGTSON, PRIMARY SPONSOR

1-17-89
DATE

Fiscal Note for SB094, as introduced

SB 94

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

SENATE BILL NO. 94

INTRODUCED BY BENGTSON, KOEHNKE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MOTORIST INFORMATION SIGN PROGRAM; AUTHORIZING INSTALLATION AND MAINTENANCE OF MOTORIST INFORMATION SIGNS WITHIN THE RIGHTS-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 FOR FEES 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."

STATEMENT OF INTENT

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 other 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. At a minimum, this policy should include criteria for:

(1) standards of service for business eligibility for placement of a logo sign;

(2) distances to eligible services;

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

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

(5) standards for the size, design, installation, and maintenance of motorist information signs; and

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

It is intended that the department establish service eligibility requirements with the knowledge that in the rural vastness of this state it is important for a traveler to obtain information about available services, even if the full range of services contemplated by federal guidelines is not available. The department may provide a method for the substitution or replacement of services that are not available at a location, and it may establish some method of signing to indicate to the traveler that a particular

service category is not available at the signed businesses.

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 the motorist information sign programs established in the states of Idaho and Washington and the logo sign franchise program established in the state of Minnesota.

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 other tourist services.

(7) "Specific information sign" means a motorist information sign that is located on the interstate highway system and that contains:

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

(b) directional information; and

(c) one or more individual business signs.

(8) "Tourist-oriented directional sign" means a motorist information sign located on the primary highway

1 system to provide:

- 2 (a) business identification; and
 3 (b) directional information for businesses, services,
 4 and activities of interest to tourists.

5 NEW SECTION. Section 3. Specific information signs
 6 within right-of-way of interstate highway system. Specific
 7 information signs may be erected and maintained within the
 8 right-of-way of the interstate highway system to give the
 9 traveling public specific information as to motorist
 10 services available on a crossroad at or near an interchange.

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

16 (2) No more than six business signs may be displayed
 17 on a "GAS" specific information sign, and no more than four
 18 business signs may be displayed on a "FOOD", "LODGING", or
 19 "CAMPING" specific information sign. Except as provided in
 20 subsection (3), no business may be allowed more than one
 21 business sign on the same specific information sign.

22 (3) In areas where there are only one or two qualified
 23 businesses available for each of two or more types of
 24 motorist services, business signs for two types of services
 25 may be displayed by a business on the same specific

1 information sign. No more than two business signs for each
 2 type of service may be displayed in combination on a
 3 specific information sign.

4 (4) To qualify for business identification on a
 5 specific information sign, a motorist service facility shall
 6 meet the eligibility criteria established in [section 6] and
 7 may not be located more than 3 miles from the interstate
 8 highway. However, if no eligible services are located within
 9 the 3-mile limit, the distance limits may be increased in
 10 3-mile increments until either an eligible service or 15
 11 miles is reached.

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

17 (2) A business sign must have a blue background with a
 18 white legend unless other requirements are established by
 19 the department. Nationally, regionally, or locally known
 20 commercial symbols, brands, or trademarks for service
 21 stations, restaurants, and motels must be used when
 22 applicable. The symbol, brand, or trademark used on the
 23 business sign must be reproduced in the colors and general
 24 shape consistent with customary use. Messages, symbols,
 25 brands, or trademarks that interfere with or resemble any

1 official warning or regulatory traffic sign, signal, or
2 device are prohibited.

3 (3) Specific information signs are permitted only at
4 locations where there is adequate distance between
5 interchanges to ensure IN compliance with 23-~~CPR-655-307~~ THE
6 MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, AS AMENDED.

7 (4) The spacing between two specific information sign
8 panels and between specific information sign panels and
9 official traffic control signs must be in accordance with
10 the Manual on Uniform Traffic Control Devices. If there is
11 insufficient space for both official traffic control signs
12 and specific information signs, the official traffic control
13 signs must be installed.

