

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

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SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

7 CSR 10-6.070 Permits for Outdoor Advertising. The Missouri Highways and Transportation Commission is amending sections (2)(A), (2)(B), (4)(A), (5)(A), (5)(B), (6)(A) through (6)(D), (7) and (8).

COPY

PURPOSE: This amendment removes unnecessary restrictive language.

(2) Outdoor Advertising Subject to Permit Requirements.

(A) Permit *[Required]*. To promote highway safety, a sign owner or the owner of the land on which the sign is located, regardless of when the sign was erected, must obtain a permit from the commission for the following outdoor advertising erected or maintained within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main-traveled way of any highway which is a part of the interstate or primary system:

1. Directional and other official signs. (see sections 226.550.1 and .2 and 226.520(1), RSMo, and 7 CSR 10-6.020). Only one (1) permit will be issued for sign structures with multiple displays;

2. Signs located in areas zoned commercial and industrial except on-premises signs (see sections 226.550.1 and .2, RSMo, and 7 CSR 10-6.040(2)(A));

3. Signs located in unzoned commercial or industrial areas except on-premises signs (see sections 226.520(4), 226.540(4) and 226.550.1 and .2, RSMo, and 7 CSR 10-6.040(2)(B)). Only one (1) permit will be issued for multiple sign structures as back-to-back signs, double-faced signs, and V-type signs;

4. Conforming out of standard signs wherever located except on-premises signs (see sections 226.541, RSMo, and 7 CSR 10-6.040); and

5. Nonconforming signs wherever located except on-premises signs (see sections 226.550.1 and .2, RSMo, and 7 CSR 10-6.060).

(B) Multiple Highways. A sign may be visible or erected, or both, with the purpose of its message being read from two (2) or more interstate or primary highways. These signs must comply with the sizing, lighting, spacing, location, and permit requirements applicable to each interstate or primary highway. Where there is a conflict between the sizing, lighting, spacing, or location requirements of sections 226.500–226.600, RSMo, the most restrictive requirements *[shall]* prevail.

(4) Permit Applications and Fees.

(A) Filing of Permit Applications and Permit Fees. Sign owners or owners of the land on which outdoor advertising is located must apply for permits from the commission for outdoor advertising specified by section 226.550, RSMo, (see 7 CSR 10-6.070(2)). Permit applications *[must]* **will** be:

1. Timely submitted. For new outdoor advertising to be erected, the application for permit and the permit application fee of two hundred dollars (\$200) *[shall]* **will** be submitted before erecting or starting construction of any sign *[requiring a permit from the commission]*. For all nonconforming outdoor advertising *[requiring]* **needing** a permit from the commission and for

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any other existing outdoor advertising lawfully erected, but for failure to obtain a permit prior to its erection from the commission, the application for permit must be submitted to and received by the department's authorized representative within thirty (30) days of receipt by the applicant of a notice to remove outdoor advertising under section 226.580, RSMo, from the commission specifying the failure to obtain or maintain a permit for a sign for which a permit and biennial inspection is *[required]* **necessary** by section 226.550, RSMo. Failure of the applicant to timely submit an application for permit *[shall be cause for]* **will authorize** the department's authorized representative to reject and return the application for permit;

2. Biennial inspection fees. Biennial inspection fees are due in accordance with section 226.550.4, RSMo. Religious organizations, service organizations, veteran organizations, and fraternal organizations, as defined in section 313.005, RSMo, upon submission of a copy of their certification of Internal Revenue Service tax exempt status, may be granted a fee exempt permit provided the display area of the sign is less than seventy-six (76) square feet.

3. Payment Failure. Failure to submit the correct amount of fee by check, draft, or money order payable to "Director of Revenue—Credit State Road Fund" *[shall be]* **may cause** *[for]* the department's authorized representative to reject and return the application for permit.

4. Documentation and assistance *[required]* upon request. Any applicant *[must submit]* **will give** to the department's authorized representative, upon written request, written information or documentation, as specified in the request, sufficient for the department's authorized representative to determine whether or not a permit should be issued under section 226.550, RSMo. Also, any applicant may be asked to assist the department's authorized representative in locating the sign location described in an application for permit. Refusal by or failure of an applicant to comply with a request for information, documentation, or assistance *[shall]* **will be** grounds for the department's authorized representative to reject and return the application for permit.

5. Misrepresentation of fact. Any misrepresentation of material fact by an applicant on any application for permit *[shall]* **will be** grounds for the department's authorized representative to reject and return the application for permit.

6. *[All fees must be paid]* **Fees.** No permit *[shall]* **will be** granted to any applicant who is delinquent in the payment of any outdoor advertising fees to the commission, including any removal costs or biennial inspection fees associated with any sign.

