



Out of Home Advertising Association of America

## Changeable Message/Digital Technology Compendium of State Laws

### States Allowing Changeable Message Signs

States which allow changeable message signs utilize three methods to legitimize and enable the technology. Forty-five of the forty-six states that allow billboards with changeable message technology through: 1) statutory changes 2) administrative rule enactment; and 3) interpretation of the individual state's Federal/State agreement. The states include the following:

#### I. STATUTORY STATES:

1. Arizona (A.R.S. §§ 28-7902(E)-(L))
2. California (CAL. BUS & PROF. CODE § 5405(d)(1))
3. Colorado (COLO. REV STAT. § 43-1-404(f)(I))
4. Connecticut (CONN. GEN. STAT. §13a-123(f))
5. Delaware (DEL. CODE ANN. tit. 17 § 1110(b)(3)(e))
6. Georgia (GA. CODE ANN. § 32-6-75(c)(1))
7. Indiana (IND. CODE § 8-23-20-25.5); (105 IND. ADMIN. CODE § 7-3-1.5)
8. Kansas (KAN. STAT. ANN. § 68.2234 (3)(e))
9. Michigan (MICH. COMP. LAWS § 252.318(f))
10. Minnesota (MINN. STAT. 173.155)
11. Missouri (Mo. REV. STAT. § 226.540(1)(a))
12. New York (N.Y. HIGH. LAW § 88 (2)(g))
13. Oklahoma (OKLA. STAT. tit. 69 §1275(d)(4))
14. Oregon (OR. REV. STAT. §§ 377.710(6) and 377.720(3)(d))
15. South Dakota (S.D. CODIFIED LAWS § 31-29-66(4))
16. Tennessee (TENN. CODE ANN. § 54-21-122)
17. Utah (UTAH CODE ANN. § 72-7-505(1)(d))
18. Virginia (VA. CODE ANN. § 33.1-369)

#### II. ADMINISTRATIVE RULE ENACTMENT STATES:

19. Alabama (ALA. ADMIN. CODE § 450-3-1-.13)
20. Arkansas (ARK. CODE RULE § 001.00.07-001)
21. Florida (FLA. ADMIN. CODE r.14-10.004)
22. Idaho (IDAHO ADMIN. CODE § 39.03.60.300.05)
23. Illinois (ILL. ADMIN. CODE tit. 92, §§ 522.20 and 522.150)
24. Iowa (IOWA ADMIN CODE r. 716-117.3(1))
25. Kentucky (603 KAR 10:021)
26. Louisiana (LA. ADMIN. CODE tit. 70 § 132)
27. Massachusetts (700 C.M.R. 3.17)
28. Mississippi (tit. 7501-09002 Miss. CODE R. § 1000(5))
29. Montana (ARM 18.6.237)
30. Nebraska (NEB. ADMIN. CODE § 410-3-002.05(D))
31. Nevada (NEV. ADMIN. CODE § 410.350)

32. New Mexico (NMAC 18.21.5.13 and 18.21.5.14)
33. New Jersey (N.J. ADMIN CODE § 16:41C-8.8)
34. North Carolina (tit. 19A N.C. ADMIN. CODE 2E.0203(4))
35. Ohio (OHIO ADMIN CODE 5501:2-2-02(B) and Informal AG Opinion)
36. Rhode Island (RI CODE R. § VI)
37. South Carolina (S.C. REG. § 63-354)
38. Texas (tit. 43 TEX. ADMIN. CODE § 21.251-21.260)
39. West Virginia (W. VA. CODE R. § 157-6-7.8)
40. Wisconsin (WIS. ADMIN. CODE TRANS. § 201.15)
41. Wyoming (tit. 2349 ch.16 WYO. CODE R. § 4)

### **III. INTERPRETATION OF FEDERAL/STATE AGREEMENT STATES:**

42. Maryland
43. New Hampshire
44. North Dakota (By DOT Interpretation of FSA)
45. Pennsylvania (Penn. DOT Strike Letter)

### **IV. CHANGEABLE MESSAGE TECHNOLOGY PROHIBITED**

One state prohibits changeable message technology:

1. Washington (Tri-action only by DOT Interpretation of FSA)

### **State Legislative Statutes Allowing Changeable Message Technology**

There are 18 states that allow changeable message technology via enactment of state statute.

