

2025 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 3

BY REPRESENTATIVE MUSCARELLO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRANSPORTATION DEPT: Amends the Department of Transportation and Development administrative rules relative to outdoor advertising

## 1 A CONCURRENT RESOLUTION

2 To amend the Department of Transportation and Development rules LAC 70:III.134(B)(2),  
3 (C), and (D), and 137(A)(introductory paragraph), to enact LAC 70:III.133(B),  
4 137(B), and 148(H), and to repeal LAC 70:III.132(B)(8), relative to outdoor  
5 advertising signs; to increase spacing requirements of outdoor advertising signs; to  
6 prohibit stacking configurations of outdoor display signs; to provide relative to  
7 nonconforming signs; to provide relative to the issuance of permits for grandfathered  
8 nonconforming signs; and to provide for related matters.

9 WHEREAS, in 1965, the federal Highway Beautification Act was enacted to  
10 empower states to regulate billboards for the purpose of promoting public safety and  
11 preserving the natural and scenic beauty of the nation's system of highways; and

12 WHEREAS, in 1966, Constitutional Ancillary Article VI, Section 19.3 was adopted  
13 for the purpose of empowering the Department of Highways to promote the safety and  
14 recreational value of public travel and restore, preserve, and enhance the scenic beauty and  
15 points of interest in areas traversed by state highways, granting the Department of Highways  
16 the authority to control the erection and maintenance of outdoor advertising signs along state  
17 highways; and

1 WHEREAS, in 1966, the Louisiana Legislature, in response to the Highway  
2 Beautification Act of 1965, P.L. 89-285, enacted provisions for control of outdoor  
3 advertising within 660 feet of the right-of-way to ensure the state would not lose ten percent  
4 of federal-aid highway funding; and

5 WHEREAS, by enactment of R.S. 48:461 et seq., the Louisiana Legislature  
6 authorized the Department of Transportation and Development (DOTD) to promulgate rules  
7 and regulations governing the issuance of permits for outdoor advertising consistent with the  
8 Highway Beautification Act and consistent with protection of the safety and welfare of the  
9 traveling public; and

10 WHEREAS, distracted driving, as defined by the United States Centers for Disease  
11 Control and Prevention, refers to any activity that could divert a person's attention away  
12 from the primary task of driving, specifying that the three types of distractions are visual,  
13 manual, and cognitive; and

14 WHEREAS, existing DOTD regulations restricting outdoor advertising should be  
15 modified to better promote safety and preserve the natural beauty of Louisiana; and

16 WHEREAS, R.S. 49:969 provides that "the legislature, by Concurrent Resolution,  
17 may suspend, amend, or repeal any rule or regulation or body of rules or regulations adopted  
18 by a state department, agency, board, or commission".

19 THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC  
20 70:III.134(B)(2), (C), and (D) and 137(A)(introductory paragraph) are hereby amended and  
21 LAC 70:III.133(B), 137(B), and 148(H) are hereby enacted to read as follows:

22 §133. New Signs

23 \* \* \*

24 B. After July 31, 2025, no structure or device shall be erected in which two  
25 or more displays are stacked one above the other. Stacked structures existing on or  
26 before July 31, 2025 shall be deemed legal nonconforming signs and may be  
27 maintained in accordance with the provisions of LAC 70:III.137.

28 §134. Spacing of Signs

29 \* \* \*

1           B. Interstate Highways and Freeways on the Federal-Aid Primary System  
2           and National Highway System (Control of Access Routes)

3                           \*           \*           \*

4                   2. Outside of incorporated villages, towns and cities, no structure may be  
5           located adjacent to or within ~~500~~ 1000 feet of an interchange, intersection at grade,  
6           or safety rest area.

7                           \*           \*           \*

8           C. Freeways on the Federal-Aid Primary System or National Highway  
9           System (Control of Access Routes)

10           1. Outside of incorporated villages, towns and cities, no two structures shall  
11           be spaced less than ~~500~~ 1000 feet apart.

12           2. Outside of incorporated villages, towns and cities, no structure may be  
13           located adjacent to or within ~~500~~ 1000 feet of an interchange, intersection,  
14           intersection at grade or safety rest area.

15           D. Non-Freeway Federal-Aid Primary highways or National Highway  
16           System

17           1. Outside of incorporated villages, towns and cities, no two structures shall  
18           be spaced less than ~~300~~ 1000 feet apart.

19           2. Within incorporated villages, towns and cities, no two structures shall be  
20           less than ~~100~~ 1000 feet apart.

21                           \*           \*           \*

22           §137. Nonconforming Signs

23           A. In addition to all other laws, regulations and rules, the following  
24           conditions and requirements apply to continue and maintain a nonconforming sign,  
25           except as otherwise provided in Subsection B of this Section.

26                           \*           \*           \*

27           B. A structure or device in which two or more displays are stacked one  
28           above the other that existed before July 31, 2025 and has been reviewed by an

1 authorized district employee for damages and approval for repairs shall be repaired  
2 as a single sign rather than a stacked configuration.