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

19 NEW SECTION. Section 6. Business eligibility --
20 criteria -- restrictions. (1) To be eligible for placement
21 of a business sign on a specific information sign panel, a
22 business establishment shall meet the following standards
23 for motorist services:

24 (a) "GAS" services must:
25 (i) provide vehicle services, including fuel, oil,

1 tire repair, and water;

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

4 (iii) provide restroom facilities and drinking water;
5 and

6 (iv) have a telephone available for public use;

7 (b) "FOOD" services must:

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

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

12 (iii) provide telephone and restroom facilities;

13 (c) "LODGING" services must:

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

16 (ii) provide adequate sleeping accommodations; and

17 (iii) offer public telephone facilities;

18 (d) "CAMPING" services must:

19 (i) be licensed by the department of health and
20 environmental sciences and allow inspections by the local
21 health officer, as required under 50-52-103;

22 (ii) provide adequate camping and parking spaces; and

23 (iii) have modern sanitary and drinking water

24 facilities STANDARDS FOR "GAS", "FOOD", "LODGING", AND

25 "CAMPING" SERVICES IN RULES ADOPTED BY THE DEPARTMENT

PURSUANT TO GUIDELINES IN THE MANUAL ON UNIFORM TRAFFIC
CONTROL DEVICES, AS AMENDED.

(2) (a) 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, color, sex, culture, social origin or condition, or political or religious ideas.

(b) If such a business violates any of these laws, it loses eligibility for business identification on a specific information sign.

(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 identification on a specific information sign.

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 motorist services accessible from the primary highway system by way of an intersecting highway.

(2) A EXCEPT AS PROVIDED BY RULE, 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 -- number of business signs -- 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 a tourist-oriented directional sign.

(3) To qualify for business identification on a tourist-oriented sign, a business shall meet the eligibility criteria established in [section 10] and may not be located more than 5 miles from the primary highway, 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 standards and rules. (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 class of business, service, or activity.

(3) Business signs for specific businesses, services, and activities may be installed on a tourist-oriented directional sign. Nationally, regionally, or locally known commercial symbols, brands, or trademarks for service stations, restaurants, CAMPGROUNDS, and motels must be used when applicable. Such commercial symbols, brands, and trademarks must be reduced to an appropriate size. No

1 business sign may resemble any official warning or
2 regulatory traffic sign, signal, or device.

3 (4) A tourist-oriented directional sign may contain no
4 more than two lines of legend, including no more than one
5 business sign, a separate directional arrow, and the
6 distance to the specific business, service, or activity.

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

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

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

17 NEW SECTION. Section 10. Business eligibility --
18 criteria -- restrictions. (1) To be eligible for business
19 identification on a tourist-oriented directional sign, a
20 business establishment shall meet the following standards
21 for a business, service, or activity:

22 (a) Gas, food, lodging, and camping services must:

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

25 (ii) provide an acceptable level of service to the

1 public;

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

4 (iv) have ~~adequate--public~~ A telephone and restroom
5 facilities AVAILABLE FOR PUBLIC USE.

6 (b) Recreation services must:

7 (i) be licensed and approved by state and local
8 agencies as required by law;

9 (ii) provide to families and the public activities of
10 interest in which people participate for purposes of
11 physical exercise, collective amusement, or enjoyment of
12 nature. Such activities may include hiking, golfing, skiing,
13 boating, swimming, picnicking, fishing, and horseback
14 riding.

15 (c) Tourist services must:

16 (i) be licensed as required by law;

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

20 (iii) provide a natural, recreational, historical,
21 cultural, educational, or entertainment activity or a unique
22 or unusual commercial or nonprofit activity, from which the
23 major portion of income or visitors is derived during normal
24 business seasons from motorists not residing in the
25 immediate area of the activity.

(2) (a) 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, color, sex, culture, social origin or condition, or political or religious ideas.

(b) If a business violates any of these laws, it loses eligibility for business identification on a tourist-oriented directional sign.

(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 identification on a tourist-oriented directional sign.

NEW SECTION. Section 11. Motorist information sign program -- department. There is a motorist information sign program established TO BE OPERATED BY A FRANCHISEE under the general supervision and control of the department.

NEW SECTION. Section 12. Franchises. (1) The department may grant a franchise by public negotiation or bid 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 motorist services for the general public and may lease space on the signs to eligible

businesses.

