

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

HOUSE BILL 613
PROPOSED SENATE COMMITTEE SUBSTITUTE H613-PCS40481-ST-73

Short Title: Clarify Signs on Highways and Roads.

(Public)

Sponsors:

Referred to:

April 13, 2015

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT A MUNICIPALITY IS AUTHORIZED TO ENFORCE STATE LAW CONCERNING PLACEMENT OF POLITICAL SIGNS ON THE STATE HIGHWAY SYSTEM WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY AND TO SPECIFY THAT SIGNS ARE NOT TO BE PLACED ON A MEDIAN OR TRAFFIC ISLAND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-32 reads as rewritten:

"§ 136-32. Regulation of signs.

(a) Commercial Signs. – No unauthorized person shall erect or maintain upon any ~~highway-highway, including any median or traffic island,~~ any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any ~~highway-highway, including any median or traffic island,~~ any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.

(b) Compliant Political Signs Permitted. – During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

(c) Definition. – For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

(1) No sign shall be permitted in the right-of-way of a fully controlled access highway.



* H 6 1 3 - P C S 4 0 4 8 1 - S T - 7 3 *

- 1 (2) No sign shall be closer than three feet from the edge of the pavement of the
- 2 road.
- 3 (3) No sign shall obscure motorist visibility at an intersection.
- 4 (4) No sign shall be higher than 42 inches above the edge of the pavement of the
- 5 road.
- 6 (5) No sign shall be larger than 864 square inches.
- 7 (6) No sign shall obscure or replace another sign.
- 8 (7) No sign shall be placed in any median or on any traffic island.
- 9 (e) Penalties for Unlawful Removal of Signs. – It is a Class 3 misdemeanor for a person
- 10 to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under
- 11 this section.
- 12 (f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the
- 13 General Statutes, a city may by ordinance prohibit or regulate the placement of political signs
- 14 on medians, traffic islands, and rights-of-way of streets located within the corporate limits of a
- 15 municipality and maintained by the municipality. In the absence of an ordinance prohibiting or
- 16 regulating the placement of political signs on the medians, traffic islands, and rights-of-way of
- 17 streets located within a municipality and maintained by the municipality, the provisions of
- 18 subsections (b) through (e) of this section shall apply. A municipality is authorized to enforce
- 19 the provisions of subsections (b) through (e) of this section on medians, traffic islands, and
- 20 rights-of-way of streets located within the corporate limits of a municipality and maintained by
- 21 the municipality and on the medians, traffic islands, and rights-of-way of those portions of the
- 22 State Highway System that are located within the municipality. A municipality is authorized to
- 23 remove any signs that violate the provisions of subsections (b) through (e) of this section."

SECTION 2. This act is effective when it becomes law.