

HOUSE BILL No. 2590

By Representative Garber

2-1

1 AN ACT concerning roads and bridges; relating to advertising signs;
2 application fees; amending K.S.A. 2011 Supp. 68-2236 and repealing
3 the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 68-2236 is hereby amended to read as
7 follows: 68-2236. (a) Unless otherwise provided in this section, no person,
8 firm or corporation shall construct, erect, operate, use or maintain any
9 advertising signs, displays or devices in this state without first obtaining a
10 sign permit and a sign license from the department. Sign permits shall not
11 be issued until a sign permit application has been submitted to and
12 approved by the department. Signs measuring eight square feet or less with
13 a message advertising the existence, meeting dates and location of
14 nonprofit, religious, civic or educational organizations shall not be
15 required to obtain a sign permit or a license. Signs as described in
16 subsections (b) and (c) of K.S.A. 68-2233, and amendments thereto, shall
17 not be required to obtain a sign permit or a license.

18 (b) *Sign permit application.* From and after June 30, 2006, no signs,
19 displays or devices except as described in subsection (a) shall be erected
20 without first applying for a sign permit from the department. Sign
21 applications shall be submitted on forms provided by the department.
22 Incomplete applications shall be denied. A nonrefundable processing fee of
23 ~~\$250~~ \$50 shall be submitted with each permit application for new
24 directional and official signs as identified in subsection (a) of K.S.A. 68-
25 2233, and amendments thereto, whether or not they advertise nonprofit
26 organizations or businesses. A nonrefundable processing fee of ~~\$250~~ \$50
27 shall be submitted with each permit application for new conforming signs
28 identified in subsection (e) of K.S.A. 68-2233, and amendments thereto.
29 The department shall approve the sign permit application within 60 days
30 after receiving the application from the applicant only if the application for
31 the new sign permit complies with the provisions of this act. Upon the
32 approval of a sign permit application, the applicant will be granted a sign
33 permit and a sign license as described in subsection (c) and shall erect the
34 sign described in the application within 180 days from the date of the
35 granting of the sign permit. Failure to obtain a permit and erect the sign
36 described in the application within 180 days of the date of the granting of

1 the permit, shall render the permit and license null and void. Extensions
2 may be granted by the department if they are requested by the applicant in
3 writing prior to the 180 day deadline. All signs, displays or devices erected
4 during the 180 day period and any extensions granted shall comply with
5 all information submitted in the sign permit application. Providing false
6 information on the sign application shall be sufficient grounds to deny or
7 revoke the application or permit.

8 (c) *Sign permits; sign license.* (1) From and after June 30, 2006, no
9 sign, display or advertising device except signs advertising nonprofit
10 organizations or nonprofit businesses as described in subsection (a) shall
11 be erected without first obtaining a sign permit from the department. No
12 sign permit shall be issued without an approved current sign permit
13 application as described in subsection (b);

14 (2) a sign license shall be issued along with a sign permit and such
15 license shall be valid for a period of two years from the date it was issued
16 unless revoked for noncompliance with this act. Before the expiration of a
17 sign license, the sign owner shall be required to renew the license.
18 Biennial license renewal fees for a sign structure shall be determined by
19 the size of the advertising per sign structure. Biennial license renewal fees
20 for sign structures are as follows:

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22	Fee	Per sign structure
23	\$20	0 square feet to 32 square feet
24	\$75	33 square feet to 300 square feet
25	\$150	301 square feet or more

26 License fees will be phased in over a two-year time period for signs
27 listed in the department's sign inventory database as of December 31,
28 2006. Owners of signs so identified shall be required to pay 50% of their
29 total fees on or before their anniversary date in 2007 and 50% in 2008.
30 Sign owners shall be required to pay the full fee in 2009 and thereafter.
31 Sign owners who erect signs after December 31, 2006, shall be required to
32 pay the entire fees as described in this section;

33 (3) each license shall be transferable and shall be valid for a period of
34 two years from the last day of the month the license was first granted as
35 long as the sign is maintained and if the sign is not changed as to location,
36 size or lighting. Within 60 days prior to the expiration date of the license,
37 the department will provide the sign owner with a license renewal form for
38 each sign requiring a license. Sign owners shall be required to complete
39 the renewal form and submit the renewal fee as required in this section. A
40 late fee of \$50 shall be assessed for each sign renewal license form
41 received 30 days after the expiration of the license. Where applicable, any
42 advertising sign display or device not having a current permit and a current
43 license on file shall be in violation of this act and shall be subject to

1 removal with the cost assessed to the sign owner after the sign owner has
2 been given 30 days notice;

3 (4) if outdoor advertising is under construction and the department
4 determines that a permit and license has not been issued for the advertising
5 sign display or device, the department may require that all work on the
6 advertising display or device cease until the owner of the outdoor
7 advertising obtains a sign permit and a license.

8 (d) *Existing signs; unlisted signs; license; fees.* (1) On or before
9 December 31, 2007, sign owners with existing signs that have been
10 assigned a sign identification number as part of the department's sign
11 inventory database as of June 30, 2006, will be issued a sign license for
12 each sign. The department will issue a license for each sign currently in its
13 inventory and for each other sign submitted by a sign owner on or before
14 December 31, 2006, providing that the sign complies with this act. Sign
15 owners shall be required to submit documentation for all signs not
16 currently listed in the department's sign inventory database as of June 30,
17 2006. Sign owners will not be assessed a processing fee for signs which
18 are listed in the department's sign inventory database as of June 30, 2006,
19 nor will they be assessed a processing fee for signs submitted to the
20 department on or before December 31, 2006. Any sign discovered after
21 December 31, 2006, and not listed in the department's sign inventory
22 database shall be considered unauthorized and illegal and shall be removed
23 at the expense of the sign owner;

24 (2) within 30 days prior to the stated anniversary date, the department
25 will provide sign owners with a license renewal form for each licensed
26 sign. Sign owners shall be required to complete the renewal form for each
27 sign as required in subsection (c). The department will renew the license
28 for each existing sign upon receipt of the completed renewal form and the
29 required fees on or before the stated anniversary date. A license shall be
30 valid for two years from the stated anniversary date. A late fee shall be
31 assessed for each license renewal form received after the stated
32 anniversary date. Where applicable, any existing sign not having a current
33 license, as identified in the department's sign database, shall be in violation
34 of this act and shall be subject to removal with the costs assessed to the
35 sign owner after the sign owner has been given a 30-day notice.

36 (e) From and after March 31, 1972, all signs, or the structures on
37 which they are displayed, shall have stated thereon the name of the owner
38 thereof.

39 (f) The secretary shall remit all moneys received by or for the
40 secretary under the provisions of this act to the state treasurer in
41 accordance with the provisions of K.S.A. 75-4215, and amendments
42 thereto. Upon receipt of each such remittance, the state treasurer shall
43 deposit the entire amount in the state treasury to the credit of the state

1 highway fund.

2 Sec. 2. K.S.A. 2011 Supp. 68-2236 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its
4 publication in the statute book.

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