

16103384D

HOUSE BILL NO. 661

Offered January 13, 2016

Prefiled January 11, 2016

A BILL to amend and reenact § 33.2-1209 of the Code of Virginia, relating to outdoor advertising fee schedule; established by Commonwealth Transportation Board.

Patron—Filler-Corn

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 33.2-1209 of the Code of Virginia is amended and reenacted as follows:****§ 33.2-1209. Applications for permits; fees.**

A. A separate application for a permit shall be made for each separate advertisement or advertising structure, on a form furnished by the Commissioner of Highways, which application shall be signed by the applicant or his representative duly authorized in writing to act for him and shall describe and set forth the size, shape, and nature of the advertisement or advertising structure it is proposed to post, display, erect, or maintain and its actual or proposed location with sufficient accuracy to enable the Commissioner of Highways to identify such advertisement or advertising structure and to find its actual or proposed location.

B. Each application shall be accompanied by an application fee in an amount determined on the basis of the area of the advertisement or advertising structure for which the permit is sought, according to the following schedule:

1. \$15 if such area does not exceed 74 square feet;

2. \$30 if such area exceeds 74 square feet but does not exceed 1,824 square feet; and

3. \$165 if such area exceeds 1,824 square feet.

In the computation of fees under this subsection, each side of the advertisement or advertising structure used or constructed to be used shall be separately considered. If the applicant elects to use an electronic application, the fee shall be reduced by \$5 per application.

The fee shall be retained by the Commissioner of Highways if the permit is issued. If the permit is refused, the Commissioner of Highways shall refund one-half of the application fee to the applicant by the Board pursuant to subsection E.

C. In addition to the fees required by subsection B, on any original application for an advertisement or advertising structure there shall be imposed an inspection charge of \$50 for any advertisement or advertising structure to be located on an Interstate System, federal-aid primary, or National Highway System highway and \$25 for any advertisement or advertising structure to be located on any other highway.

D. Each application shall be accompanied by the written consent, or in lieu thereof a copy certified by an officer authorized to take acknowledgments to deeds in the Commonwealth, of the owner of the real property upon which such advertisement or advertising structure is to be erected, used, maintained, posted, or displayed, or of such other person having the legal right to grant such consent, or of the duly authorized agent of such owner or other person, except that in the marsh or meadowland owned by the Commonwealth along either side of the causeway leading from the mainland to the Town of Chincoteague, the legal right to grant such consent shall be vested in the local governing body of such town.

E. D. Application shall be made in like manner for a permit to use, maintain, or display an existing advertisement or advertising structure.

E. The Board shall establish reasonable fees to be collected by the Commissioner of Highways for the purpose of securing a permit to erect an off-premises sign, advertisement, or advertising structure as provided in § 33.2-1208. Such fees shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530 and shall be set aside in a special fund specifically accounted for and to be used by the Commissioner of Highways solely to defray the actual costs of supervising and administering the outdoor advertising signs and structures permit program; included in these costs shall be a reasonable margin, not to exceed 10 percent, as a reserve fund.

2. That the Commonwealth Transportation Board shall establish a revised fee schedule pursuant to subsection E of § 33.2-1209 of the Code of Virginia, as amended by this act, and in establishing such schedule shall solicit input from members of the outdoor advertising industry and other interested stakeholders.

3. That regulatory amendments necessary as a result of the provisions of this act shall be exempt

INTRODUCED

HB661

59 from Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act of the Code of Virginia for
60 the initial establishment of a fee schedule by the Commonwealth Transportation Board; however,
61 subsequent amendments shall not be exempt.
62 4. That the provisions of this act shall become effective on July 1, 2017.