(5) Informal Hearing on Denial of Permit.

(A) Request for Informal Hearing. If denied a permit, the applicant *[shall]* **will** have twenty (20) working days to request an informal hearing for the purpose of appealing the denial. The applicant *[shall]* **will** submit its request for an informal hearing to the Outdoor Advertising Manager, Missouri Department of Transportation, PO Box 270, Jefferson City, MO 65102.

(B) Procedure. If the applicant requests an informal hearing, the department's authorized representative *[shall]* **will** advise the applicant of the time, date, and place. This is not a contested case under Chapter 536, RSMo. The rules of evidence *[shall]* **will** not apply at the hearing.

(6) Permits.

(A) Issuance of the Permit. Upon proper application and payment of fee for any sign eligible for a permit, the department's authorized representative *[shall]* **will** issue a permit. The permit owner must erect the sign, if not already in existence, within two (2) years of the date the permit was issued by the commission and the erected outdoor advertising structure must comply with all

current sections of 226.500 through 226.600, RSMo, and 7 CSR 10-6.010 through 7 CSR 10-6.100. This permit is for the erection of a lawful conforming outdoor advertising structure.

(B) Transfer of Permit. When a sign owner transfers ownership of a sign for which a permit is required by section 226.550, RSMo, the new sign owner *[shall]* **will** notify the commission by filing an application for transfer, along with a ten dollar (\$10) fee on a form supplied by the department's authorized representative. Applications must be completed in full. Incomplete or incorrectly completed application forms may be rejected or returned by the department's authorized representative to the applicant.

(C) Voiding of Permits Without Compensation. Permits may be voided without compensation to be paid to the permit holder under the following conditions:

1. When there has been any misrepresentation of a material fact by the applicant on a permit application and the sign is removed under section 226.580, RSMo;

2. *[The permit for any unbuilt structure shall be voided if]* **When** the sign, *[complete with]* **including** message, is not in existence within two (2) years of the date the permit was issued by the commission;

3. When the commission determines that a change has been made to a conforming sign by the sign owner and the sign has been removed under section 226.580, RSMo, or that a conforming out of standard sign has been substantially rebuilt under section 226.541, RSMo; or

4. When the commission determines that a substantial change has been made to a nonconforming sign by the sign owner such that the sign's nonconforming status was terminated and the sign was removed under the commission's administrative rules for maintenance of nonconforming signs.

(D) Voiding of Permits With Compensation. The commission is also authorized to void any permit when the commission determines that such permit has been erroneously issued by department staff in violation of any state law or administrative rule and the outdoor advertising *[shall be]* **is** subject to removal and compensation *[shall]* **is subject to** be paid pursuant to section 226.570, RSMo.

(7) Biennial Inspection Fee. A biennial inspection fee shall be collected every two (2) years as set forth in section 226.550, RSMo. *The biennial inspection fee must be]* **and** received by the due date on the statement issued from the Missouri Department of Transportation. *[and]* **The fee** will be considered delinquent if not paid within sixty (60) days after the due date on the statement. Fees received from any sign owner that owes delinquent fees to the department will be credited to the past due accounts before applying the remainder, if any, toward issuance of a new permit for: outdoor advertising, *vegetation cutting and trimming]*, or transfer of ownership of an outdoor advertising permit.

(8) Relocation. Relocation of any sign for any reason whatsoever is a new erection as of the date the relocation is completed and these signs must then comply with the then effective sizing, lighting, spacing, location, and permit requirements of sections 226.500–226.600, RSMo. Relocation of any sign voids any permit issued by the commission for that sign and the fee *[shall]* **will** be retained by the commission. The department's authorized representative *[shall]* **will** issue a notice to remove outdoor advertising under section 226.580, RSMo. A new application for permit must be filed with the department's authorized representative and the sign can only be relocated in compliance with the sizing, lighting, spacing, and location requirements of sections 226.500–226.600, RSMo.

AUTHORITY: sections 226.150 and 226.530, RSMo 2000. Original rule filed May 16, 1977, effective Oct. 15, 1977. Amended: Filed Jan. 16, 1990, effective June 11, 1990. Amended: Filed June 15, 1993, effective Jan. 31, 1994. Amended: Filed Aug. 31, 1999, effective March 30, 2000. Amended: Filed April 15, 2003, effective Nov. 30, 2003. Amended: Filed Feb. 8, 2007, effective Aug. 30, 2007. Amended: Filed Oct. 3, 2013, effective May 30, 2014. Amended: Filed September 8, 2017.*

**Original authority: 226.150, RSMo 1939, amended 1977 and 226.530, RSMo 1965, amended 1972, 1995.*

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. 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.*