(3) A 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) the standards for the size, design, erection, and maintenance that were adopted under [section 15].

NEW SECTION. Section 14. Costs. The department shall authorize reasonable fees to cover all costs incurred under the motorist information sign program. 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

1 result in the loss to the state of any federal highway
2 construction funds.

3 **NEW SECTION. Section 17. Federal requirements --**
4 **conflict and accord.** If the secretary of the U.S. department
5 of transportation finds any part of [sections 1 through 16]
6 to be in conflict with federal requirements that are
7 prescribed as a condition to the allocation of federal funds
8 to the state, the conflicting part of [sections 1 through
9 16] is invalid only to the extent of the conflict and such
10 finding may not affect the operation of the remainder of
11 [sections 1 through 16] in its valid applications.

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

13 "60-5-110. Commercial enterprise or structure
14 prohibited -- exception. No Except as provided in [section
15 12], no commercial enterprise or structure shall be
16 constructed or operated on the publicly owned right-of-way
17 of a controlled-access highway or facility or on any
18 publicly leased land used in connection therewith."

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

21 "75-15-111. Outdoor advertising prohibited in
22 proximity to highway -- exceptions. (1) Outdoor advertising
23 may not be erected or maintained which is within 660 feet of
24 the nearest edge of the right-of-way and which is visible
25 from any place on the main-traveled way of an interstate or

1 primary system except:

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

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

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

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

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

23 (f) signs or displays advertising the cultural
24 exhibits of nonprofit historical or arts organizations if
25 the signs or displays conform with the standards provided in

1 Title 23, Code of Federal Regulations, section 750, subpart
2 B; or

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

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

13 (3) Outdoor advertising may not be erected or
14 maintained beyond 660 feet of the nearest edge of the
15 right-of-way of an interstate or primary highway outside of
16 an urban area if such outdoor advertising is or was erected
17 with the purpose of its message being read from such
18 main-traveled way and visible from such main-traveled way
19 unless such outdoor advertising meets the criteria of
20 subsections (a), (b), or (c) of (1) of this section. Should
21 such outdoor advertising meet said criteria, it shall
22 conform with standards contained in rules which are adopted
23 by the commission and this part."

24 NEW SECTION. Section 20. Effective date. [This act]
25 is effective July 1, 1989.

-End-

1 SENATE BILL NO. 94

2 INTRODUCED BY BENGTON, KOEHNKE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MOTORIST
5 INFORMATION SIGN PROGRAM; AUTHORIZING INSTALLATION AND
6 MAINTENANCE OF MOTORIST INFORMATION SIGNS WITHIN THE
7 RIGHTS-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 FOR FEES 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 STATEMENT OF INTENT

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

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

1 provisions of [this act].

2 In adopting rules, the department should develop a
3 policy for installation of motorist information signs. At a
4 minimum, this policy should include criteria for:

5 (1) standards of service for business eligibility for
6 placement of a logo sign;

7 (2) distances to eligible services;

8 (3) selection of eligible businesses for motorist
9 information signing;

10 (4) location of motorist information signs at
11 interchanges or intersections, in accordance with federal
12 standards;

13 (5) standards for the size, design, installation, and
14 maintenance of motorist information signs; and

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

17 It is intended that the department establish service
18 eligibility requirements with the knowledge that in the
19 rural vastness of this state it is important for a traveler
20 to obtain information about available services, even if the
21 full range of services contemplated by federal guidelines is
22 not available. The department may provide a method for the
23 substitution or replacement of services that are not
24 available at a location, and it may establish some method of
25 signing to indicate to the traveler that a particular

1 service category is not available at the signed businesses.

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

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

12

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

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

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

23 (1) "Business sign" means a separately attached sign
24 mounted on a motorist information sign panel to show the
25 brand, symbol, trademark, or name, or combination of these,

1 for a motorist service available on a crossroad at or near
2 an interchange or intersection.

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

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

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

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

14 (a) specific information sign; or

15 (b) tourist-oriented directional sign.

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

18 (7) "Specific information sign" means a motorist
19 information sign that is located on the interstate highway
20 system and that contains:

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

22 (b) directional information; and

23 (c) one or more individual business signs.

