

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

# HOUSE BILL 2543

AN ACT

AMENDING SECTIONS 28-7901, 28-7902 AND 28-7903, ARIZONA REVISED STATUTES;  
RELATING TO OUTDOOR ADVERTISING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-7901, Arizona Revised Statutes, is amended to  
3 read:

4 28-7901. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Business area" means an area that is outside municipal limits,  
7 that embraces all of the land on the same side of the highway on which one or  
8 more commercial or industrial activities are conducted, including all land  
9 within one thousand feet measured in any direction from the nearest edge of  
10 the actual land used or occupied for such activity, its parking, storage and  
11 service areas, its driveways and its established front, rear and side yards,  
12 that constitutes an integral part of such activity and that is zoned, under  
13 authority of law, primarily to permit industrial or commercial activity. If  
14 one or more commercial or industrial activities are located within one  
15 thousand feet of a freeway interchange, the business area shall extend three  
16 thousand feet measured in each direction parallel to the freeway from the  
17 center line of the crossroad but shall not extend beyond the limits of the  
18 established commercial or industrial zone.

19 2. "Comprehensive development" means an activity if all of the  
20 following apply:

21 (a) The activity is comprised primarily of individual commercial or  
22 industrial activities.

23 (b) The activity is located on land that is only on one side of the  
24 highway.

25 (c) The lots or parcels within the development are contiguous except  
26 for roadways or driveways, whether public or private, that provide access to  
27 the development.

28 (d) The relevant county, city or town has approved the boundaries of  
29 the activity as a unified development with a common identity and an  
30 interrelated plan for public and private improvements, either as originally  
31 planned or as amended.

32 (e) The activity has common areas such as parking, amenities and  
33 landscaping.

34 (f) The activity has a scheme of common ownership that actively  
35 provides for the management and maintenance of common areas within the  
36 development.

37 (g) The premises includes all land used or to be used or occupied for  
38 the activity. Uses of land that serve no reasonable or integrated purpose  
39 related to the activity, other than an attempt to qualify the land for  
40 signing purposes, are not part of the comprehensive development. For the  
41 purposes of this subdivision, "premises" includes:

42 (i) Buildings.

43 (ii) Parking.

44 (iii) Storage and service areas.

45 (iv) Streets.

1 (v) Driveways.

2 (vi) Land used and reasonably necessary for landscaped front, rear and  
3 side yards.

4 3. "ELECTRONIC OUTDOOR ADVERTISING" MEANS SIGNS, DISPLAYS AND DEVICES  
5 WITH SIGN FACES THAT ARE COMPRISED OF MATRICES OF LIGHT OR LIGHT-EMITTING  
6 DEVICES THAT ARE STATIC OR CAPABLE OF CHANGING MESSAGES ELECTRONICALLY BY  
7 REMOTE OR AUTOMATIC MEANS.

8 ~~3-~~ 4. "Freeway" means a divided arterial highway on the interstate or  
9 primary system with full control of access and with grade separations at  
10 intersections.

11 ~~4-~~ 5. "Information center" means a site that is established and  
12 maintained at a safety rest area to inform the public of places of interest  
13 in this state and that provides other information the board considers  
14 desirable.

15 ~~5-~~ 6. "Interstate system" means the portion of the national system of  
16 interstate and defense highways located in this state that are officially  
17 designated by the board and approved by the United States secretary of  
18 transportation pursuant to 23 United States Code.

19 ~~6-~~ 7. "Main traveled way":

20 (a) Means the portion of a roadway for the movement of vehicles,  
21 excluding shoulders, on which through traffic is carried.

22 (b) In the case of a divided highway, means the traveled way of each  
23 of the separated roadways for traffic in opposite directions.

24 (c) Does not include facilities such as frontage roads or parking  
25 areas.