#### **1. Arizona (A.R.S. §§ 28-7902(E)-(L))**

Outdoor advertising that conforms to standards and bears a permit pursuant to subsection b or c of this section may include electronic outdoor advertising only if the electronic outdoor advertising meets the following requirements:

1. The electronic outdoor advertising does not contain any form of animation and remains static for at least eight seconds with a transition time of no greater than two seconds.
2. Except as provided in subsection h or i of this section, the electronic outdoor advertising is located within the area with the following coordinates: Beginning at latitude 33.9 north, longitude 114.5 west, hence due east to latitude 33.9 north, longitude 112.25 west, hence following the circumference of a circle with a radius of seventy-five miles from the coordinates of the discovery channel telescope to latitude 33.66 north, longitude 111.23 west, hence due south to latitude 33.46 north, longitude 111.23 west, hence following the circumference of a circle with a radius of seventy-five miles from the coordinates of the mount Lemmon observatory to latitude 33.02 north, longitude 111.91 west, hence following the circumference of a circle with a radius of seventy-five miles from the coordinates of Kitt peak observatory to latitude 32.6 north, longitude 112.65 west, hence due west to latitude 32.6 north, longitude 114.802 west, and hence north along the Colorado river to the point of beginning.

3. From sunset until 11:00 p.m., the dimmer for electronic outdoor advertising signs, displays and devices shall not be set to exceed three hundred forty-two nits in full white mode for signs that are smaller than six hundred seventy-two square feet in area and three hundred nits in full white mode for signs that are equal to or larger than six hundred seventy-two square feet in area.

4. From 11:00 p.m. until sunrise, illumination shall be extinguished and electronic outdoor advertising signs, displays and devices shall be equipped with an automatic device to ensure compliance with this paragraph, except for amber alerts and other governmental emergencies. The automatic device shall have the ability to dim the display through a photo electric sensor that detects ambient light levels and adjusts the display intensity automatically to ensure the maximum nit levels are enforced.

5. The electronic outdoor advertising shall comply with the size and spacing limitations prescribed in section 28-7905.

F. The director shall prepare a pictorial representation of the coordinates described in subsection e, paragraph 2 of this section. The director shall post the pictorial representation on the department's website.

G. The owner of any outdoor advertising that is within the area described in subsection e, paragraph 2 of this section, that bears a permit pursuant to subsection b or c of this section and that is converted to electronic outdoor advertising shall notify the department of the face-type status change. The notice shall include a certification that the sign remains in compliance with this section. The department shall maintain the face-type status change documents in its records. After the effective date of this amendment to this section, the conversion of outdoor advertising to electronic outdoor advertising is only allowed in the area described in subsection e, paragraph 2 of this section.

H. Electronic outdoor advertising is deemed to have legal nonconforming status for the purposes of state law, including for the purposes of any permits and approvals issued by the department, if both of the following apply:

1. The electronic outdoor advertising is both operational and bears a permit pursuant to subsection b or c of this section before the effective date of this amendment to this section.

2. The electronic outdoor advertising is not located within the area described in subsection e, paragraph 2 of this section.

I. Electronic outdoor advertising in existence and operational as of the effective date of this amendment to this section is deemed to have legal conforming status for the purposes of state law, including for the purposes of any permits and approvals issued by the department if both of the following apply:

1. The electronic outdoor advertising bears a permit pursuant to subsection b or c of this section.

2. The electronic outdoor advertising is located within the area described in subsection e, paragraph 2 of this section.

J. The electronic outdoor advertising that is described in subsection h or i of this section is subject to the requirements prescribed by subsection e, paragraphs 1, 3, 4 and 5.

K. A city, town or county shall not issue a permit for conversion of an existing outdoor advertising use to an electronic outdoor advertising use after the effective date of this amendment to this section if the existing outdoor advertising is not located in the area described in subsection e, paragraph 2 of this section.

L. This section does not prevent a city, town or county from enforcing or enacting an ordinance regulating outdoor advertising that is authorized by subsection e of this section, including the lighting of the outdoor advertising. The city, town or county may enact an ordinance that is more restrictive than this section but not less restrictive than this section.

**2. California (CAL. BUS & PROF. CODE § 5405(d)(1))**

Message center displays that comply with all requirements of this chapter. The illumination or the appearance of illumination resulting in a message change of a message center display is not the use of flashing, intermittent, or moving light for purposes of subdivision (b) of Section 5408, except that no message center display may include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than four seconds. No message center display may be placed within 1,000 feet of another message center display on the same side of the highway. No message center display may be placed in violation of Section 131 of Title 23 of the United States Code.

