

SENATE BILL 607  
By McNally

AN ACT to amend Tennessee Code Annotated, Title 54, Chapter 21, relative to regulation and control of billboard advertising activities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-21-104, is amended by adding the following language as a new subsection:

( ) If any applicant for a permit reasonably anticipates any need to remove, cut, or trim any vegetation located on the right-of-way adjacent to the proposed location of the outdoor advertising, then such applicant shall concurrently file an application for a vegetation control permit pursuant to § 54-21-119, together with its permit application under this section.

SECTION 2. Tennessee Code Annotated, Section 54-21-119, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a) Upon the filing of an application for a vegetation control permit by an applicant for or the owners or holders of a lawfully issued outdoor advertising permit (which definition includes those described as legal conforming, grandfathered and nonconforming structures in federal regulations), when the face of the outdoor advertising is generally visible to occupants of vehicles from the main traveled ways of the system on the date of erection, together with a nonrefundable fee of one hundred dollars (\$100) for each face involved, the department may, if in its judgment and discretion the destruction or removal of the subject vegetation will not mar or in any way

affect the scenic beauty of or otherwise harm, injure or affect the highway, authorize the issuance of a permit to remove, cut and trim vegetation located on the right-of-way adjacent to the outdoor advertising under such conditions and in such manner as the department may designate and to replace the same as directed in such permit, whenever such vegetation prevents clear visibility for a distance not to exceed five hundred (500) yards to occupants of vehicles using the main traveled ways of the controlled systems. The maximum area to be controlled shall not exceed five hundred feet (500) feet. The regional engineering director for the department shall issue, subject to all required authorizations and criteria being properly met, a vegetation control permit. Vegetation control permits will be issued upon payment of a fee of one hundred fifty dollars (\$150) per face for supervision of the work. All fees received by the commissioner under the provisions of this section shall be deposited to the highway fund for the administration of this part and for other purposes. Each subsequent year a maintenance permit may be purchased for fifty dollars (\$50.00) to provide annual maintenance at any one (1) location that is consistent with the original vegetation control permit.

SECTION 3. This act shall take effect July 1, 1999, the public welfare requiring it.