26 ~~7-~~ 8. "Outdoor advertising" means any outdoor sign, display, light,  
27 device, figure, painting, drawing, message, plaque, poster, billboard or  
28 other thing that is designed, intended or used to advertise or inform and the  
29 message of which is visible from any place on the main traveled way of the  
30 interstate, secondary or primary systems.

31 ~~8-~~ 9. "Primary system" means that portion of connected main highways  
32 located in this state that are officially designated by the board and  
33 approved by the United States secretary of transportation pursuant to 23  
34 United States Code.

35 ~~9-~~ 10. "Safety rest area" means a site established and maintained by  
36 or under public supervision or control for the convenience of the traveling  
37 public within or adjacent to the right-of-way of the interstate or primary  
38 systems.

39 ~~10-~~ 11. "Scheme of common ownership" means an ownership scheme in  
40 which the owners have recorded irrevocable rights to use common areas.

41 ~~11-~~ 12. "Secondary system" means that portion of connected highways  
42 located in this state that are officially designated by the board and  
43 approved by the United States secretary of transportation pursuant to 23  
44 United States Code.

1           ~~12.~~ 13. "Tourist related advertising display" means any outdoor  
2 advertising that advertises a specific public or private facility,  
3 accommodation, goods or service, at a particular location or site, including  
4 an overnight lodging, campsite, food service, recreational facility, tourist  
5 attraction, educational or historical site or feature and automotive service  
6 facility or garage.

7           ~~13.~~ 14. "Unzoned commercial or industrial area" means an area that is  
8 not zoned under authority of law and in which land use is characteristic of  
9 that generally permitted only in areas that are actually zoned commercial or  
10 industrial under authority of state law, that embraces all land on the same  
11 side of the highway on which one or more commercial or industrial activities  
12 are conducted, including all land within one thousand feet measured in any  
13 direction from the nearest edge of the actual land used or occupied by this  
14 activity, its parking, storage and service areas, its driveways and its  
15 established front, rear and side yards, and that constitutes an integral part  
16 of this activity. As used in this paragraph, commercial or industrial  
17 activities do not include:

- 18           (a) Outdoor advertising structures.
- 19           (b) Agricultural, forestry, grazing, farming and related activities.
- 20           (c) Transient or temporary activities, including wayside fresh produce  
21 stands.
- 22           (d) Activities not visible from the main traveled way.
- 23           (e) Activities conducted in a building principally used as a  
24 residence.
- 25           (f) Railroad tracks and minor sidings and aboveground or underground  
26 utility lines.

27           Sec. 2. Section 28-7902, Arizona Revised Statutes, is amended to read:  
28           ~~28-7902.~~ Outdoor advertising authorized

29           A. The following outdoor advertising may be placed or maintained along  
30 an interstate, secondary or primary system within six hundred sixty feet of  
31 the edge of the right-of-way:

32           1. Directional or other official signs or notices that are required or  
33 authorized by law, including signs pertaining to natural wonders and scenic  
34 and historic attractions.

35           2. Signs, displays and devices that are located on the premises of the  
36 activity that they advertise. This paragraph applies to any sign that is  
37 located on the premises of a comprehensive development that the sign  
38 advertises if the placement of the sign does not cause a reduction of federal  
39 aid highway monies pursuant to 23 United States Code section 131. For the  
40 purposes of this paragraph, "activity" means the active use or collective  
41 uses of the premises.

42           3. Signs, displays and devices advertising the sale or lease of the  
43 property on which they are located.

44           4. Signs, displays and devices lawfully placed after April 1, 1970 in  
45 business areas.