24 (8) "Tourist-oriented directional sign" means a
25 motorist information sign located on the primary highway

1 system to provide:

- 2 (a) business identification; and
 3 (b) directional information for businesses, services,
 4 and activities of interest to tourists.

5 NEW SECTION. Section 3. Specific information signs
 6 within right-of-way of interstate highway system. Specific
 7 information signs may be erected and maintained within the
 8 right-of-way of the interstate highway system to give the
 9 traveling public specific information as to motorist
 10 services available on a crossroad at or near an interchange.

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

16 (2) No more than six business signs may be displayed
 17 on a "GAS" specific information sign, and no more than four
 18 business signs may be displayed on a "FOOD", "LODGING", or
 19 "CAMPING" specific information sign. Except as provided in
 20 subsection (3), no business may be allowed more than one
 21 business sign on the same specific information sign.

22 (3) In areas where there are only one or two qualified
 23 businesses available for each of two or more types of
 24 motorist services, business signs for two types of services
 25 may be displayed by a business on the same specific

1 information sign. No more than two business signs for each
 2 type of service may be displayed in combination on a
 3 specific information sign.

4 (4) To qualify for business identification on a
 5 specific information sign, a motorist service facility shall
 6 meet the eligibility criteria established in [section 6] and
 7 may not be located more than 3 miles from the interstate
 8 highway. However, if no eligible services are located within
 9 the 3-mile limit, the distance limits may be increased in
 10 3-mile increments until either an eligible service or 15
 11 miles is reached.

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

17 (2) A business sign must have a blue background with a
 18 white legend unless other requirements are established by
 19 the department. Nationally, regionally, or locally known
 20 commercial symbols, brands, or trademarks for service
 21 stations, restaurants, and motels must be used when
 22 applicable. The symbol, brand, or trademark used on the
 23 business sign must be reproduced in the colors and general
 24 shape consistent with customary use. Messages, symbols,
 25 brands, or trademarks that interfere with or resemble any

1 official warning or regulatory traffic sign, signal, or
2 device are prohibited.

3 (3) Specific information signs are permitted only at
4 locations where there is adequate distance between
5 interchanges to ensure IN compliance with 23-CPB-655-307 THE
6 MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, AS AMENDED.

7 (4) The spacing between two specific information sign
8 panels and between specific information sign panels and
9 official traffic control signs must be in accordance with
10 the Manual on Uniform Traffic Control Devices. If there is
11 insufficient space for both official traffic control signs
12 and specific information signs, the official traffic control
13 signs must be installed.

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

19 NEW SECTION. Section 6. Business eligibility --
20 criteria -- restrictions. (1) To be eligible for placement
21 of a business sign on a specific information sign panel, a
22 business establishment shall meet the following standards
23 for motorist services:

24 (a) -- "GAS" services must:

25 (i) -- provide vehicle services, including fuel, oil,

1 tire repair, and water;

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

4 (iii) -- provide restroom facilities and drinking water;
5 and

6 (iv) -- have a telephone available for public use.

7 (b) -- "FOOD" services must:

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

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

12 (iii) -- provide telephone and restroom facilities;

13 (c) -- "LODGING" services must:

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

16 (ii) -- provide adequate sleeping accommodations; and

17 (iii) -- offer public telephone facilities;

18 (d) -- "CAMPING" services must:

19 (i) -- be licensed by the department of health and
20 environmental sciences and allow inspections by the local
21 health officer as required under 50-52-103;

22 (ii) -- provide adequate camping and parking spaces; and

23 (iii) -- have modern sanitary and drinking water
24 facilities STANDARDS FOR "GAS", "FOOD", "LODGING", AND

25 "CAMPING" SERVICES IN RULES ADOPTED BY THE DEPARTMENT

1 PURSUANT TO GUIDELINES IN THE MANUAL ON UNIFORM TRAFFIC
 2 CONTROL DEVICES, AS AMENDED.

3 (2) (a) Each business identified on a specific
 4 information sign shall provide assurance of its conformity
 5 with all applicable laws concerning the provision of public
 6 accommodations without regard to race, color, sex, culture,
 7 social origin or condition, or political or religious ideas.

