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SENATE BILL NO. 295

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on January 22, 2014)

(Patron Prior to Substitute—Senator Puckett)

A BILL to amend and reenact § 33.1-95.2 of the Code of Virginia, relating to billboard signs.

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-95.2 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-95.2. Adjustment or relocation of certain billboard signs.

A. Notwithstanding any other provision of law, general or special, whenever land is acquired due to the widening, construction, or reconstruction of any highway as defined in § 33.1-351 by purchase or by use of the power of eminent domain *by any condemnor* and upon such land is situated a lawfully erected billboard sign as defined in § 33.1-351 *or whenever a lawfully erected billboard sign as defined in § 33.1-351 is situated adjacent to such a highway and is affected by the construction of a sound wall,* such billboard sign may be relocated as provided in this section.

B. If a billboard sign meets all requirements under the provision of this title, *the size, lighting, and spacing requirements of a locality that is certified in accordance with 23 C.F.R. § 750.706 and the federal-state agreement, if applicable,* and § 4.1-113.1 in the case of outdoor alcoholic beverage advertising, but is considered nonconforming solely due to a local ordinance, the owner of the billboard sign, at his sole cost and expense, shall have the option to relocate such billboard sign to another location as close as practicable on the same property, adjusting the height or angle of the billboard sign to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility as before the taking *or before construction of the sound wall,* provided the new location also meets all the requirements of this title and regulations adopted pursuant thereto. *The billboard sign may remain in its original location, provided the owner of the billboard sign pays monthly rent to the Commissioner of Highways or other condemnor equivalent to the monthly rent received by the property owner for the billboard prior to acquisition, and until such time as the Commissioner or other condemnor gives notice to the owner of such billboard sign that the billboard sign must be removed. The notice of removal shall be provided at least 45 days prior to the required removal date, which shall be the earlier of the certification date for a highway project advertisement for construction bids or the date that utility relocations are scheduled to commence.*

C. Nothing in this section shall authorize the owner of such billboard sign to increase the size of the sign face, and a relocated billboard sign shall continue to be nonconforming in its new location unless the relocated billboard sign becomes conforming in its new location under the local ordinance. The provisions of § 33.1-370.2 shall apply to any relocation.