

Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation Commission  
Chapter 6—Outdoor Advertising

RECEIVED

SEP 08 2017

SECRETARY OF STATE  
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

**7 CSR 10-6.100 Removal or Concealment of Outdoor Advertising Pending Judicial Review.**  
The Missouri Highways and Transportation Commission is amending sections (1), (2), and (3).

*PURPOSE: This amendment removes unnecessary restrictive language.*

COPY

(1) Removal or Concealment of Advertising Message by Owner. If the commission enters its final decision and order to remove the outdoor advertising structure and a petition for judicial review is filed pursuant to sections 226.580 and 536.100, RSMo, the advertising message contained on the structure *[shall]* **will** be removed or concealed within thirty (30) days of the date of filing by the owner of the structure at the owner's expense until the action for judicial review is finally adjudicated. The owner *[shall be]* **is** responsible for ensuring the safety of the general public as a result of any such act of removal or concealment. The owner *[shall]* **will** remove or conceal all sign panels which contain any portion of the advertising message.

(2) Removal or Concealment of Advertising Message by Commission. If the owner of the structure refuses or fails to remove or conceal the advertising message within thirty (30) days of filing a petition for judicial review, the commission may remove or conceal all sign panels which contain any portion of the advertising message and the owner of the structure *[shall be]* **is** liable for the costs of this process. If the owner refuses to accept the panels after the removal, the commission will store them for a period not to exceed sixty (60) days and recover all costs of transporting and storing the panels from the owner. If after sixty (60) days the owner has not paid all costs associated with the commission's transporting and storing the panels and taken custody of the panels, the commission *[shall]* **may** dispose of them as it sees fit with no compensation to the owner.

(3) Commission Liability. The commission shall incur no liability for causing the re[-]moval or concealment of the advertising message while an action for review is pending, except if the owner finally prevails in its action for judicial review, commission will compensate the owner at the rate the owner is actually receiving income from the advertiser pursuant to written lease from the time the message is removed or concealed until the judicial review is final. In the case of a sign carrying its owner's advertising message, or a lease the commission determines was not entered into pursuant to an arm's length transaction, compensation *[shall]* **will** be at fair rental value~~]. Fair rental value shall be]~~ determined by comparing signs of similar size, location and condition for the period at issue.

*AUTHORITY: sections 226.150, and 226.500–226.600, RSMo 2000 and Supp. 2002. \* Original rule filed June 15, 1993, effective Jan. 31, 1994. Amended: Filed April 15, 2003, effective Nov. 30, 2003. Amended: Filed September 8, 2017.*

*\*Original authority: 226.150, RSMo 1939, amended 1977; and 226.500–226.600, see Missouri*

JOINT COMMITTEE ON

SEP 08 2017

ADMINISTRATIVE RULES

*Revised Statutes 2000 and Supp. 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, Missouri 65102 or [Pamela.Harlan@modot.mo.gov](mailto:Pamela.Harlan@modot.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*