- 1           5. Signs, displays and devices lawfully placed after either:  
2           (a) July 1, 1974 in zoned or unzoned commercial or industrial areas  
3 inside municipal limits.  
4           (b) April 1, 1972 in unzoned commercial or industrial areas outside  
5 municipal limits.  
6           6. Signs, displays and devices that are lawfully existing on April 1,  
7 1970 and that are located in business areas and in zoned commercial or  
8 industrial areas outside municipal limits.  
9           7. Signs, displays and devices lawfully existing on either:  
10           (a) July 1, 1974 that are located in zoned or unzoned commercial or  
11 industrial areas inside municipal limits.  
12           (b) April 1, 1972 in unzoned commercial or industrial areas outside  
13 municipal limits.  
14           8. Nonconforming tourist related advertising displays that are  
15 lawfully erected and in existence on May 5, 1976, that are located in defined  
16 hardship areas, that provide specific directional information to the  
17 traveling public and that are approved by the United States secretary of  
18 transportation pursuant to 23 United States Code section 131(o).  
19           9. A sign located in a charter city adjacent to an interstate highway  
20 with a changing message for identification of businesses that are located on  
21 separate contiguous parcels and that are part of a single development  
22 approved by a city council as part of a development agreement entered into  
23 before April 22, 1990. The changing message may not contain words or phrases  
24 that continuously travel or scroll in a manner that presents a message longer  
25 than may be displayed on the sign at one instant in time. The director may  
26 adopt rules governing the interval within which a message may be displayed or  
27 changed. This paragraph does not alter, change or affect any other statute,  
28 rule, regulation, policy or interpretation concerning the use of signs with  
29 changing messages or the ownership of property on which the signs are  
30 located.  
31           B. Outdoor advertising authorized under subsection A, paragraphs 1, 4  
32 and 5 shall conform with standards contained and shall bear permits required  
33 in rules adopted by the director under this article, except that the  
34 authorized outdoor advertising along highways in the secondary system that  
35 are not state highways need only bear permits required by the responsible  
36 county or municipal authority.  
37           C. Outdoor advertising authorized under subsection A, paragraphs 6 and  
38 7 need not conform to standards contained but shall bear permits required in  
39 rules adopted by the director under this article, except that the authorized  
40 outdoor advertising along highways in the secondary system that are not state  
41 highways need only bear permits required by the responsible county or  
42 municipal authority.  
43           D. If preservation would be consistent with this article, signs may be  
44 preserved or maintained if they were lawfully in existence on October 22,  
45 1965 and if the director determines, subject to the approval of the United

1 States secretary of transportation as provided for by 23 United States Code  
2 section 131(c), that they are landmark signs, including signs on farm  
3 structures or natural surfaces, of historic or artistic significance.

4 E. OUTDOOR ADVERTISING THAT CONFORMS TO STANDARDS AND BEARS A PERMIT  
5 PURSUANT TO SUBSECTION B OR C OF THIS SECTION MAY INCLUDE ELECTRONIC OUTDOOR  
6 ADVERTISING ONLY IF THE ELECTRONIC OUTDOOR ADVERTISING MEETS THE FOLLOWING  
7 REQUIREMENTS:

8 1. THE ELECTRONIC OUTDOOR ADVERTISING DOES NOT CONTAIN ANY FORM OF  
9 ANIMATION AND REMAINS STATIC FOR AT LEAST EIGHT SECONDS WITH A TRANSITION  
10 TIME OF NO GREATER THAN TWO SECONDS.

11 2. EXCEPT AS PROVIDED IN SUBSECTION H OR I OF THIS SECTION, THE  
12 ELECTRONIC OUTDOOR ADVERTISING IS LOCATED WITHIN THE AREA WITH THE FOLLOWING  
13 COORDINATES:

