

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact sections 24-01-01.1, 24-01-12, 24-02-01.5,
2 subsection 3 of section 24-16-02, and subsection 6 of section 24-17-02 of the North Dakota
3 Century Code, relating to the regulation of advertising signs on highways.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 24-01-01.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **24-01-01.1. Definition of words and phrases.**

8 The following words and phrases when used in this title shall, for the purposes of this title,
9 have the meanings respectively ascribed to them in this chapter:

- 10 1. "Abandonment" means cessation of use of right of way or activity thereon with no
11 intention to reclaim or use again for highway purposes.
- 12 2. "Acknowledgment sign" means a sign that is intended only to inform the traveling
13 public a highway-related service or product has been sponsored by a person, firm, or
14 entity.
- 15 3. "Acquisition or taking" means the process of obtaining right of way.
- 16 ~~3.4.~~ "Advertisement" means a sign, display, or device of any kind or character including
17 statuary, erected, or maintained for advertising purposes, upon which any poster, bill,
18 printing, painting, or other advertisement of any kind whatsoever may be placed for
19 advertising purposes and includes any card, cloth, paper, metal, painted, or wooden
20 sign of any character placed for advertising purposes, on or affixed to the ground or
21 any tree, wall, bush, rock, fence, building, structure, or thing, either privately or publicly
22 owned. The term "sign, display, or device" comprehend all forms of advertising and the
23 use of one term in this chapter includes all forms of advertising.

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- 1 5. "Arterial highway" means a general term denoting a highway primarily for through
2 traffic, usually on a continuous route.
- 3 ~~4-6.~~ "Belt highway" means an arterial highway for carrying traffic partially or entirely around
4 an urban area or portion thereof.
- 5 ~~5-7.~~ "Capacity" means the ability of a roadway to accommodate traffic.
- 6 ~~6-8.~~ "Commission" means the public service commission of the state of North Dakota.
- 7 ~~7-9.~~ "Commissioner" means the director of the department of transportation of this state,
8 acting directly or through authorized agents as provided in section 24-02-01.3.
- 9 ~~8-10.~~ "Consequential damages" means loss in value of a parcel, no portion of which is
10 acquired, resulting from a highway improvement.
- 11 ~~9-11.~~ "Controlled-access facility" means a highway or street especially designed for through
12 traffic, and over, from, or to which owners or occupants of abutting land or other
13 persons have no right or easement or only a controlled right or easement of access,
14 light, air, or view by reason of the fact that their property abuts upon such
15 controlled-access facility or for any other reason.
- 16 ~~10-12.~~ "County road system" means the system of secondary highways designated by the
17 county officials, the responsibility for which is lodged with the counties.
- 18 ~~11-13.~~ "Department" means the department of transportation of this state as provided by
19 section 24-02-01.1.
- 20 ~~12-14.~~ "Direct compensation" means payment for land or interest in land and improvements
21 actually acquired for highway purposes.
- 22 ~~13-15.~~ "Director" means the director of the department of transportation of this state, acting
23 directly or through authorized agents as provided in section 24-02-01.3.
- 24 ~~14-16.~~ "Divided highway" means a highway with separated roadways for traffic in opposite
25 directions.
- 26 ~~15-17.~~ "Easement" means a right acquired by public authority to use or control property for a
27 designated highway purpose.
- 28 ~~16-18.~~ "Employee compensation" includes vacation and sick leave.
- 29 ~~17-19.~~ "Expressway" means a divided arterial highway for through traffic with full or partial
30 control of access and generally with grade separations at intersections.

