

PUBLIC CHAPTER NO. 1155**HOUSE BILL NO. 3259****By Representative Pinion****Substituted for: Senate Bill No. 3508****By Senator Southerland**

AN ACT to amend Tennessee Code Annotated, Title 54, Chapter 21, Part 1, relative to outdoor advertising

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-21-102, is amended by inserting the following as new, appropriately designated subdivisions and by renumbering the present language accordingly:

() "Digital display" means a type of changeable message sign which displays a series of messages at intervals through the electronic coding of lights or light emitting diodes or any other means that does not use or require mechanical rotating panels;

() "Non-conforming" means an outdoor advertising device that does not conform to the zoning, size, lighting or spacing criteria established by and in accordance with either the current agreement entered into between the commissioner and the secretary of the transportation of the United States, or in accordance with the original agreement entered into on or about November 11, 1971, as authorized in § 54-21-116. Any outdoor advertising device that continues to conform to either the current agreement or the original agreement as provided in § 54-21-116 shall not be considered non-conforming;

SECTION 2. Tennessee Code Annotated, Section 54-21-104, is amended by adding the following language at the end of subsection (b):

An application for an addendum to an existing permit requesting authorization to upgrade an existing outdoor advertising device to a changeable message sign with a digital display, as provided in § 54-21-122, shall also be accompanied by payment of a fee of two hundred dollars (\$200), which shall not be subject to return upon rejection of the application. No outdoor advertising device with a digital display lawfully permitted, erected and in operation prior to June 1, 2008 shall be required to apply for such an addendum or to pay such fee.

SECTION 3. Tennessee Code Annotated, Section 54-21-122, is amended by adding the following language before the punctuation "." at the end subdivision (b)(3):

; provided, however, that an outdoor advertising device that uses only a small digital display, not to exceed one hundred (100) square feet in total area, to give

public information such as time, date, temperature or weather, or to provide the price of a product, the amount of a lottery prize, or similar numerical information supplementing the content of a message otherwise displayed on the sign face shall not be subject to the minimum spacing requirement established in this subdivision (b)(3), or to any application for a specific digital display permit or permit addendum as established in subsections (c) and (d) below, or to any fee for a permit addendum as established in § 54-21-104(b).

SECTION 4. Tennessee Code Annotated, Section 54-21-122, is further amended by adding the following as new subsections:

(c) No person shall erect, operate, use, or maintain a changeable message sign with a digital display in a new location without first obtaining a permit and tag expressly authorizing a changeable message sign with a digital display, and annually renewing the same, as provided in § 54-21-104. No outdoor advertising device with a digital display lawfully permitted, erected and in operation prior to June 1, 2008 shall be required to obtain any additional permit under this subsection.

(d) No person shall erect, operate, use, or maintain a changeable message sign with a digital display in place of or as an addition to any existing permitted outdoor advertising device without first obtaining, and annually renewing with the permit, an addendum to the permit expressly authorizing a changeable message sign with a digital display in that location. No outdoor advertising device with a digital display lawfully permitted, erected and in operation prior to June 1, 2008 shall be required to obtain any addendum under this subsection.

(e) The commissioner shall under no circumstances permit or authorize any person to erect, operate, use, or maintain a changeable message sign of any type as a replacement for or as an addition to any non-conforming outdoor advertising device or in any non-conforming location.

(f) Notwithstanding any other state law or regulation to the contrary, a person who is granted a permit or an addendum to a permit authorizing a changeable message sign with a digital display in accordance with subsection (c) or (d) of this section shall have up to but no more than one hundred and eighty (180) calendar days after the date on which the permit or addendum is granted within which to erect and begin displaying an outdoor advertising message on the changeable message sign. If the permitted or authorized changeable message sign with a digital display is not erected and displaying a message within this required time, the permit or addendum to the permit shall be revoked and the changeable message sign with the digital display shall be removed by the applicant or subject to removal by the commissioner as provided in § 54-21-105.

(g) Any application for a permit or addendum for a digital display as described herein may be made using the form for an application for permit for an outdoor advertising device existing on June 1, 2008 until a separate form is available.

SECTION 5. This act shall take effect upon June 1, 2008, the public welfare requiring it.

PASSED: May 21, 2008



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 13th day of June 2008



PHIL BREDESEN, GOVERNOR