**3. Colorado (COLO. REV STAT. § 43-1-404(f)(I))**

Notwithstanding any other provision of law, with the exception of section 43-1-416, any advertising device, except for a nonconforming advertising device, may contain a message center display with movable parts and a changeable message that is changed by electronic processes or by remote control. The illumination of an advertising device containing a message center display is not the use of a flashing, intermittent, or moving light for the purposes of any rule, regulation, and standard promulgated by the Department or any agreement between the Department and the Secretary of Transportation of the United States. No message center display may include any illumination that is in motion or appears to be in motion that changes in intensity or exposes its message for less than four seconds, or that has an interval between messages of less than one second. No advertising device with a message center display may be placed within one thousand feet of another advertising device with a message center display on the same side of a highway. No message center display may be placed in violation of section 131 of Title 23 of the United States Code.

**4. Connecticut (CONN. GEN. STAT. §13a-123(f))**

Notwithstanding the provisions of subsections (a) and (e) of this section, signage that may be changed at intervals by electronic or mechanical process or by remote control shall be permitted within six hundred sixty feet of the edge of the right-of-way of any interstate, federal-aid primary or other limited access state highway, except as prohibited by state statute, local ordinance or

zoning regulation, provided such signage (1) has a static display lasting no less than six seconds, (2) achieves a message change with all moving parts or illumination moving or changing simultaneously over a period of three seconds or less, and (3) does not display any illumination that moves, appears to move or changes in intensity during the static display period.

**5. Delaware (DEL. CODE ANN. tit. 17 § 1110(b)(3)(e))**

Notwithstanding the provisions of 17 Del. C. §1110(b)(3), the provisions of paragraph (3)(Lighting) may not violate the provisions of the May 1, 1968 Delaware federal-state outdoor advertising agreement.

(3) Lighting – Signs may be illuminated, subject to the following restrictions:

a. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or traffic conditions, or as defined in subparagraph e. of this paragraph.

b. Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways of an Interstate or federal-aid primary highway and which are of such intensity or brilliance as to cause glare or to impair the vision of a driver of a motor vehicle or which otherwise obscure or interfere with a driver's operation of a motor vehicle are prohibited.

c. A sign may not be illuminated so that it interferes with the effectiveness of, or obscures, an official traffic control device such as a sign or signal.

d. All lighting is subject to any other provisions of law relating to the lighting of signs presently applicable to all highways under the jurisdiction of the State.

e. Notwithstanding the provisions of subparagraphs a. through d. of this paragraph, signs commonly known as variable message signs may be changed at intervals by electronic or mechanical process or remote control, and are permitted within 660 feet of the edge of the right-of-way of any Interstate or federal-aid primary highway so designated as of June 1, 1991, and of the National Highway System. These variable message signs are permitted, except as prohibited by local ordinance or zoning regulation and, or by the Delaware federal-state outdoor advertising agreement of May 1, 1968, and are not considered to be in violation of flashing, intermittent, or moving lights criteria provided that:

1. Each message remains fixed for a minimum of at least 10 seconds.

2. When the message is changed, it must be accomplished in 1 second or less, with all moving parts or illumination changing simultaneously and in unison.

3. A variable message sign along the same roadway and facing in the same direction of travel may not be placed, as measured along the centerline of the roadway, within 2,500 feet of

another variable message sign, or within 500 feet of a static billboard sign regulated by this section, or within 1,000 feet of an interchange, interstate junction of merging or diverging traffic, or an at-grade intersection.

4. A variable message sign must contain a default design that will freeze the sign in 1 position if a malfunction occurs or, in the alternative, that will shut down.

5. A variable message sign may not contain or display any lights, effects, or messages that flash, move, appear to be animated or to move, scroll, or change in intensity during the fixed display period. A variable message sign must appropriately adjust display brightness as ambient light levels change.

6. A sign that attempts or appears to attempt to direct the movement of traffic or which contains wording, color, shapes, or likenesses of official traffic control devices is prohibited.

