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OUTDOOR ADVERTISING REVISIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derek L. Kitchen

House Sponsor: _____

LONG TITLE

General Description:

This bill enacts language related to a contract to locate a billboard.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits the placement of a sign on certain property unless a property owner and a sign owner have entered into an outdoor advertising agreement;
- ▶ prohibits the inclusion of certain terms or provisions in an outdoor advertising agreement; and
- ▶ allows a property owner, municipality, county, or the Utah Department of Transportation to file an action to void certain outdoor advertising agreements.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

13-8-8, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section 13-8-8 is enacted to read:

29 **13-8-8. Limitations on outdoor advertising agreements.**

30 (1) As used in this section:

31 (a) "Outdoor advertising agreement" means an agreement, lease, easement, or license
32 of any type that authorizes a sign owner to use a property to operate, erect, or maintain a sign.

33 (b) "Property owner" means an owner of private property:

34 (i) on which a sign is erected, constructed, or maintained; and

35 (ii) who is not a sign owner.

36 (c) "Sign" means an off-premise sign as defined in Section [72-7-502](#).

37 (d) "Sign owner" means an owner of a sign.

38 (2) A sign may not be erected, operated, or maintained on private property owned by a
39 property owner unless:

40 (a) the sign owner and property owner have entered into an outdoor advertising
41 agreement that complies with this section; and

42 (b) the sign owner records notice of the outdoor advertising agreement with the county
43 recorder for the county in which the sign is located.

44 (3) An outdoor advertising agreement may not include:

45 (a) a provision or term:

46 (i) granting the sign owner an option or right of first refusal to purchase the property on
47 which the sign is located;

48 (ii) prohibiting a property owner from placing a sign or an on-premise sign, as defined
49 in Section [72-7-502](#), on the property;

50 (iii) prohibiting a property owner from entering into another outdoor advertising
51 agreement with another sign owner after the termination of an outdoor advertising agreement;

52 (iv) purporting to effect an automatic renewal of the outdoor advertising agreement;

53 (v) waiving a property owner's right to compensation if the sign is condemned; or

54 (vi) attempting to waive a provision of this section; or

55 (b) (i) a term of years longer than five years; or

56 (ii) a term renewable at the option of the sign owner.

57 (4) The following may file an action in district court to void an outdoor advertising
58 agreement that violates this section:

- 59 (a) the property owner;
- 60 (b) the municipality in which the sign is located or proposed to be located;
- 61 (c) the county of the unincorporated county in which the sign is located or proposed to
- 62 be located; or
- 63 (d) the Utah Department of Transportation if the sign would be subject to a permit
- 64 issued in accordance with Section [72-7-507](#).