14 BEGINNING AT LATITUDE 33.9 NORTH, LONGITUDE 114.5 WEST,  
15 HENCE DUE EAST TO LATITUDE 33.9 NORTH, LONGITUDE 112.25 WEST,  
16 HENCE FOLLOWING THE CIRCUMFERENCE OF A CIRCLE WITH A RADIUS OF  
17 SEVENTY-FIVE MILES FROM THE COORDINATES OF THE DISCOVERY CHANNEL  
18 TELESCOPE TO LATITUDE 33.66 NORTH, LONGITUDE 111.23 WEST, HENCE  
19 DUE SOUTH TO LATITUDE 33.46 NORTH, LONGITUDE 111.23 WEST, HENCE  
20 FOLLOWING THE CIRCUMFERENCE OF A CIRCLE WITH A RADIUS OF  
21 SEVENTY-FIVE MILES FROM THE COORDINATES OF THE MOUNT LEMMON  
22 OBSERVATORY TO LATITUDE 33.02 NORTH, LONGITUDE 111.91 WEST,  
23 HENCE FOLLOWING THE CIRCUMFERENCE OF A CIRCLE WITH A RADIUS OF  
24 SEVENTY-FIVE MILES FROM THE COORDINATES OF KITT PEAK OBSERVATORY  
25 TO LATITUDE 32.6 NORTH, LONGITUDE 112.65 WEST, HENCE DUE WEST TO  
26 LATITUDE 32.6 NORTH, LONGITUDE 114.802 WEST, AND HENCE NORTH  
27 ALONG THE COLORADO RIVER TO THE POINT OF BEGINNING.

28 3. FROM SUNSET UNTIL 11:00 P.M., THE DIMMER FOR ELECTRONIC OUTDOOR  
29 ADVERTISING SIGNS, DISPLAYS AND DEVICES SHALL NOT BE SET TO EXCEED THREE  
30 HUNDRED FORTY-TWO NITS IN FULL WHITE MODE FOR SIGNS THAT ARE SMALLER THAN SIX  
31 HUNDRED SEVENTY-TWO SQUARE FEET IN AREA AND THREE HUNDRED NITS IN FULL WHITE  
32 MODE FOR SIGNS THAT ARE EQUAL TO OR LARGER THAN SIX HUNDRED SEVENTY-TWO  
33 SQUARE FEET IN AREA.

34 4. FROM 11:00 P.M. UNTIL SUNRISE, ILLUMINATION SHALL BE EXTINGUISHED  
35 AND ELECTRONIC OUTDOOR ADVERTISING SIGNS, DISPLAYS AND DEVICES SHALL BE  
36 EQUIPPED WITH AN AUTOMATIC DEVICE TO ENSURE COMPLIANCE WITH THIS PARAGRAPH,  
37 EXCEPT FOR AMBER ALERTS AND OTHER GOVERNMENTAL EMERGENCIES. THE AUTOMATIC  
38 DEVICE SHALL HAVE THE ABILITY TO DIM THE DISPLAY THROUGH A PHOTO ELECTRIC  
39 SENSOR THAT DETECTS AMBIENT LIGHT LEVELS AND ADJUSTS THE DISPLAY INTENSITY  
40 AUTOMATICALLY TO ENSURE THE MAXIMUM NIT LEVELS ARE ENFORCED.

41 5. THE ELECTRONIC OUTDOOR ADVERTISING SHALL COMPLY WITH THE SIZE AND  
42 SPACING LIMITATIONS PRESCRIBED IN SECTION 28-7905.

43 F. THE DIRECTOR SHALL PREPARE A PICTORIAL REPRESENTATION OF THE  
44 COORDINATES DESCRIBED IN SUBSECTION E, PARAGRAPH 2 OF THIS SECTION. THE  
45 DIRECTOR SHALL POST THE PICTORIAL REPRESENTATION ON THE DEPARTMENT'S WEBSITE.