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- 1 ~~18-20.~~ "Fee simple" means an absolute estate or ownership in property including unlimited
2 power of alienation, except as to any and all lands acquired or taken for highway, road,
3 or street purposes. Where lands are taken for such purposes, "fee simple" shall not be
4 deemed to include any oil, gas, or fluid mineral rights.
- 5 ~~19-21.~~ "Freeway" means an expressway with full control of access.
- 6 ~~20-22.~~ "Frontage street or road" means a local street or road auxiliary to and located on the
7 side of an arterial highway for service to abutting property and adjacent areas and for
8 control of access.
- 9 ~~21-23.~~ "Grade crossing" means the intersection of a public highway and of the track or tracks
10 of any railroad, however operated, on the same plane or level, other than a street
11 railway within the limits of a city.
- 12 ~~22-24.~~ "Highway, street, or road" means a general term denoting a public way for purposes of
13 vehicular travel, including the entire area within the right of way. A highway in a rural
14 area may be called a "road", while a highway in an urban area may be called a
15 "street".
- 16 ~~23-25.~~ "Intersection" means a general term denoting the area where two or more highways
17 join or cross.
- 18 ~~24-26.~~ "Interstate system" or "interstate highway system" means that part of the state
19 highway system designated as the North Dakota portion of the national system of
20 interstate and defense highways as provided for in Public Law 85-767 [23 U.S.C. 101
21 et seq.].
- 22 ~~25-27.~~ "Local street or local road" means a street or road primarily for access to residence,
23 business, or other abutting property.
- 24 ~~26-28.~~ "Major street or major highway" means an arterial highway with intersections at grade
25 and direct access to abutting property, and on which geometric design and traffic
26 control measures are used to expedite the safe movement of through traffic.
- 27 ~~27-29.~~ "Market value" means the highest price for which property can be sold in the open
28 market by a willing seller to a willing purchaser, neither acting under compulsion and
29 both exercising reasonable judgment.
- 30 ~~28-30.~~ "Median" means the portion of a divided highway separating the traveled ways for
31 traffic in opposite directions.

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- 1 ~~29-31.~~ "Municipal corporation or municipality" means all cities organized under the laws of
2 this state, but does not include any other political subdivisions.
- 3 ~~30-32.~~ "Outer separation" means the portion of an arterial highway between the traveled
4 ways of a roadway for through traffic and a frontage street or road.
- 5 ~~31-33.~~ "Partial taking" means the acquisition of a parcel of property.
- 6 ~~32-34.~~ "Person" means any person, firm, partnership, association, corporation, limited liability
7 company, organization, or business trust.
- 8 ~~33-35.~~ "Radial highway" means an arterial highway leading to or from an urban center.
- 9 ~~34-36.~~ "Remainder" means the portion of a parcel retained by the owner after a part of such
10 parcel has been acquired.
- 11 ~~35-37.~~ "Remnant" means a remainder so small or irregular that it usually has little or no
12 economic value to the owner.
- 13 ~~36-38.~~ "Right of access" means the right of ingress to a highway from abutting land and
14 egress from a highway to abutting land.
- 15 ~~37-39.~~ "Right of survey entry" means the right to enter property temporarily to make surveys
16 and investigations for proposed highway improvements.
- 17 ~~38-40.~~ "Right of way" means a general term denoting land, property, or interest therein,
18 acquired for or devoted to highway purposes and shall include, but not be limited to
19 publicly owned and controlled rest and recreation areas, sanitary facilities reasonably
20 necessary to accommodate the traveling public, and tracts of land necessary for the
21 restoration, preservation, and enhancement of scenic beauty adjacent to the state
22 highway system.
- 23 ~~39-41.~~ "Right-of-way appraisal" means a determination of the market value of property
24 including damages, if any, as of a specified date, resulting from an analysis of facts.
- 25 ~~40-42.~~ "Right-of-way estimate" means an approximation of the market value of property
26 including damages, if any, in advance of an appraisal.
- 27 ~~41-43.~~ "Roadside" means a general term denoting the area adjoining the outer edge of the
28 roadway. Extensive areas between the roadways of a divided highway may also be
29 considered roadside.

