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HOUSE BILL 553

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Thomas C. Taylor

AN ACT

RELATING TO HIGHWAYS; REQUIRING THE PERMITTING OF OFF-PREMISES  
CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS CONSISTENT WITH  
NATIONAL STANDARDS PROMULGATED PURSUANT TO TITLE 23 OF THE  
UNITED STATES CODE.

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

**SECTION 1.** Section 67-12-5 NMSA 1978 (being Laws 1966,  
Chapter 65, Section 5, as amended) is amended to read:

"67-12-5. OUTDOOR ADVERTISING--REGULATIONS--PERMITS.--

A. The commission may promulgate [~~regulations~~]  
rules concerning:

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

(2) the removal of outdoor advertising so

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1 required or authorized under the Highway Beautification Act;

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

4 (4) standards and specifications pertaining to  
5 outdoor advertising, including, but not limited to,  
6 construction, maintenance, spacing, lighting, size and  
7 location.

8 B. The commission shall apply to the federal  
9 highway administration to obtain approval of rules to allow  
10 off-premises changeable electronic variable message signs  
11 pursuant to federal law and the federal-state agreement. The  
12 commission shall promulgate rules to permit off-premises  
13 changeable electronic variable message signs; provided that:

14 (1) the duration of each display message is  
15 between six and ten seconds;

16 (2) transition between each display message is  
17 less than two seconds;

18 (3) the sign's brightness adjusts in response  
19 to changes in ambient light to ensure the sign's light is not  
20 unreasonably bright for the safety of the motoring public;

21 (4) spacing between signs is not less than the  
22 minimum spacing requirements pursuant to the federal-state  
23 agreement; and

24 (5) the sign location is allowed pursuant to  
25 the federal-state agreement and appropriate to ensure safety of

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1 the motoring public.

2 ~~[B.—Regulations]~~ C. 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 pursuant  
6 to Title 23, United States Code.

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

15 ~~[D.]~~ E. Any permit fee payable for the years 1966  
16 through 1971 inclusive shall be deemed timely paid if, but only  
17 if, the fee is received by the commission prior to July 1,  
18 1971. For the year 1972 and every year thereafter, the permit  
19 fee shall be deemed timely paid if said fee is received by the  
20 commission on or before the first day of the year for which  
21 said fee is being paid. Failure of timely payment of the  
22 permit fee for any outdoor advertising except those included in  
23 ~~[Subsections A(1), A(2) and A(3)]~~ Paragraphs (1) through (3) of  
24 Subsection A of Section [55-11-4 NMSA 1953] 67-12-4 NMSA 1978  
25 shall render the outdoor advertising subject to removal by the

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1 commission without any compensation whatsoever and at the  
2 expense of the owner of the outdoor advertising.

3 F. For purposes of this section, "federal-state  
4 agreement" means the existing agreement between the state and  
5 the federal government, pursuant to Title 23, Section 131 of  
6 the United States Code, for effective control of outdoor  
7 advertising."