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HOUSE BILL NO. 2254**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Transportation

on _____)

(Patron Prior to Substitute—Delegate Wachsmann)

A BILL to amend and reenact §§ 33.2-1204, 33.2-1214, and 33.2-1215 of the Code of Virginia and to repeal §§ 33.2-1205, 33.2-1206, and 33.2-1207 of the Code of Virginia, relating to outdoor advertising in sight of public highways; license fees.

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-1204, 33.2-1214, and 33.2-1215 of the Code of Virginia are amended and reenacted as follows:

§ 33.2-1204. Excepted signs, advertisements, and advertising structures.

The following signs and advertisements, if securely attached to real property or advertising structures, and the advertising structures or parts thereof upon which they are posted or displayed are excepted from all the provisions of this article except those enumerated in §§ 33.2-1202; ~~33.2-1205~~, and 33.2-1208, subdivisions 2 through 12 of § 33.2-1216, and §§ 33.2-1217, 33.2-1224, and 33.2-1227:

1. Advertisements securely attached to a place of business or residence and no more than 10 advertising structures, with a combined total area of such advertisements and advertising structures, exclusive of the area occupied by the name of the business, owner, or lessee, of no more than 500 square feet, erected or maintained, or caused to be erected or maintained, by the owner or lessee of such place of business or residence, within 250 feet of such place of business or residence or located on the real property of such place of business or residence and relating solely to merchandise, services, or entertainment sold, produced, manufactured, or furnished at such place of business or residence;

2. Signs erected or maintained, or caused to be erected or maintained, on any farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, services, or entertainment sold, produced, manufactured, or furnished on such farm;

3. Signs upon real property posted or displayed by the owner, or by the authority of the owner, stating that the property upon which the sign is located, or a part of such property, is for sale or rent or stating any data pertaining to such property and its appurtenances and the name and address of the owner and the agent of such owner;

4. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties or by trustees under deeds of trust, deeds of assignment, or other similar instruments;

5. Notwithstanding the provisions of § 33.2-1224, danger or precautionary signs relating to the premises or signs warning of the condition of or dangers of travel on a highway erected or authorized by the Commissioner of Highways; forest fire warning signs erected under authority of the State Forester; and signs, notices, or symbols erected by the United States government under the direction of the U.S. Forest Service;

6. Notwithstanding the provisions of § 33.2-1224, notices of any telephone company, telegraph company, railroad, bridges, ferries, or other transportation company necessary in the discretion of the Commissioner of Highways for the safety of the public or for the direction of the public to such utility or to any place to be reached by it;

7. Signs, notices, or symbols for the information of aviators as to location, direction, and landings and conditions affecting safety in aviation erected or authorized by the Commissioner of Highways;

8. Signs of 16 square feet or less and bearing an announcement of any locality, or historic place, museum, or shrine situated in the Commonwealth advertising itself or local industries, meetings, buildings, or attractions, provided such signs are maintained wholly at public expense or at the expense of such historic place, museum, or shrine;

9. Signs or notices of two square feet or less placed at a junction of two or more highways in the primary state highway system denoting only the distance or direction of a church, residence, or place of business, provided such signs or notices do not exceed a reasonable number in the discretion of the Commissioner of Highways;

10. Signs or notices erected or maintained upon property giving the name of the owner, lessee, or occupant of the premises;

11. Advertisements and advertising structures within the corporate limits of cities and towns, except as specified in § 33.2-1202;

12. Notwithstanding the provisions of § 33.2-1224, historical markers erected by duly constituted and authorized public authorities;

13. Notwithstanding the provisions of § 33.2-1224, highway markers and signs erected or caused to be erected by the Commissioner of Highways or the Board or other authorities in accordance with law;

14. Signs erected upon property warning the public against hunting, fishing, or trespassing thereon;

15. Notwithstanding the provisions of § 33.2-1224, signs erected by Red Cross authorities relating to Red Cross Emergency Stations, with authority hereby expressly given for the erection and maintenance of such signs upon the right-of-way of all highways in the Commonwealth at such locations as may be approved by the Commissioner of Highways;

16. Signs advertising agricultural products and horticultural products, or either, when such products are produced by the person who erects and maintains the signs, provided that restriction of the location and number of such signs shall be in the sole discretion of the Commissioner of Highways;

17. Signs advertising only the name, time, and place of bona fide agricultural, county, district, or state fairs, together with announcements of related special events that do not consume more than 50 percent of the display area of such signs, provided the person who posts the signs or causes them to be posted shall post a cash bond as may be prescribed by the Commissioner of Highways adequate to reimburse the Commonwealth for the actual cost of removing such signs that are not removed within 30 days after the last day of the fair so advertised;

18. Signs of no more than eight square feet, or one sign structure containing more than one sign of no more than eight square feet, that denote only the name of a civic service club or church, location and directions for reaching same, and time of meeting of such organization, provided such signs or notices do not exceed a reasonable number as determined by the Commissioner of Highways;

19. Notwithstanding the provisions of § 33.2-1224, signs containing advertisements or notices that have been authorized by a county and that are securely affixed to a public transit passenger shelter that is owned by that county, provided that no advertisement shall be placed within the right-of-way of the Interstate System, National Highway System, or federal-aid primary system of highways in violation of federal law. The prohibition in subdivision 7 of § 33.2-1216 against placing signs within 15 feet of the nearest edge of the pavement of any highway shall not apply to such signs. The Commissioner of Highways may require the removal of any particular sign located on such a shelter as provided in this subdivision if, in his judgment, such sign constitutes a safety hazard; and

20. ~~Notwithstanding the provisions of § 33.2-1205, signs~~ Signs containing advertisements or notices that have been authorized by a county and that are located on public park property or school property that is owned by that county, provided that no advertisement or notice is visible from the main traveled way of the National Highway System in violation of federal law.

§ 33.2-1214. Transfer of permits to successor concerns.

Any ~~license or~~ permit issued pursuant to this article may be transferred to any person that acquires as a successor the business of the person for whom such ~~license or~~ permit was issued.

§ 33.2-1215. Identification of advertising structure or advertisement.

The Commissioner of Highways shall require that each advertising structure and each advertisement not posted or displayed on an advertising structure bear an identification number furnished by the Commissioner of Highways and, if erected, maintained, or displayed by a ~~licensed~~ *permitted* outdoor advertiser, also bear its name. The Commissioner of Highways shall make suitable provisions for the details thereof.

2. That §§ 33.2-1205, 33.2-1206, and 33.2-1207 of the Code of Virginia are repealed.