

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

SENATE BILL NO. 2158
(Transportation Committee)
(At the request of the Department of Transportation)

AN ACT to amend and reenact section 39-13-09 of the North Dakota Century Code, relating to tourist-oriented directional signs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-13-09 of the North Dakota Century Code is amended and reenacted as follows:

39-13-09. Tourist-oriented directional signs.

1. In this section:
 - a. "Tourist-oriented directional sign" means a sign providing identification of and directional information for tourist-related businesses, services, or activities.
 - b. "Tourist-related business, service, or activity" means rural agricultural business and tourism attractions, including recreation, historical sites, festival and cultural events, lodging and food services which are singularly and uniquely related to historical, cultural, or recreational tourist attractions, and guide services, but does not include any business operated under a franchise agreement.
2. Notwithstanding section 24-01-12, the department shall establish by rule standards for the erection and maintenance of tourist-oriented directional signs. The rules must conform to federal standards for tourist-oriented directional signs adopted under 23 U.S.C. 131(q) as of July 1, 1991, and with the manual of uniform traffic control devices adopted by the department under section 39-13-06 except that the rules must provide that logos may not be used on tourist-oriented directional signs. ~~The rules must require that each sign must be seventy two inches [182.88 centimeters] wide and sixteen inches [40.64 centimeters] high. The rules must include all of the following:~~
 - a: ~~Criteria for eligibility for signing.~~
 - b: ~~Criteria for limiting or excluding businesses, services, and activities that maintain signs that do not conform to requirements under 23 U.S.C. 131.~~
 - e: ~~Provisions for fees to cover costs of administration of a permit system.~~
 - d: ~~Provisions specifying sign design and composition.~~
 - e: ~~Criteria for determining when to permit advance signing.~~
 - f: ~~Criteria for determining when to permit signing for facilities that are not located on a crossroad of a highway upon which tourist-oriented directional signs are permitted.~~
 - g: ~~Criteria for signing at at grade intersections of expressways.~~
 - h: ~~Provisions specifying conditions under which the time of operation of a business, service, or activity is shown.~~
 - i: ~~Provisions for covering or removing signs during off seasons for businesses, services, and activities operated on a seasonal basis.~~

- ~~j. Provisions specifying the maximum number of signs permitted per intersection.~~
 - ~~k. Provisions for limiting the number of signs.~~
 - ~~l. Provisions stating the qualifications of contractors.~~
3. Upon the request of any person, a local authority that has adopted an ordinance permitting the erection of tourist-oriented directional signs may authorize their erection within the right of way of any highway under the jurisdiction of the local authority except that tourist-oriented directional signs may not be erected within the right of way of the interstate highway system. ~~No~~ A tourist-oriented directional sign may not be erected unless it is erected in compliance with rules adopted by the department for such signs.
 4. The permit applicant shall engage a qualified contractor for the erection, installation, and maintenance of tourist-oriented directional signs within the right of way of any highway under the jurisdiction of the department except that tourist-oriented directional signs may not be erected within the right of way of the interstate highway system. ~~No~~ A tourist-oriented directional sign may not be erected unless it is erected in compliance with rules adopted by the department for such signs.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2158.

Senate Vote: Yeas 40 Nays 8 Absent 1

House Vote: Yeas 94 Nays 2 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at _____ o'clock _____ M.

Secretary of State