8 (b) If such a business violates any of these laws, it
 9 loses eligibility for business identification on a specific
 10 information sign.

11 (3) No business that owns or advertises on any outdoor
 12 advertising structure in violation of the provisions of
 13 Title 75, chapter 15, part 1, may be eligible for business
 14 identification on a specific information sign.

15 NEW SECTION. Section 7. Tourist-oriented directional
 16 signs within right-of-way of primary highway system. (1)
 17 Tourist-oriented directional signs may be erected and
 18 maintained within the right-of-way of the primary highway
 19 system to provide information to the traveling public
 20 concerning motorist services accessible from the primary
 21 highway system by way of an intersecting highway.

22 (2) A EXCEPT AS PROVIDED BY RULE, A tourist-oriented
 23 directional sign may not be erected if the place of business
 24 is readily visible from the main-traveled roadway.

25 NEW SECTION. Section 8. Tourist-oriented directional

1 signs -- number of business signs -- distances. (1) The
 2 number of tourist-oriented directional signs is limited to
 3 three signs on an approach to an intersection.

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

6 (3) To qualify for business identification on a
 7 tourist-oriented sign, a business shall meet the eligibility
 8 criteria established in [section 10] and may not be located
 9 more than 5 miles from the primary highway, except as
 10 otherwise permitted by the department if no eligible
 11 business is located within the 5-mile limit.

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

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

19 (3) Business signs for specific businesses, services,
 20 and activities may be installed on a tourist-oriented
 21 directional sign. Nationally, regionally, or locally known
 22 commercial symbols, brands, or trademarks for service
 23 stations, restaurants, CAMPGROUNDS, and motels must be used
 24 when applicable. Such commercial symbols, brands, and
 25 trademarks must be reduced to an appropriate size. No

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2 regulatory traffic sign, signal, or device.

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4 more than two lines of legend, including no more than one
5 business sign, a separate directional arrow, and the
6 distance to the specific business, service, or activity.

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

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

12 (7) The erection and maintenance of tourist-oriented
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24 agencies regulating the particular type of business;

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

4 (iv) have adequate--public A telephone and restroom
5 facilities AVAILABLE FOR PUBLIC USE.

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10 interest in which people participate for purposes of
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12 nature. Such activities may include hiking, golfing, skiing,
13 boating, swimming, picnicking, fishing, and horseback
14 riding.

15 (c) Tourist services must:

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

20 (iii) provide a natural, recreational, historical,
21 cultural, educational, or entertainment activity or a unique
22 or unusual commercial or nonprofit activity, from which the
23 major portion of income or visitors is derived during normal
24 business seasons from motorists not residing in the
25 immediate area of the activity.

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(2) A franchisee shall furnish, install, maintain, and replace motorist information signs for the benefit of businesses that provide motorist services for the general public and may lease space on the signs to eligible

businesses.

(3) A 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) the standards for the size, design, erection, and maintenance that were adopted under [section 15].

NEW SECTION. Section 14. Costs. The department shall authorize reasonable fees to cover all costs incurred under the motorist information sign program. 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.

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8 to the state, the conflicting part of [sections 1 through
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11 [sections 1 through 16] in its valid applications.

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13 **"60-5-110. Commercial enterprise or structure**
14 **prohibited -- exception.** No Except as provided in [section
15 12], no commercial enterprise or structure shall be
16 constructed or operated on the publicly owned right-of-way
17 of a controlled-access highway or facility or on any
18 publicly leased land used in connection therewith."

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

21 **"75-15-111. Outdoor advertising prohibited in**
22 **proximity to highway -- exceptions.** (1) Outdoor advertising
23 may not be erected or maintained which is within 660 feet of
24 the nearest edge of the right-of-way and which is visible
25 from any place on the main-traveled way of an interstate or

1 primary system except:

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

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

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

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

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

23 (f) signs or displays advertising the cultural
24 exhibits of nonprofit historical or arts organizations if
25 the signs or displays conform with the standards provided in

1 Title 23, Code of Federal Regulations, section 750, subpart

2 Br; or

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

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

13 (3) Outdoor advertising may not be erected or
14 maintained beyond 660 feet of the nearest edge of the
15 right-of-way of an interstate or primary highway outside of
16 an urban area if such outdoor advertising is or was erected
17 with the purpose of its message being read from such
18 main-traveled way and visible from such main-traveled way
19 unless such outdoor advertising meets the criteria of
20 subsections (a), (b), or (c) of (1) of this section. Should
21 such outdoor advertising meet said criteria, it shall
22 conform with standards contained in rules which are adopted
23 by the commission and this part."

