~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 22, 2021

**S. 667**

Introduced by Senators Grooms, Verdin and Climer

S. Printed 4/22/21--H.

Read the first time April 6, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (S. 667) to amend Section 57‑25‑190, Code of Laws of South Carolina, 1976, relating to relocation and adjustment of signs by the Department of Transportation, so as, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill allows the owner of an outdoor advertising sign whose property interests are acquired by a state or local highway project the option of relocating the sign to a position within 500 feet of the original sign site or alter the sign so that no portion of the sign overhangs the right of way. Additionally, the owner of an outdoor advertising sign, in which its visibility from the main-traveled way has been obscured by a state or local highway project, has the option to alter the height or angle of the sign, or relocate the sign within 500 feet of the original site if the alteration is not practical or more expensive. Currently, DOT is responsible for compensating the owner if the sign is unable to be relocated. This bill transfers the responsibility for compensation under a local highway project to the political subdivision responsible for the local highway project. This may result in a minimal reduction in expenditures of the State Highway Fund, which are other funds of DOT.

**State Revenue**

This bill removes the requirement that a new local zoning or state permit is required for the relocation of an outdoor advertising sign, provided that the relocated site meets federal and state laws and that the relocated site is within the same county as the original site. This may reduce other funds revenue of DOT, but the reduction is expected to be minimal.

**Local Revenue**

The Revenue and Fiscal Affairs Office (RFA) contacted twenty-three county governments regarding the revenue impact of this bill. No counties responded, but RFA expects a minimal revenue loss due to less zoning permits being issued.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 57‑25‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RELOCATION AND ADJUSTMENT OF SIGNS BY THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE OPTIONS AND PARAMETERS TO ADJUST OR RELOCATE OUTDOOR ADVERTISING SIGNS TO RESTORE VISIBILITY, AND PROVIDE FOR THE COSTS OF ADJUSTMENT OR RELOCATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 57‑25‑190 of the 1976 Code is amended to read:

“Section 57‑25‑190. (A) The Department of Transportation may acquire by purchase, gift, or condemnation and shall pay just compensation upon the removal of the following outdoor advertising signs:

(1) those lawfully in existence on November 3, 1971;

(2) those lawfully erected after November 2, 1971.

(B) Compensation may be paid only for the taking from the owner of:

(1) a sign of all right, title, leasehold, and interest in it;

(2) the real property on which the sign is located of the right to erect and maintain a sign on it.

(C) No sign may be removed until the owner of the property on which it is located has been compensated fully for a loss which may be suffered by him as a result of the removal of the sign through the termination of a lease or other financial arrangement with the owner of the sign. The compensation must include damage to the landowner’s property occasioned by the removal of the sign. The Department of Transportation is limited to an expenditure of five million dollars for the state’s part of just compensation.

(D) Tourist oriented directional signs must be the last to be removed under the terms of this article.

(E) Notwithstanding a county or municipal zoning plan, ordinance, or resolution, the owner of an outdoor advertising ~~signs~~ sign conforming to Section 57‑25‑110, et seq., ~~affected~~ whose property interests are acquired by a state highway ~~projects~~ project ~~may be relocated~~ shall have the option to relocate the sign to a position within five hundred feet of the original sign site or alter the sign so that no portion of the sign overhangs the right of way pursuant to the following conditions:

(1) The relocation and alteration shall be pursuant to the federal uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.) ~~to a position which is perpendicular to the right of way of the original sign site, or may be altered so that no portion of the sign overhangs the right of way~~.

(2) The relocated site shall be in accordance with federal and state laws.

(3) If the relocated site meets federal and state laws, the relocation shall be allowed under the existing permit and no new local zoning or state permit shall be required; provided, that the relocated site is within the same county as the original sign site.

(4) Permission from the property owner, if different, at the relocated site shall be required.

(F)(1) Notwithstanding a county or municipal zoning plan, ordinance, or resolution, the owner of an outdoor advertising sign conforming to Section 57‑25‑110, et seq., whose property interests in the sign are acquired by a local highway project shall have the option to relocate the sign to a position within five hundred feet of the original sign site or alter the sign so that no portion of the sign overhangs the right of way, pursuant to the following conditions:

(a) The relocated site shall be in accordance with federal and state laws.

(b) If the relocated site meets federal and state laws, the relocation shall be allowed under the existing permit and no new local zoning or state permit shall be required; provided, that the relocated site is within the same county as the original sign site.

(c) Permission from the property owner, if different, at the relocated site shall be required.

(2) Alteration or relocation costs, as determined by the South Carolina Department of Transportation Relocation Assistance Manual, for an outdoor advertising sign whose property interests in the sign are acquired by a local highway project pursuant to this section shall be paid by the political subdivision that is responsible for the local highway project, pursuant to the following conditions:

(a) If the owner of an outdoor advertising sign whose property interests in the sign are acquired by a local highway project cannot relocate or alter the sign as permitted in this section despite the owner’s best efforts to do so, then the political subdivision requiring the outdoor advertising sign’s removal shall compensate the owner.

(b) Compensation paid by the political subdivision requiring an outdoor advertising sign’s removal shall be paid pursuant to Section 39‑14‑10, et seq. The political subdivision is limited to an expenditure of five million dollars for its part of just compensation pursuant to this section.

(G)(1) Notwithstanding a county or municipal zoning plan, ordinance, or resolution, the owner of an outdoor advertising sign conforming to Section 57‑25‑110, et seq. in which its visibility from the main‑traveled way has been obscured by a state or local highway project shall have the option to:

(a) without relocating the sign, alter only the height and angle of the sign to a position to restore the visibility and readability of the sign to the same or a comparable visibility and readability that existed prior to the state or local highway project; or

(b) if such alteration is not practical, or is more expensive than relocating, then relocate the sign within five hundred feet of the original sign site, pursuant to the following conditions:

(i) The relocated site shall be in accordance with federal and state laws.

(ii) If the relocated site meets federal and state laws, the relocation will be allowed under the existing permit and no new local zoning or state permit will be required; provided, that the relocated site is within the same county as the original sign site.

(iii) Permission from the property owner, if different, at the relocated site shall be required.

(2) The sign owner shall be responsible for all costs associated with the alteration and relocation of the sign under this subsection.”

SECTION 2. This act takes effect upon approval by the Governor.

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