

HOUSE BILL 2064

By Daniel

AN ACT to amend Tennessee Code Annotated, Title 54,
Chapter 5, relative to tourist oriented directional
signs on state highways.

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

SECTION 1. Tennessee Code Annotated, Section 54-5-1301, is amended by adding the following new subsection:

(c) Notwithstanding this chapter or any other law to the contrary, the department shall have sole and exclusive jurisdiction over the design, erection, installation, and maintenance of tourist oriented directional signs ("TODS signs") located on any right-of-way within the state highway system, including TODS signs within the corporate limits of municipalities.

SECTION 2. Tennessee Code Annotated, Section 54-5-1302, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b) Any sign purporting to be a TODS sign or similar to a TODS sign that was, or is, erected or installed without lawful authorization on any right-of-way within the state highway system is illegal and shall be removed by the department at the expense of the advertiser.

SECTION 3. Tennessee Code Annotated, Title 54, Chapter 5, Part 13, is amended by adding the following new section:

54-5-1305.

(a) No later than January 1, 2017, the department shall develop, implement, and administer:

(1) A permit system for the issuance of a TODS permit authorizing the erection or installation of a TODS sign on a right-of-way within the state highway system; and

(2) An inventory of all TODS signs located on rights-of-way within the state highway system, whether or not the TODS sign was erected or installed:

(A) Prior to, or on or after, the effective date of this act;

(B) By the department or any other person or entity; or

(C) Within, or outside, the corporate limits of a municipality.

(b) The commissioner may contract with one (1) or more persons or entities to develop, implement, or administer the permit system or inventory.

(c)

(1) TODS permits shall be issued only in accordance with this part.

(2) The department may require a fee upon initial issuance of each TODS permit and annually thereafter; provided, that the fee shall be equal to an amount sufficient to defray the expenses incurred by the department in developing, implementing, and administering the permit system and inventory pursuant to this section.

(3) The department may prescribe by rule, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, the method by which TODS permits shall be issued.

(4) Neither the department nor any other person or entity shall erect or install, or authorize the erection or installation of, a TODS sign on any right-of-way within the state highway system until a permit system is developed pursuant to subdivision (a)(1).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.