7. A sign may not be placed along designated scenic or historic byways.

**6. Georgia (GA. CODE ANN. § 32-6-75(c)(1))**

Multiple message signs shall be permitted on the interstate system, primary highways, and other highways under the following conditions:

(A) Each multiple message sign shall remain fixed for at least ten seconds;

(B) When a message is changed mechanically, it shall be accomplished in three seconds or less;

(C) No such multiple message sign shall be placed within 5,000 feet of another mechanical multiple message sign on the same side of the highway;

(D) Any such sign shall contain a default design that will freeze the sign in one position if a malfunction occurs;

(E) Any maximum size limitations shall apply independently to each side of a multiple message sign; and

(F) Nonmechanical electronic multiple message signs that are otherwise in compliance with this subsection and are illuminated entirely by the use of light emitting diodes, back lighting, or any other light source shall be permitted under the following circumstances:

(i) Each transitional change occurs within two seconds;

(ii) If the department finds an electronic sign or any display or effect thereon to cause glare or to impair the vision of the driver of any motor vehicle or to otherwise interfere with the safe operation of a motor vehicle, then, upon the department's request, the owner of the sign shall promptly and within not more than 48 hours reduce the intensity of the sign to a level acceptable to the department; and

(iii) The owner of any existing or nonconforming electronic sign shall have 180 days from the effective date of this

subparagraph to bring the electronic sign in compliance with this subparagraph and to request a permit from the department.

**7. Indiana (IND. CODE § 8-23-20-25.5); (105 IND. ADMIN. CODE § 7-3-1.5)  
IND. CODE § 8-23-20-25.5**

(a) The department may adopt rules under IC 4-22-2 that provide for the issuance of a permit for a changeable message sign erected, operated, used, or maintained in areas described in section 25(a) of this chapter.

(b) A permit authorized by this section may not otherwise violate state or federal law or local ordinances or regulations.

(c) Until the department adopts rules under this section, a person may erect, operate, or use a changeable message sign in an area described in section 25(a) of this chapter, subject to any other requirements of state or federal law or local ordinances or regulations.

(d) This subsection applies to a changeable message sign erected after the owner or operator receives a permit from the department. Notwithstanding any rules adopted by the department after the issuance of the permit, a changeable message sign that is in compliance with the rules in effect at the time a permit is granted for the changeable message sign is considered to be in compliance with the department's rules.

**105 IND. ADMIN. CODE § 7-3-1.5**

(a) A permit holder shall not convert a conforming sign to a changeable sign without the approval of the department. Approval may be sought by filing an application under section 7.5 of this rule.

(b) Only a conforming sign structure may be converted to a changeable message sign upon approval from the department. A nonconforming sign structure may not be modified to a changeable message sign under any circumstances.

(c) A changeable message sign shall only be constructed as one (1) of the following:

(1) A single face sign.

(2) A "V"- shaped structure.

(3) A back to back structure.

A stacked or side by side sign is not allowed under this section.

(d) The permit holder shall provide the department with a contact person and phone number for every permitted changeable message sign. The contact person must have the ability and authority to make modifications to the display and lighting levels should the need arise. The department may direct the permit holder to disable the changeable message sign:

(1) in cases of emergency; or

(2) when the contact is not responsive within a reasonable period of time.

- (e) If the department determines that the changeable message sign:
  - (1) impairs the vision of the driver of any motor vehicle; or
  - (2) otherwise interferes with the operation of a motor vehicle;then upon request from the department the permit holder of the changeable message sign shall take appropriate corrective action within twelve (12) hours. Failure to remedy the problem within twelve (12) hours may be cause for revocation of the permit under section 8 of this rule.
- (f) A changeable message sign shall contain a default design that will freeze the sign in a dark or blank position if a malfunction occurs.
- (g) No changeable message sign shall be located within three hundred (300) feet of any building used primarily as a residence, unless the owner of the building consents in writing to the location of the changeable message sign.

**8. Kansas (KAN. STAT. ANN. § 68.2234 (3)(e))**

Automatic changeable facing signs.

- 1) Automatic changeable facing signs shall be permitted within adjacent or controlled areas under the following conditions:
  - (A) The sign does not contain or display flashing, intermittent or moving lights, including animated or scrolling advertising;
  - (B) the changeable facing remains in a fixed position for at least eight seconds;
  - (C) if a message is changed electronically, it must be accomplished within an interval of two seconds or less;
  - (D) the sign is not placed within 1,000 feet of another automatic changeable facing sign on the same side of the highway, with the distance being measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway;
  - (E) if the sign is a legal conforming structure it may be modified to an automatic changeable facing sign upon compliance with these standards and approval by the department. A nonconforming structure shall not be modified to create an automatic changeable facing sign;
  - (F) if the sign contains a default design that will freeze the sign in one position if a malfunction occurs; and
  - (G) if the sign application meets all other permitting requirements.
- (2) The outdoor advertising license shall be revoked for failure to comply with any provision in this subsection.