24 NEW SECTION. Section 20. Effective date. [This act]
25 is effective July 1, 1989.

-End-

-17-

STANDING COMMITTEE REPORT

March 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 94 (third reading copy -- blue) be concurred in as amended .

Signed:  Barry Stang, Chairman

[REP. KOEHNKE WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 6, line 21.
Following: "restaurants,"
Insert: "campgrounds,"
2. Page 9, line 11.
Strike: "or advertises on"
3. Page 9, line 14.
Following: "sign"
Insert: "for 1 year after the illegal outdoor advertising structure is removed unless the owner voluntarily removes it within 45 days of receiving notification under 75-15-131"
4. Page 13, line 9.
Strike: "or advertises on"
5. Page 13, line 12.
Following: "sign"
Insert: "for 1 year after the illegal outdoor advertising structure is removed unless the owner voluntarily removes it within 45 days of receiving notification under 75-15-131"

HOUSE

SB 94

RT

1 SENATE BILL NO. 94

2 INTRODUCED BY BENGTON, KOEHNKE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MOTORIST
5 INFORMATION SIGN PROGRAM; AUTHORIZING INSTALLATION AND
6 MAINTENANCE OF MOTORIST INFORMATION SIGNS WITHIN THE
7 RIGHTS-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 FOR FEES 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 STATEMENT OF INTENT

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

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

1 provisions of [this act].

2 In adopting rules, the department should develop a
3 policy for installation of motorist information signs. At a
4 minimum, this policy should include criteria for:

5 (1) standards of service for business eligibility for
6 placement of a logo sign;

7 (2) distances to eligible services;

8 (3) selection of eligible businesses for motorist
9 information signing;

10 (4) location of motorist information signs at
11 interchanges or intersections, in accordance with federal
12 standards;

13 (5) standards for the size, design, installation, and
14 maintenance of motorist information signs; and

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

17 It is intended that the department establish service
18 eligibility requirements with the knowledge that in the
19 rural vastness of this state it is important for a traveler
20 to obtain information about available services, even if the
21 full range of services contemplated by federal guidelines is
22 not available. The department may provide a method for the
23 substitution or replacement of services that are not
24 available at a location, and it may establish some method of
25 signing to indicate to the traveler that a particular

1 service category is not available at the signed businesses.

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

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

12

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

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

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

23 (1) "Business sign" means a separately attached sign
24 mounted on a motorist information sign panel to show the
25 brand, symbol, trademark, or name, or combination of these,

1 for a motorist service available on a crossroad at or near
2 an interchange or intersection.

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

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

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

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

14 (a) specific information sign; or

15 (b) tourist-oriented directional sign.

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

18 (7) "Specific information sign" means a motorist
19 information sign that is located on the interstate highway
20 system and that contains:

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

22 (b) directional information; and

23 (c) one or more individual business signs.

24 (8) "Tourist-oriented directional sign" means a
25 motorist information sign located on the primary highway

1 system to provide:

- 2 (a) business identification; and
 3 (b) directional information for businesses, services,
 4 and activities of interest to tourists.

5 NEW SECTION. Section 3. Specific information signs
 6 within right-of-way of interstate highway system. Specific
 7 information signs may be erected and maintained within the
 8 right-of-way of the interstate highway system to give the
 9 traveling public specific information as to motorist
 10 services available on a crossroad at or near an interchange.

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

16 (2) No more than six business signs may be displayed
 17 on a "GAS" specific information sign, and no more than four
 18 business signs may be displayed on a "FOOD", "LODGING", or
 19 "CAMPING" specific information sign. Except as provided in
 20 subsection (3), no business may be allowed more than one
 21 business sign on the same specific information sign.

