



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 21-0992 **Date:** May 13, 2021
Prime Sponsors: Sen. Zenzinger; Smallwood **Bill Status:** Senate Local Government
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Bill Topic: **OUTDOOR ADVERTISING ACT**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill makes modifications to requirements and enforcement of the Outdoor Advertising Act. The bill increases workload for the Department of Transportation in FY 2021-22, and decreases workload for local governments on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

The bill makes the following changes to statutes governing use of outdoor advertising devices:

- changes the definition of “advertising device,” requiring that direct or indirect compensation be received in exchange for a device’s existence or use in order to be regulated by the act;
- disallows advertising devices with a message center display from being placed within 1,000 feet of each other when facing the same direction of travel on the same side of a highway;
- establishes a timeline for the acceptance or rejection of related permit applications, and creates a process to appeal rejections;
- allows property owners to maintain a potential advertising device if they attest in an affidavit that the device is not being used for advertising as regulated under the act;
- removes misdemeanor penalties for violation of the act, allows the Department of Transportation (CDOT) to seek court orders to address violations of the act, and clarifies that CDOT must enforce violations of the act through a civil action;
- removes the ability of CDOT to allow official advertising devices within the right of way of a state highway;
- disallows new advertising devices along state scenic byway highways; and,
- disallows on-premise advertising devices from extending over current or future right-of-ways on state highways.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of an existing crime. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data and assumptions. This bill changes the classification of the existing offense of illegal installation, use or maintenance of an outdoor advertising device from a misdemeanor to a civil fine. From 2018 to 2020, zero offenders have been sentenced and convicted for this offense. Violation of the current offense includes a fine, which is still assessed under the bill. Trial courts will continue enforcing any violation of the offense through existing civil actions, therefore, the fiscal note assumes that there will be no additional impact on trial courts as a result of this bill. Because the bill is not expected to have a tangible impact on criminal justice-related revenue or expenditures at the state or local levels, these potential impacts are not discussed further in this fiscal note.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Expenditures

For FY 2021-22, the bill requires CDOT to conduct rulemaking to update rules related to outdoor advertising. This workload can be accomplished within existing appropriations.

Local Government

Currently, permission must be granted by a local government before on-premises outdoor advertising devices can be installed. To the extent that this bill prevents individuals from installing regulated devices, staff time for local governments to review and approve related plans will decrease.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties
Law
Public Safety

Information Technology
Local Affairs
Sheriffs

Judicial
Municipalities
Transportation