

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 31

Introduced by Senator Padilla

(Principal coauthor: Senator Steinberg)

(Coauthors: Senators Gaines, Lara, Price, and Wyland)

(Coauthors: Assembly Members Bocanegra, Bradford, Ian Calderon, Garcia, Gomez, Holden, Jones-Sawyer, Rendon, Wagner, and Wilk)

December 3, 2012

An act to amend Section ~~5213~~ 5272 of the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

SB 31, as amended, Padilla. ~~Outdoor advertising: definition of highway.~~ *advertising displays: arenas.*

The Outdoor Advertising Act provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways. The act exempts from its provisions certain advertising displays that advertise the business conducted, services rendered, or goods produced or sold on the property upon which the display is placed, as specified. The act also exempts from its provisions specified advertising displays at an arena located on public land with a capacity of 5,000 seats or more that provides a permanent venue for professional sports, and that advertises products, goods, or services that are or will be sold on the premises of the arena on a regular basis pursuant to a specified agreement.

This bill would recast the arena advertising exception to exempt from the act specified advertising displays authorized by local ordinance, at a venue located on public land with a capacity of 15,000 seats or more that is capable of providing a permanent venue for professional sports,

or on a contiguous development project or district encompassing or adjacent to the venue that extends not more than 1,000 feet from a structure connected to the venue, as specified. These advertising displays would be authorized to advertise any products, goods, or services sold within that area on a regular basis, or marketed or promoted in that area pursuant to a sponsorship marketing plan, as defined, except distilled spirits, tobacco, firearms, or sexually explicit material, if specified conditions are met. The bill would additionally authorize, under similar conditions, up to 2 advertising displays that are not required to comply with the act, which the bill would require to be visible when approaching offramps from the interstate, primary, or state highway nearest to the venue, or nearest to a development project or district encompassing the arena within 1,000 feet of the venue or a structure connected to the venue. The bill would provide that, if an advertising display authorized by the bill is a message center display, certain conditions would apply.

~~Existing law, the Outdoor Advertising Act, provides for regulation by the Director of Transportation of advertising displays, as defined, within view of public highways. The act regulates the placement of off-premise advertising displays along highways, which displays generally advertise business conducted or services rendered or goods produced or sold at a location other than the property upon which the display is located.~~

~~This bill would make a nonsubstantive change to the act.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5272 of the Business and Professions
- 2 Code is amended to read:
- 3 5272. (a) With the exception of Article 4 (commencing with
- 4 Section 5300) and Sections 5400 and 5404, ~~inclusive~~, nothing
- 5 contained in this chapter applies to any advertising display that is
- 6 used exclusively for any of the following purposes:
- 7 ~~(a)~~
- 8 (1) To advertise the sale, lease, or exchange of real property
- 9 upon which the advertising display is placed.
- 10 ~~(b)~~

1 (2) To advertise directions to, and the sale, lease, or exchange
2 of, real property for which the advertising display is placed;
3 provided, that the exemption of this paragraph does not apply to
4 advertising displays visible from a highway and subject to the
5 Highway Beautification Act of 1965 (23 U.S.C.; Sec. 131).

6 (e)

7 (3) To designate the name of the owner or occupant of the
8 premises or to identify the premises.

9 (d)

10 (4) To advertise the business conducted or services rendered or
11 the goods produced or sold upon the property upon which the
12 advertising display is placed if the display is upon the same side
13 of the highway and within 1,000 feet of the point on the property
14 or within 1,000 feet of the entrance to the site at which the business
15 is conducted or services are rendered or goods are produced or
16 sold.

17 ~~(e) (1) To advertise any products, goods, or services sold by~~
18 ~~persons on the premise of an arena pursuant to all of the following~~
19 ~~conditions:~~

20 ~~(A) The arena is located on public land.~~

21 ~~(B) The arena provides a venue for professional sports on a~~
22 ~~permanent basis.~~

23 ~~(C) The arena has a capacity of 5,000 or more seats.~~

24 ~~(D) The arena has an advertising display in existence before~~
25 ~~January 1, 2009.~~

26 ~~(E) The products, goods, or services advertised are or will be~~
27 ~~offered for sale by persons on a regular basis during the term of~~
28 ~~an agreement between the vendor or business whose products,~~
29 ~~goods, or services are sold and the property owner, facility owner,~~
30 ~~or facility operator, and the term of the agreement is a minimum~~
31 ~~of one year.~~

32 ~~(2) An advertising display authorized pursuant to this~~
33 ~~subdivision shall not advertise products, goods, or services directed~~
34 ~~at an adult population, including, but not limited to, alcohol,~~
35 ~~tobacco, gambling, or sexually explicit material.~~

36 *(b) With the exception of Article 4 (commencing with Section*
37 *5300) and Sections 5400 and 5404, nothing contained in this*
38 *chapter applies to any advertising display that is used exclusively*
39 *to either advertise products, goods, or services sold by persons on*
40 *the premises of an arena on a regular basis, or to advertise any*

1 *products, goods, or services marketed or promoted on the premises*
2 *of an arena pursuant to a sponsorship marketing plan, if all of the*
3 *following conditions are met:*