22 (3) In areas where there are only one or two qualified
 23 businesses available for each of two or more types of
 24 motorist services, business signs for two types of services
 25 may be displayed by a business on the same specific

1 information sign. No more than two business signs for each
 2 type of service may be displayed in combination on a
 3 specific information sign.

4 (4) To qualify for business identification on a
 5 specific information sign, a motorist service facility shall
 6 meet the eligibility criteria established in [section 6] and
 7 may not be located more than 3 miles from the interstate
 8 highway. However, if no eligible services are located within
 9 the 3-mile limit, the distance limits may be increased in
 10 3-mile increments until either an eligible service or 15
 11 miles is reached.

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

17 (2) A business sign must have a blue background with a
 18 white legend unless other requirements are established by
 19 the department. Nationally, regionally, or locally known
 20 commercial symbols, brands, or trademarks for service
 21 stations, restaurants, CAMPGROUNDS, and motels must be used
 22 when applicable. The symbol, brand, or trademark used on
 23 the business sign must be reproduced in the colors and
 24 general shape consistent with customary use. Messages,
 25 symbols, brands, or trademarks that interfere with or

1 resemble any official warning or regulatory traffic sign,
2 signal, or device are prohibited.

3 (3) Specific information signs are permitted only at
4 locations where there is adequate distance between
5 interchanges to ensure IN compliance with 23-~~CPR-655-307~~ THE
6 MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, AS AMENDED.

7 (4) The spacing between two specific information sign
8 panels and between specific information sign panels and
9 official traffic control signs must be in accordance with
10 the Manual on Uniform Traffic Control Devices. If there is
11 insufficient space for both official traffic control signs
12 and specific information signs, the official traffic control
13 signs must be installed.

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

19 NEW SECTION. Section 6. Business eligibility --
20 criteria -- restrictions. (1) To be eligible for placement
21 of a business sign on a specific information sign panel, a
22 business establishment shall meet the following standards
23 for motorist services:

24 (a) -- "GAS" services must:

25 (i) -- provide vehicle services, including fuel, oil,

1 tire repair, and water;

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

4 (iii) -- provide restroom facilities and drinking water;
5 and

6 (iv) -- have a telephone available for public use;

7 (b) -- "FOOD" services must:

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

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

12 (iii) -- provide telephone and restroom facilities;

13 (c) -- "LODGING" services must:

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

16 (ii) -- provide adequate sleeping accommodations; and

17 (iii) -- offer public telephone facilities;

18 (d) -- "CAMPING" services must:

19 (i) -- be licensed by the department of health and
20 environmental sciences and allow inspections by the local
21 health officer as required under 50-52-103;

22 (ii) -- provide adequate camping and parking spaces; and

23 (iii) -- have modern sanitary and drinking water

24 facilities STANDARDS FOR "GAS", "FOOD", "LODGING", AND

25 "CAMPING" SERVICES IN RULES ADOPTED BY THE DEPARTMENT

PURSUANT TO GUIDELINES IN THE MANUAL ON UNIFORM TRAFFIC
CONTROL DEVICES, AS AMENDED.

(2) (a) 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, color, sex, culture, social origin or condition, or political or religious ideas.

(b) If such a business violates any of these laws, it loses eligibility for business identification on a specific information sign.

(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 identification on a specific information sign FOR 1 YEAR AFTER THE ILLEGAL OUTDOOR ADVERTISING STRUCTURE IS REMOVED UNLESS THE OWNER VOLUNTARILY REMOVES IT WITHIN 45 DAYS OF RECEIVING NOTIFICATION UNDER 75-15-131.

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 motorist services accessible from the primary highway system by way of an intersecting highway.

(2) A EXCEPT AS PROVIDED BY RULE, 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 -- number of business signs -- 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 a tourist-oriented directional sign.

(3) To qualify for business identification on a tourist-oriented sign, a business shall meet the eligibility criteria established in [section 10] and may not be located more than 5 miles from the primary highway, 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 standards and rules. (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 class of business, service, or activity.