3 \* \* \*

4 §148. Issuance of Outdoor Advertising Permits for Grandfathered Nonconforming  
5 Signs

6 \* \* \*

7 H. After July 31, 2025, no permit shall be issued for any outdoor advertising  
8 sign or device in which two or more displays are stacked one above the other.  
9 Outdoor advertising signs or devices with two or more displays stacked one above  
10 the other that were legally erected on or before July 31, 2025 shall be subject to the  
11 requirements under LAC 70:III.137(B).

12 BE IT RESOLVED by the Legislature of Louisiana that LAC 70:III.132(B)(8) is  
13 hereby repealed in its entirety.

14 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
15 office of the state register.

16 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
17 secretary of the Department of Transportation and Development.

18 BE IT FURTHER RESOLVED that the office of the state register is hereby directed  
19 to have the amendments to LAC 70:III.134(B)(2), (C), and (D) and 137(A)(introductory  
20 paragraph), the enactment of LAC 70:III.133(B), 137(B), and 148(H), and the repeal of LAC  
21 70:III.132(B)(8) printed and incorporated into the Louisiana Administrative Code.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HCR 3 Original

2025 Regular Session

Muscarello

Proposed LAC (70:III.133(B)) prohibits new structures or devices with two or more stacked displays from being erected after July 31, 2025. Specifies that stacked structures existing on or before July 31, 2025 be deemed legal nonconforming signs and may be maintained in accordance with the provisions of LAC 70:III.137.

Present LAC (70:III.134(B)(2)) prohibits a structure from being located adjacent to or within 500 ft. of an interchange, intersection at grade, or safety rest area outside of inc. villages, towns, and cities on the interstate highways and freeways.

Proposed LAC (70:III.134(B)(2)) increases the space between a structure and an interchange, intersection at grade, or safety rest area outside of inc. villages, towns, and cities on the interstate highways and freeways from 500 ft. to 1000 ft. and otherwise retains present LAC.

Present LAC (70:III.134(C)(1)) prohibits two structures from being spaced less than 500 ft. apart outside of inc. villages, towns, and cities on freeways on the federal-aid primary system.

Proposed LAC (70:III.134(C)(1)) increases the space between a structure and an interchange, intersection at grade, or safety rest area outside of inc. villages, towns, and cities on the freeways on the federal-aid primary system from 500 ft. to 1000 ft. and otherwise retains present LAC.

Present LAC (70:III.134(C)(2)) prohibits a structure from being located adjacent to or within 500 ft. of an interchange, intersection at grade, or safety rest area outside of inc. villages, towns and cities on the freeways on the federal-aid primary system.

Proposed LAC (70:III.134(C)(2)) increases the space between a structure and an interchange, intersection at grade, or safety rest area outside of inc. villages, towns, and cities on the freeways on the federal-aid primary system from 500 ft. to 1000 ft. and otherwise retains present LAC.

Present LAC (70:III.134(D)(1)) prohibits two structures from being spaced less than 300 ft. apart outside of inc. villages, towns and cities in non-freeway federal aid primary highways.

Proposed LAC (70:III.134(D)(1)) increases the space between two structures from 300 ft. to 1000 ft. outside of inc. villages, towns, and cities in non-freeway federal aid primary highways.

Present LAC (70:III.134(D)(2)) prohibits two structures from being spaced less than 100 ft. apart within inc. villages, towns, and cities on non-freeway federal aid primary highways.

Proposed LAC (70:III.134(D)(2)) increases the space between two structures from 100 ft. to 1000 ft. within inc. villages, towns and cities in non-freeway federal aid primary highways.

Present LAC (70:III.137(A)(intro. para)) specifies that certain enumerated rules apply to the continuation and maintenance of nonconforming signs.

Proposed LAC (70:III.137(A)(intro. para.)) specifies that present LAC continues to apply except as otherwise provided in present LAC (70:III.137(B)).

Proposed LAC (70:III.137(B)) requires that stacked signs that existed before July 31, 2025 and has been reviewed by an authorized district employee for damages and approval for repairs be repaired as a single sign rather than a stacked configuration.

Proposed LAC (70:III.148(H)) prohibits permits from being issued for any outdoor advertising sign or device in which two or more displays are stacked one above the other after July 31, 2025. Further requires that outdoor advertising signs or devices with two or more displays stacked one above erected on or before July 31, 2025 be subject to the requirements under LAC 70:III.137(B).

Repeals (70: III.132(B)(8)) that established qualifying criteria for stacked sign structures and authorized changeable message signs, one per side.

Requires that a copy of this Resolution be transmitted to the office of the state register and the secretary of the Dept. of Transportation and Development.

Directs the office of the state register to print and incorporate the amendments to LAC 70:III.134(B)(2), (C), and (D) and 137(A)(intro. para), the enactment of LAC 70:III.133(B), 137(B), and 148(H), and the repeal of LAC 70:III.132(B)(8) into the La. Administrative Code.

(Amends 70:III.134(B)(2), (C), and (D) and 137(A)(intro. para); Adds LAC 70:III.133(B), 137(B) and 148(H); Repeals LAC 70:III.132(B)(8))