4 *(1) The arena is located on public land.*

5 *(2) The arena is capable of providing a venue for professional*
6 *sports on a permanent basis.*

7 *(3) The arena has a capacity of 15,000 or more seats.*

8 *(4) The advertising display does not cause the reduction in*
9 *federal aid highway funds as provided in Section 131 of Title 23*
10 *of the United States Code.*

11 *(5) The advertising display is either of the following:*

12 *(A) Located on the premises of the arena.*

13 *(B) Has been authorized as of January 1, 2019, by, or in*
14 *accordance with, a local ordinance, including, but not limited to,*
15 *a specific plan or sign district adopted in connection with the*
16 *approval of the arena by the city or county, bears the name or logo*
17 *of the arena, and is visible when approaching offramps from the*
18 *interstate, primary, or state highway nearest to the premises of*
19 *the arena. No arena shall be permitted more than two advertising*
20 *displays allowed under this subparagraph.*

21 *(c) (1) Any advertising display erected pursuant to subdivision*
22 *(b) and located on the premises of the arena shall be authorized*
23 *by, or in accordance with, an ordinance, including, but not limited*
24 *to, a specific plan or sign district, adopted by the city or county,*
25 *that regulates advertising displays on the premises of the arena*
26 *by either identifying the specific displays or by establishing*
27 *regulations that include, at a minimum, all of the following:*

28 *(A) Number of signs and total signage area allowed.*

29 *(B) Maximum individual signage area.*

30 *(C) Minimum sign separation.*

31 *(D) Illumination restrictions and regulations, including signage*
32 *refresh rate, scrolling, and brightness.*

33 *(E) Illuminated sign hours of operation.*

34 *(2) Authorization of advertising displays under subdivision (b)*
35 *is subject to the owner of the advertising display submitting to the*
36 *Secretary of Transportation a copy of the ordinance adopted by*
37 *the city or county in which the arena is located authorizing the*
38 *advertising display and, for signs located on the premises of the*
39 *arena, identification of the provisions of the ordinance required*
40 *under paragraph (1). The secretary shall review and certify, in*

1 *consultation with the Department of Transportation, that the*
2 *proposed displays and ordinance meet the minimum requirements*
3 *contained in this section.*

4 (3) *An advertising display authorized pursuant to subdivision*
5 *(b) shall not advertise products, goods, or services related to*
6 *distilled spirits, tobacco, firearms, or sexually explicit material.*

7 (4) *Nothing in this chapter limits a local government from*
8 *adopting ordinances further restricting the size, number, or type*
9 *of advertising displays permitted by this section.*

10 (d) *As used in this section, “the premises of an arena” means*
11 *either of the following:*

12 (1) *A venue for indoor or outdoor sports, concerts, or other*
13 *events.*

14 (2) *Any development project or district encompassing the venue,*
15 *adjacent to it, or separated from it only by public or private*
16 *rights-of-way, the boundaries of which have been set by the city*
17 *or county in which the arena is located. The development project*
18 *or district must be contiguous and may not extend more than 1,000*
19 *feet beyond the arena structure or any structure physically*
20 *connected to the arena structure.*

21 (e) *As used in this section, “sponsorship marketing plan” means*
22 *an agreement between the property owner, facility owner, facility*
23 *operator, or occupant of the premises of an arena and a sponsor*
24 *pursuant to which the sponsor is allowed to include its logo,*
25 *slogan, or advertising on advertising displays and that meets both*
26 *of the following conditions:*

27 (1) *The sponsorship marketing plan is for a period of not less*
28 *than one year.*

29 (2) *The sponsorship marketing plan grants the sponsor the*
30 *opportunity to display its logo, slogan, or advertising in the interior*
31 *of structures on the premises of an arena, or conduct promotions,*
32 *public relations, or marketing activities on the premises of an*
33 *arena.*

34 (f) *Authorization of an advertising display under subdivision*
35 *(b) that is a message center display is subject to the owner of the*
36 *display complying with one of the following conditions:*

37 (1) *Making a message center display within the premises of the*
38 *arena available on a space-available basis for use by the*
39 *Department of Transportation or the Department of the California*
40 *Highway Patrol for public service messages, including so-called*

1 “Amber Alert” messages disseminated pursuant to Section 8594
2 of the Government Code, and messages containing, among other
3 things, reports of commute times, drunk driving awareness
4 messages, reports of accidents of a serious nature, and emergency
5 disaster communications.

6 (2) Making a message center display not subject to this section
7 that is under the control of the owner of the advertising display
8 available on a space-available basis for public service messages
9 in a location acceptable to the Department of Transportation and
10 the Department of the California Highway Patrol.

11 (3) Providing funding to the Department of Transportation for
12 the installation of a message center display to accommodate those
13 public service messages, which may include funding as part of
14 mitigation in connection with the approval of the arena by the city
15 or county.

16 SECTION 1. ~~Section 5213 of the Business and Professions~~
17 ~~Code is amended to read:~~

18 ~~5213. For purposes of this chapter, “highway” includes roads,~~
19 ~~streets, boulevards, lanes, courts, places, commons, trails, ways~~
20 ~~or other rights-of-way or easements used for or laid out and~~
21 ~~intended for the public passage of vehicles or of vehicles and~~
22 ~~persons.~~