



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 183

ADOPTED

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S183-ATD-93 [v.4]

Page 1 of 3

Comm. Sub. [YES]
Amends Title [NO]
Third Edition

Date 5-24-11, 2011

Senator Brown

1 moves to amend the bill on page 1, line 10, by rewriting the line to read:

2 "hundred dollars (\$400.00) per permitted site and is nonrefundable. The fee may be used
3 by the Department of Transportation for the costs of administering the permit process and for
4 highway beautification planting.";

5
6 and on page 2, line 3, and page 2, line 24, by deleting the phrase "G.S. 136-133.1(f)" and
7 substituting the phrase "G.S. 136-133.1(g)";

8
9 and on page 3, line 7 through line 12, by rewriting the lines to read:

10 " and (5) shall not exceed a one hundred twenty dollar (\$120.00) initial fee one hundred
11 fifty dollar (\$150.00) initial fee and a sixty dollar (\$60.00) annual renewal fee.";

12
13 and on page 3, line 27 through line 29, by rewriting the lines to read:

14 "(c) No electrical permit shall be denied to an outdoor advertising sign described in
15 G.S. 136-129(4) and G.S. 136-129(5) for which the Department has issued a permit which has
16 not been revoked, and the electrical permit is otherwise compliant with technical utility
17 standards.";

18
19 and on page 4, line 13, by rewriting the line to read:

20 "eligible for removal in accordance with subsections (c), (d), and (e) of this section. Native";

21
22 and on page 4, line 44, by rewriting the line to read:

23 "(d) Except as provided in subsection (e) of this section, trees existing at the time the
24 outdoor advertising sign was erected may only be";

25
26 and on page 5, line 1 through line 2, by rewriting the lines to read:

27 "(e) Complete removal of trees of any age, except for native dogwoods and native
28 redbuds, and all other vegetation shall be permitted in the cut and removal zone established in
29 subsection (a) of this section if the applicant for the selective vegetation removal permit agrees
30 to submit to the Department a plan for beautification and replanting at the site for which the
31 vegetation removal permit is made. The Department shall develop rules for compensatory
32 replanting, and shall, in consultation with the applicant and local government representatives,
33 determine which sites must be replanted, and the types of plants and trees to be replanted. The



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1 replanting shall be conducted by the applicant or his agents in accordance with the rules
2 adopted by the Department. If the conditions detailed in this subsection are agreed to by the
3 applicant and approved by the Department, there shall be no reimbursement to the Department
4 under G.S. 136-93.2 for removal of trees that existed at the time the outdoor sign was erected,
5 nor shall the applicant be required to remove two nonconforming outdoor advertising signs for
6 removal of existing trees at the site. The fee for a selective vegetation permit imposed under
7 G.S. 136-18.7 of for four hundred dollars (\$400.00) per permitted site shall be non-recurring
8 for those site at which the applicant for a permit agrees to submit and implement a replanting
9 and maintenance plan approved by the Department as detailed in this subsection.

10 (f) Tree branches within a highway right-of-way that encroach into the zone created by
11 points A, C, and D may be cut or pruned. Except as provided in subsection (g) of this section,";

12
13 and on page 5, line 8, by deleting the term "(f)" and substituting the term "(g)";

14
15 and on page 5, line 19, by rewriting the line to read:

16 "(h) No additional funds from the Highway Trust Fund shall be used for the purpose of
17 vegetation replacement under the provisions of this section.

18 (i) The Department may revoke an outdoor advertising permit for the unlawful";

19
20 and on page 5, line 29 through line 34, by rewriting those lines to read:

21 "d. Any employees, agents, or assigns of persons listed in
22 sub-subdivisions a. through c. of this subdivision, including, but not
23 limited to, independent contractors hired by any of the above
24 persons, or the owner of the property upon which the sign is located,
25 if expressly authorized by the above persons to use or maintain the
26 sign.";

27
28 and on page 5, line 42, by deleting the phrase "G.S. 136-133.1(f)" and substituting the phrase
29 "G.S. 136-133.1(g)";

30
31 and on page 6, line 36, by deleting the phrase "G.S. 136-133.1(g)" and substituting the phrase
32 "G.S. 136-133.1(i)";

33
34 and on page 7, line 39, by deleting the phrase "G.S. 136-133.1(g)" and substituting the phrase
35 "G.S. 136-133.1(i)";

36
37
38 and on page 8, line 11, by deleting the phrase "some" and substituting the phrase "substantial,
39 material";

40
41 and on page 8, line 13, by deleting the phrase "route" and substituting the phrase "route and that
42 the unlawful destruction or illegal cutting was related to the erection or maintenance of the
43 sign.";

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1
2 and on page 8, line 41, by deleting the phrase "such" and substituting the phrase "any one of
3 the";

4
5 and on page 9, line 1 through line 3, by rewriting the lines to read:

6 "SECTION 10. G.S. 136-127 reads as rewritten:

7 "§ 136-127. **Declaration of policy.**

8 The General Assembly hereby finds and declares that outdoor advertising is a legitimate
9 commercial use of private property adjacent to roads and highways but that the erection and
10 maintenance of outdoor advertising signs and devices in areas in the vicinity of the
11 right-of-way of the interstate and primary highway systems within the State should be
12 controlled and regulated in order to promote the safety, health, welfare and convenience and
13 enjoyment of travel on and protection of the public investment in highways within the State, to
14 prevent unreasonable distraction of operators of motor vehicles and to prevent interference with
15 the effectiveness of traffic regulations and to promote safety on the highways, to attract tourists
16 and promote the prosperity, economic well-being and general welfare of the State, and to
17 preserve and enhance the natural scenic beauty of the highways and areas in the vicinity of the
18 State highways and to promote the reasonable, orderly and effective display of such signs,
19 displays and ~~devices~~. devices, and to secure the right of validly permitted outdoor advertising to
20 be clearly viewed by the traveling public. It is the intention of the General Assembly to provide
21 and declare herein a public policy and statutory basis for the regulation and control of outdoor
22 advertising."

23 SECTION 11. The department of shall adopt temporary rules to administer this
24 act.

25 SECTION 12. Sections 11 and 12 are effective when it becomes law. The
26 remainder of this act becomes October 1, 2011, and applies to permit applications or renewals
27 submitted on or after that date and to offenses occurring on or after that date."
28
29
30

ADOPTED

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

46-3

FAILED

TABLED

Sarah Clapp
5.24.11

MAY 24 2011