(3) Business signs for specific businesses, services, and activities may be installed on a tourist-oriented directional sign. Nationally, regionally, or locally known commercial symbols, brands, or trademarks for service

1 stations, restaurants, CAMPGROUNDS, and motels must be used
2 when applicable. Such commercial symbols, brands, and
3 trademarks must be reduced to an appropriate size. No
4 business sign may resemble any official warning or
5 regulatory traffic sign, signal, or device.

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

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

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

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

20 **NEW SECTION. Section 10. Business eligibility --**
21 **criteria -- restrictions.** (1) To be eligible for business
22 identification on a tourist-oriented directional sign, a
23 business establishment shall meet the following standards
24 for a business, service, or activity:

25 (a) Gas, food, lodging, and camping services must:

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

3 (ii) provide an acceptable level of service to the
4 public;

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

7 (iv) have ~~adequate--public~~ A telephone and restroom
8 facilities AVAILABLE FOR PUBLIC USE.

9 (b) Recreation services must:

10 (i) be licensed and approved by state and local
11 agencies as required by law;

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

18 (c) Tourist services must:

19 (i) be licensed as required by law;

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

23 (iii) provide a natural, recreational, historical,
24 cultural, educational, or entertainment activity or a unique
25 or unusual commercial or nonprofit activity, from which the

1 major portion of income or visitors is derived during normal
2 business seasons from motorists not residing in the
3 immediate area of the activity.

4 (2) (a) Each business identified on a tourist-oriented
5 directional sign shall provide assurance of its conformity
6 with all applicable laws concerning the provision of public
7 accommodations without regard to race, color, sex, culture,
8 social origin or condition, or political or religious ideas.

9 (b) If a business violates any of these laws, it loses
10 eligibility for business identification on a
11 tourist-oriented directional sign.

12 (3) No business that owns ~~or advertises on~~ any outdoor
13 advertising structure in violation of the provisions of
14 Title 75, chapter 15, part 1, may be eligible for business
15 identification on a tourist-oriented directional sign FOR 1
16 YEAR AFTER THE ILLEGAL OUTDOOR ADVERTISING STRUCTURE IS
17 REMOVED UNLESS THE OWNER VOLUNTARILY REMOVES IT WITHIN 45
18 DAYS OF RECEIVING NOTIFICATION UNDER 75-15-131.

19 NEW SECTION. Section 11. Motorist information sign
20 program -- department. There is a motorist information sign
21 program established TO BE OPERATED BY A FRANCHISEE under the
22 general supervision and control of the department.

23 NEW SECTION. Section 12. Franchises. (1) The
24 department may grant a franchise by public negotiation or
25 bid to qualified persons to establish and operate the

1 motorist information sign program authorized under [section
2 11].

3 (2) A franchisee shall furnish, install, maintain, and
4 replace motorist information signs for the benefit of
5 businesses that provide motorist services for the general
6 public and may lease space on the signs to eligible
7 businesses.

8 (3) A franchisee shall comply with the provisions of
9 [sections 1 through 10] and any other applicable state and
10 federal laws and regulations.

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

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

19 (2) the standards for the size, design, erection, and
20 maintenance that were adopted under [section 15].

21 NEW SECTION. Section 14. Costs. The department shall
22 authorize reasonable fees to cover all costs incurred under
23 the motorist information sign program. Fees must be paid
24 under agreements negotiated between a franchisee and an
25 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 -- exception. 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

1 devices located within an unzoned area in which the
2 commercial or industrial activity used in defining the area
3 has ceased for a period of 9 months.

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

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

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

19 (3) Outdoor advertising may not be erected or
20 maintained beyond 660 feet of the nearest edge of the
21 right-of-way of an interstate or primary highway outside of
22 an urban area if such outdoor advertising is or was erected
23 with the purpose of its message being read from such
24 main-traveled way and visible from such main-traveled way
25 unless such outdoor advertising meets the criteria of

1 subsections (a), (b), or (c) of (1) of this section. Should
2 such outdoor advertising meet said criteria, it shall
3 conform with standards contained in rules which are adopted
4 by the commission and this part."

5 **NEW SECTION. Section 20.** Effective date. [This act]
6 is effective July 1, 1989.

-End-