

1 **UNLAWFUL OUTDOOR ADVERTISING**
2 **AMENDMENTS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Michael G. Waddoups**

6 House Sponsor: James A. Dunnigan

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Utah Outdoor Advertising Act by amending provisions related to
11 unlawful outdoor advertising.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ increases the fine from \$10 to \$100 for each day an unlawful outdoor advertising
15 sign is maintained following the expiration of ten days after notice of agency action
16 was filed and served.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **72-7-508**, as renumbered and amended by Chapter 270, Laws of Utah 1998

24
25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **72-7-508** is amended to read:

27 **72-7-508. Unlawful outdoor advertising -- Adjudicative proceedings -- Judicial**



28 review -- Costs of removal -- Civil and criminal liability for damaging regulated signs --
29 Immunity for Department of Transportation.

30 (1) Outdoor advertising is unlawful when:
31 (a) erected after May 9, 1967, contrary to the provisions of this chapter;
32 (b) a permit is not obtained as required by this part;
33 (c) a false or misleading statement has been made in the application for a permit that
34 was material to obtaining the permit; or

35 (d) the sign for which a permit was issued is not in a reasonable state of repair, is
36 unsafe, or is otherwise in violation of this part.

37 (2) The establishment, operation, repair, maintenance, or alteration of any sign contrary
38 to this chapter is also a public nuisance.

39 (3) Except as provided in Subsection (4), in its enforcement of this section, the
40 department shall comply with the procedures and requirements of Title 63, Chapter 46b,
41 Administrative Procedures Act.

42 (4) (a) The district courts shall have jurisdiction to review by trial de novo all final
43 orders of the department under this part resulting from formal and informal adjudicative
44 proceedings.

45 (b) Venue for judicial review of final orders of the department shall be in the county in
46 which the sign is located.

47 (5) If the department is granted a judgment, the department is entitled to have any
48 nuisance abated and recover from the responsible person, firm, or corporation, jointly and
49 severally:

50 (a) the costs and expenses incurred in removing the sign; and

51 (b) [~~\$10~~] \$100 for each day the sign was maintained following the expiration of ten
52 days after notice of agency action was filed and served under Section 63-46b-3.

53 (6) (a) Any person, partnership, firm, or corporation who vandalizes, damages, defaces,
54 destroys, or uses any sign controlled under this chapter without the owner's permission is liable
55 to the owner of the sign for treble the amount of damage sustained and all costs of court,
56 including a reasonable attorney's fee, and is guilty of a class C misdemeanor.

57 (b) This Subsection (6) does not apply to the department, its agents, or employees if
58 acting to enforce this part.

Legislative Review Note

as of 1-9-06 4:37 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel