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SENATE BILL 663

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO ADVERTISING; ESTABLISHING REQUIREMENTS FOR OUTDOOR  
ADVERTISING SIGNS; LIMITING THE REGULATORY POWER OF THE STATE  
HIGHWAY COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] OUTDOOR ADVERTISING DEVICE--  
MAXIMUM SIZE AND AREA LIMITATION-- BACK-TO- BACK SIGNS-- V-SHAPED  
SIGNS-- MINIMUM SPACING REQUIREMENTS. --

A. The maximum area of the surface of any outdoor  
advertising device shall be nine hundred square feet, with a  
maximum length of fifty-two feet and a maximum height of  
twenty-two feet.

B. The maximum area of a single advertisement in a  
single facing sign shall not exceed nine hundred square feet.  
Each facing of a double-faced or back-to-back sign must meet

underscored material = new  
[bracketed material] = delete

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1 this same standard.

2 C. Multiple facing signs in the same direction  
3 shall not be allowed to be stacked vertically.

4 D. Outside of incorporated cities, towns and  
5 villages and on interstate highways, controlled access  
6 freeways and non-freeway primary highways, no two signs on the  
7 same side of the right of way shall be less than five thousand  
8 feet apart.

9 Section 2. Section 67-12-5 NMSA 1978 (being Laws 1966,  
10 Chapter 65, Section 5, as amended) is amended to read:

11 "67-12-5. OUTDOOR ADVERTISING-- [REGULATIONS] RULES--  
12 PERMITS.--

13 A. The commission may promulgate [regulations]  
14 rules in accordance with the provisions of Section 1 of this  
15 act concerning:

16 (1) the definition of unzoned industrial or  
17 commercial areas adjacent to the interstate and primary  
18 systems;

19 (2) the removal of outdoor advertising so  
20 required or authorized under the Highway Beautification Act;

21 (3) permits for the erection and maintenance  
22 of outdoor advertising; and

23 (4) standards and specifications pertaining  
24 to outdoor advertising, including, but not limited to,  
25 construction, maintenance, spacing, lighting, size and

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1 location.

2 B. [~~Regulations~~] Rules promulgated by the  
3 commission under this section shall be consistent with the  
4 public policy of this state as declared in the Highway  
5 Beautification Act [~~and~~], national standards promulgated  
6 pursuant to Title 23, United States Code and in accordance  
7 with the provisions of Section 1 of this act.

8 C. The commission shall establish and collect  
9 uniform fees for the issuance of permits for outdoor  
10 advertising. The fees shall not be more than the actual cost  
11 to the commission of enforcement and administration of [~~this~~]  
12 the Highway Beautification Act, or five dollars (\$5.00) per  
13 year, whichever is greater, for each sign, display and device.  
14 All fees so collected shall be paid to the state treasurer for  
15 credit to the state road fund.

16 D. Any permit fee payable for the years 1966  
17 through 1971 inclusive shall be deemed timely paid if, but  
18 only if, the fee is received by the commission prior to July  
19 1, 1971. For the year 1972 and every year thereafter, the  
20 permit fee shall be deemed timely paid if said fee is received  
21 by the commission on or before the first day of the year for  
22 which said fee is being paid. Failure of timely payment of  
23 the permit fee for any outdoor advertising except those  
24 included in [~~Subsections A(1), A(2) and A(3)~~] Paragraphs (1)  
25 through (3) of Subsection A of Section [55-11-4 NMSA 1953]

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1 67-12-4 NMSA 1978 shall render the outdoor advertising subject  
2 to removal by the commission without any compensation  
3 whatsoever and at the expense of the owner of the outdoor  
4 advertising. "

5 Section 3. Section 67-12-12 NMSA 1978 (being Laws 1966,  
6 Chapter 65, Section 11) is amended to read:

7 "67-12-12. POWERS OF COMMISSION. -- In accordance with the  
8 provisions of Section 1 of this act, the commission may:

9 A. promulgate [~~regulations~~] rules it deems  
10 necessary to implement and enforce the Highway Beautification  
11 Act; and

12 B. enter into agreements with the secretary of  
13 commerce pursuant to Title 23, United States Code, relating to  
14 the control of outdoor advertising and junkyards in areas  
15 adjacent to the interstate and primary systems and [ ~~to~~ ] take  
16 action in the name of the state to comply with the terms of  
17 the agreements. "

18 Section 4. TEMPORARY PROVISION. -- EXISTING OUTDOOR  
19 ADVERTISING SIGNS. -- The provisions of this act apply only to  
20 outdoor advertising signs erected after July 1, 1999.  
21 Maintenance and rebuilding of outdoor advertising signs in  
22 existence on July 1, 1999 are allowed.

23 Section 5. EFFECTIVE DATE. -- The effective date of the  
24 provisions of this act is July 1, 1999.