**9. Michigan (MICH. COMP. LAWS § 252.318(f))**

The following signs or sign structures are prohibited:

Those that involve motion or rotation of any part of the structure, running animation or displays, or flashing or moving lights. This subdivision does not apply to a sign or sign structure with static messages or images that change if the rate of change between 2 static messages or images does not exceed more than 1 change per 6 seconds, each change is complete in 1 second or less, and the maximum daylight sign luminance level does not exceed 62,000



candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times. In addition to the above requirements, signs exempted under this subdivision shall be configured to default to a static display in the event of mechanical failure.

#### **10. Minnesota (MINN. STAT.173.155)**

##### **Subdivision 1. Definition.**

For the purposes of this section, "changeable electronic variable message sign" or "CEVMS" means an outdoor advertising device that contains light-emitting diodes or other technology to display copy visible during the day and during the night, with the copy changes initiated electronically.

##### **Subd. 2. Prohibition.**

Intermittent, animated, scrolling, full-motion video elements, or moving lights are prohibited on outdoor advertising devices, including CEVMS.

##### **Subd. 3. Exceptions.**

(a) Notwithstanding subdivision 2, a CEVMS is permissible if:

(1) the message does not change more frequently than once every six seconds;

(2) the transition between messages or copy does not exceed two seconds in duration;

(3) the message brightness does not exceed 0.3 foot-candles over ambient light, as measured using a foot candle meter from the following distances:

(i) for signs with a nominal face size of 12 feet by 25 feet, from 150 feet;

(ii) for signs with a nominal face size of ten feet, six inches, by 36 feet, from 200 feet; and

(iii) for signs with a nominal face size of 14 feet by 48 feet, from 250 feet; and

(4) the sign must not cause beams or rays of light to be directed at the traveled way if the light is of such intensity or brilliance as to cause glare that impairs the vision of the driver of a motor vehicle, or interfere with any driver's operation of a motor vehicle.

(b) The brightness measurement under paragraph (a), clause (3), must be conducted at least 30 minutes after sunset or at least 30 minutes before sunrise. Each CEVMS must have automatic dimming technology that adjusts the device's brightness levels in response to changes in ambient light.

#### **11. Missouri (Mo. REV. STAT. § 226.540(1)(a))**

No revolving or rotating beam or beacon of light that stimulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date, or temperature, or similar information, will be allowed; tri-vision,

projection and other changeable message signs shall be allowed subject to Missouri highway and transportation commission regulations.

**12. New York (N.Y. HIGH. LAW § 88 (2)(g))**

The commissioner of transportation is hereby authorized and directed to immediately implement the following program for the effective control of the erection and maintenance of outdoor advertising signs, displays and devices within six hundred [and] sixty feet of the nearest edge of the right of way and visible from the main traveled way of the interstate and primary highway systems and, notwithstanding the provisions of subdivisions seven, eleven, and twelve of this section, for the effective control of the erection and maintenance along the interstate and primary highway systems of those additional outdoor advertising signs, displays and devices which are more than six hundred and sixty feet from the nearest edge of the right-of-way located outside of urban areas, as defined by federal statute, rule or regulation for the purposes of section one hundred thirty-one of title twenty-three of the United States code, visible from the main traveled way of the inter-state and primary highway systems and erected with the purpose of their message being read from such main traveled way. Effective control means that such signs, displays and devices shall, pursuant to such program, be limited to (a) directional and other official signs and notices which are required or authorized by law and which shall conform to the national standards promulgated by the secretary of transportation of the United States pursuant to section one hundred thirty-one of title twenty-three of the United States code, as amended, (b) signs, displays and devices advertising the sale or lease of property upon which they are located, (c) signs, displays and devices advertising activities conducted on the property on which they are located, (d) signs, displays and devices located in areas within six hundred [and] sixty feet of the nearest edge of the right of way which are zoned industrial or commercial under authority of state law and which are permitted or authorized pursuant to this section or the agreement ratified and approved by this section, (e) signs, displays and devices which are permitted or authorized pursuant to this section or the agreement ratified and approved by this section and are located in unzoned commercial or industrial areas within six hundred [and] sixty feet of the nearest edge of the right of way which areas shall be determined from actual land uses in conformance with the agreement ratified and approved by this section, (f) signs lawfully in existence on October twenty-second, nineteen hundred sixty-five, determined by the commissioner [of transportation] with the approval of the secretary of transportation of the United States, to be landmark signs, including signs on farm structures or natural surfaces of historic or artistic significance, the preservation of which would be consistent with the purposes of this section and with the purposes of the federal "Highway Beautification Act of 1965", and any acts amendatory thereto, and (g) any other signs, displays and devices permitted or authorized pursuant to this section.