1 G. THE OWNER OF ANY OUTDOOR ADVERTISING THAT IS WITHIN THE AREA  
2 DESCRIBED IN SUBSECTION E, PARAGRAPH 2 OF THIS SECTION, THAT BEARS A PERMIT  
3 PURSUANT TO SUBSECTION B OR C OF THIS SECTION AND THAT IS CONVERTED TO  
4 ELECTRONIC OUTDOOR ADVERTISING SHALL NOTIFY THE DEPARTMENT OF THE FACE-TYPE  
5 STATUS CHANGE. THE NOTICE SHALL INCLUDE A CERTIFICATION THAT THE SIGN  
6 REMAINS IN COMPLIANCE WITH THIS SECTION. THE DEPARTMENT SHALL MAINTAIN THE  
7 FACE-TYPE STATUS CHANGE DOCUMENTS IN ITS RECORDS. AFTER THE EFFECTIVE DATE  
8 OF THIS AMENDMENT TO THIS SECTION, THE CONVERSION OF OUTDOOR ADVERTISING TO  
9 ELECTRONIC OUTDOOR ADVERTISING IS ONLY ALLOWED IN THE AREA DESCRIBED IN  
10 SUBSECTION E, PARAGRAPH 2 OF THIS SECTION.

11 H. ELECTRONIC OUTDOOR ADVERTISING IS DEEMED TO HAVE LEGAL  
12 NONCONFORMING STATUS FOR THE PURPOSES OF STATE LAW, INCLUDING FOR THE  
13 PURPOSES OF ANY PERMITS AND APPROVALS ISSUED BY THE DEPARTMENT, IF BOTH OF  
14 THE FOLLOWING APPLY:

15 1. THE ELECTRONIC OUTDOOR ADVERTISING IS BOTH OPERATIONAL AND BEARS A  
16 PERMIT PURSUANT TO SUBSECTION B OR C OF THIS SECTION BEFORE THE EFFECTIVE  
17 DATE OF THIS AMENDMENT TO THIS SECTION.

18 2. THE ELECTRONIC OUTDOOR ADVERTISING IS NOT LOCATED WITHIN THE AREA  
19 DESCRIBED IN SUBSECTION E, PARAGRAPH 2 OF THIS SECTION.

20 I. ELECTRONIC OUTDOOR ADVERTISING IN EXISTENCE AND OPERATIONAL AS OF  
21 THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION IS DEEMED TO HAVE LEGAL  
22 CONFORMING STATUS FOR THE PURPOSES OF STATE LAW, INCLUDING FOR THE PURPOSES  
23 OF ANY PERMITS AND APPROVALS ISSUED BY THE DEPARTMENT IF BOTH OF THE  
24 FOLLOWING APPLY:

25 1. THE ELECTRONIC OUTDOOR ADVERTISING BEARS A PERMIT PURSUANT TO  
26 SUBSECTION B OR C OF THIS SECTION.

27 2. THE ELECTRONIC OUTDOOR ADVERTISING IS LOCATED WITHIN THE AREA  
28 DESCRIBED IN SUBSECTION E, PARAGRAPH 2 OF THIS SECTION.

29 J. THE ELECTRONIC OUTDOOR ADVERTISING THAT IS DESCRIBED IN SUBSECTION  
30 H OR I OF THIS SECTION IS SUBJECT TO THE REQUIREMENTS PRESCRIBED BY  
31 SUBSECTION E, PARAGRAPHS 1, 3, 4 AND 5.

32 K. A CITY, TOWN OR COUNTY SHALL NOT ISSUE A PERMIT FOR CONVERSION OF  
33 AN EXISTING OUTDOOR ADVERTISING USE TO AN ELECTRONIC OUTDOOR ADVERTISING USE  
34 AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION IF THE EXISTING  
35 OUTDOOR ADVERTISING IS NOT LOCATED IN THE AREA DESCRIBED IN SUBSECTION E,  
36 PARAGRAPH 2 OF THIS SECTION.

37 L. THIS SECTION DOES NOT PREVENT A CITY, TOWN OR COUNTY FROM ENFORCING  
38 OR ENACTING AN ORDINANCE REGULATING OUTDOOR ADVERTISING THAT IS AUTHORIZED BY  
39 SUBSECTION E OF THIS SECTION, INCLUDING THE LIGHTING OF THE OUTDOOR  
40 ADVERTISING. THE CITY, TOWN OR COUNTY MAY ENACT AN ORDINANCE THAT IS MORE  
41 RESTRICTIVE THAN THIS SECTION BUT NOT LESS RESTRICTIVE THAN THIS SECTION.