- 1 ~~42.44.~~ "Roadway" means in general, the portion of a highway, including shoulders, for
2 vehicular use. In construction specifications, the portion of a highway within limits of
3 construction.
- 4 ~~43.45.~~ "Severance damages" means loss in value of the remainder of a parcel resulting from
5 an acquisition.
- 6 ~~44.46.~~ "Shoulder" means the portion of the roadway contiguous with the traveled way for
7 accommodation of stopped vehicles, for emergency use, and for lateral support of
8 base and surface courses.
- 9 ~~47.~~ "Sponsorship agreement" means an agreement between the department and a private
10 entity to acknowledge a sponsor for a highway-related service or product.
- 11 ~~45.48.~~ "State highway system" means the system of state principal roads designated by the
12 director of the department, the responsibility for which is lodged in the department.
- 13 ~~46.49.~~ "Through street or through highway" means every highway or portion thereof on which
14 vehicular traffic is given preferential right of way, and at the entrances to which
15 vehicular traffic from intersecting highways is required by law to yield right of way to
16 vehicles on such through highways and in obedience to either a stop sign or yield sign,
17 when such signs are erected by law.
- 18 ~~47.50.~~ "Traffic lane" means the portion of the traveled way for the movement of a single line
19 of vehicles.
- 20 ~~48.51.~~ "Traveled way" means the portion of the roadway for the movement of vehicles,
21 exclusive of shoulders and auxiliary lanes.

22 **SECTION 2. AMENDMENT.** Section 24-01-12 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **24-01-12. Regulation of advertising signs on highways.**

- 25 1. ~~No~~ A person, firm, corporation, or limited liability company may not place, put, or
26 maintain any sign, billboard, or advertisement within the limits of a public highway, or
27 in any manner paint, print, place, put, or affix, or cause to be painted, printed, placed,
28 or affixed, any advertisement on or to any stone, tree, fence, stump, pole, mileboard,
29 milestone, danger sign, danger signal, guide sign, guidepost, billboard, building, or
30 other object within the limits of a public highway, or place, put or maintain any sign or
31 billboard upon private property within one thousand feet [304.8 meters] of any highway

1 grade crossing in such place or manner as to obstruct or interfere with a free and clear
2 view of such crossing from any highway or railroad intersecting thereat. ~~None of the~~
3 The provisions of this section do not prohibit the placing of public notices on billboards
4 erected for that purpose by authority of the governing body of a municipality. Any
5 advertisement in or upon a public highway or private property which, in the judgment
6 of the director, may be deemed to be a hazard to traffic, or in the future may tend to
7 create a hazard to traffic, may be taken down, removed, or destroyed by direction or
8 authority of the department in the case of the state highway system, by the board of
9 county commissioners in the case of the county road system, and by the board of
10 township supervisors in the case of township roads.

11 2. The director may enter sponsorship agreements with sponsors to provide products or
12 services that benefit the traveling public. The director may acknowledge sponsors with
13 acknowledgment signs in the highway right of way.

14 **SECTION 3. AMENDMENT.** Section 24-02-01.5 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **24-02-01.5. Department of transportation - Administrative rules.**

17 The department of transportation may adopt the administrative rules necessary to carry out
18 its responsibilities and functions as created and transferred by sections 24-02-01.1 through
19 24-02-01.5. Rules adopted by the agencies whose functions relate to the functions or agencies
20 created, transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5,
21 subsections ~~7~~9 and ~~41~~13 of section 24-01-01.1, sections 24-02-13, 24-16-02, 24-17-02,
22 subsections 11, 16, and 17 of section 39-01-01, subsection 1 of section 39-16-01, subsection 2
23 of section 49-17.1-01, subsection 1 of section 54-06-04, subsection 1 of section 54-27-19,
24 subsection 6 of section 57-40.3-01, subsection 1 of section 57-43.1-01, section 57-43.1-44,
25 subsection 6 of section 57-43.2-01, and section 57-43.2-37 remain in effect until they are
26 specifically amended or repealed by the department.

27 **SECTION 4. AMENDMENT.** Subsection 3 of section 24-16-02 of the North Dakota Century
28 Code is amended and reenacted as follows:

29 3. "Highway" means any highway as defined in ~~subsection 22 of~~ section 24-01-01.1.

30 **SECTION 5. AMENDMENT.** Subsection 6 of section 24-17-02 of the North Dakota Century
31 Code is amended and reenacted as follows:

- 1 6. "State highway system" ~~shall mean~~means the state highway system as defined in
2 ~~subsection 45~~ of section 24-01-01.1.