42 Sec. 3. Section 28-7903, Arizona Revised Statutes, is amended to read:  
43 28-7903. Outdoor advertising prohibited

44 A. Outdoor advertising shall not be placed or maintained adjacent to  
45 the interstate, secondary or primary systems at the following locations or

1 positions, under any of the following conditions or if the outdoor  
2 advertising is of the following nature:

3 1. If it is within view of, directed at and intended to be read from  
4 the main traveled way of the interstate, primary or secondary systems, except  
5 outdoor advertising authorized under section 28-7902.

6 2. If it is visible from the main traveled way and simulates or  
7 imitates a directional, warning, danger or information sign permitted under  
8 this article, if it is likely to be mistaken for any such permitted sign or  
9 if it is intended or likely to be construed as giving warning to traffic,  
10 such as by the use of the words "stop" or "slow down".

11 3. If it is within any stream or drainage channel or below the flood  
12 water level of any stream or drainage channel where the outdoor advertising  
13 might be deluged by floodwaters and swept under any highway structure  
14 crossing the stream or drainage channel or against the supports of the  
15 highway structure.

16 4. If it is visible from the main traveled way and displays a red,  
17 flashing, blinking, intermittent or moving light, **EXCEPT AS PROVIDED IN**  
18 **SECTION 28-7902, SUBSECTION E**, or lights likely to be mistaken for a warning  
19 or danger signal, except that part necessary to give public service  
20 information such as time, date, weather, temperature or similar information.

21 5. If an illumination on the outdoor advertising is of such brilliance  
22 and in such a position as to blind or dazzle the vision of travelers on the  
23 main traveled way.

24 6. If it exists under a permit as required by this article and is not  
25 maintained in safe condition.

26 7. If it is obviously abandoned.

27 8. If it is placed in a manner that either:

28 (a) Obstructs or otherwise physically interferes with an official  
29 traffic sign, signal or device.

30 (b) Obstructs or physically interferes with the vision of drivers in  
31 approaching, merging or intersecting traffic.

32 9. If it is placed on trees or painted or drawn on rocks or other  
33 natural features, except signs permitted by section 28-7902, subsection A,  
34 paragraph 2.

35 B. At interchanges on freeways or interstate highways outside  
36 municipal limits, an outdoor advertising sign, display or device shall not be  
37 erected in the area between the crossroad and a point five hundred feet  
38 beyond the beginning or ending of pavement widening at the exit from or  
39 entrance to the main traveled way.

40 Sec. 4. Temporary directional signage on state highways for  
41 nonprofit museums; delayed repeal

42 A. The director of the department of transportation may approve,  
43 install and maintain interim or temporary directional signage on a state  
44 highway for a nonprofit museum if the museum satisfies all of the following:



1           1. Files an application with the department of transportation for a  
2 permit for installation of the directional signage.

3           2. Is qualified under section 501(c)(3) of the United States internal  
4 revenue code for federal income tax purposes.

5           3. Is located on a road on which vehicles exit the state highway or  
6 that crosses the state highway.

7           B. An applicant for a permit pursuant to this section must agree that  
8 the directional signage installed pursuant to this section is temporary and  
9 that the department may remove the signage at any time without consultation  
10 of the permittee. The granting of the permit pursuant to this section shall  
11 not be construed to allow the directional signage to continue after the urban  
12 logo sign program is established by the department of transportation.

13           C. No state monies shall be spent for installation, upkeep or  
14 maintenance of directional signage installed pursuant to this section.

15           D. This section is repealed from and after September 30, 2014.

16           Sec. 5. Emergency

17           This act is an emergency measure that is necessary to preserve the  
18 public peace, health or safety and is operative immediately as provided by  
19 law.