Provided that, nothing in this section shall be construed to prohibit the erection or maintenance of outdoor advertising signs, displays and devices which include the steady illumination of sign faces, panels or slats that rotate or change to different messages in a fixed position, commonly known and referred to as changeable or multiple message signs, provided the change of one sign face to another is not more frequent than once every six seconds and the actual change process is accomplished in three seconds or less, when such signs, displays and devices are permitted or authorized pursuant to this section and by the agreement ratified and approved by this section.

**13. Oklahoma (OKLA. STAT. tit. 69 §1275(d)(4))**

Provided, however, nothing in this section shall be construed to prohibit the erection or maintenance of signs which include the steady illumination of sign faces, panels or slats that rotate to different messages in a fixed position, commonly known as tri-vision faces or multiple message signs, provided the rotation of one sign face to another is no more frequent than every eight (8) seconds and the actual rotation process is accomplished in four (4) seconds or less.

**14. Oregon (OR. REV. STAT. §§ 377.710(6) and 377.720(3)(d))**

**OR. REV. STAT. § 377.710(6)**

Digital billboard” means an outdoor advertising sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.

**OR. REV. STAT. § 377.720(3)(d)**

A digital billboard, only if the digital billboard:

- (A) Is not illuminated by a flashing light or a light that varies in intensity;
- (B) Has a display surface that does not create the appearance of movement;
- (C) Does not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of:
  - (i) 150 feet, if the display surface is 12 feet by 25 feet;
  - (ii) 200 feet, if the display surface is 10.5 feet by 36 feet; or
  - (iii) 250 feet, if the display surface is 14 feet by 48 feet;
- (D) Is equipped with a light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;
- (E) Is designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction;
- (F) If available where the digital billboard is located, uses renewable energy resources to power the digital billboard, including but not limited to the following:
  - (i) Wind energy;
  - (ii) Solar photovoltaic and solar thermal energy;
  - (iii) Wave, tidal and ocean thermal energy;
  - (iv) Geothermal energy; and

(v) The purchase of carbon credits; and  
(G) If wind energy is used, as specified in subparagraph (F)(i) of this paragraph, uses moving parts for the purpose of generating the wind energy to power the billboard.

**15. South Dakota (S.D. CODIFIED LAWS § 31-29-66(4))**

A changeable message sign is permitted as an off-premise sign, regardless of the technology used, if the message is changed not more than once every six seconds and if the message is not continuously scrolled.

**16. Tennessee (TENN. CODE ANN. § 54-21-122)**

Changeable message signs which meet all other requirements pursuant to this chapter are permissible subject to the following restrictions:

(a) The message display time shall remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds; and (b) Video, continuous scrolling messages and animation are prohibited.

**17. Utah (UTAH CODE ANN. § 72-7-505(1)(d))**

A changeable message sign is permitted if the interval between message changes is not more frequent than at least eight seconds and the actual message rotation process is accomplished in three seconds or less.

**18. Virginia (VA. CODE ANN. § 33.1-369)**

No Advertisement or advertising structure shall be erected, maintained or operated:

Which involves motion or rotation of any part of the structure, moving reflective disks, running animation, or displays an intermittent light or lights visible from any highway. The prohibition of this subsection shall not apply to: (a) an advertisement or advertisement structure with messages that change no more than once every four seconds and is consistent with agreements entered into between the Commonwealth Transportation Commissioner and the United States Department of Transportation or (b) an on-premise advertisement or advertising structure with messages displayed as scrolling words/or numbers.

**State Administrative Rule Allowing Changeable Message Technology**

There are 23 states that allow changeable message technology via enactment of administrative rule.

**1. Alabama (ALA. ADMIN. CODE § 450-3-1-.13)**

Digital, Rotoboard and Variable/Changeable Electronic LED signs may display multiple messages, provided the sign is static display and does not have more than two sign faces for each direction the sign is facing. "Tri-vision" and LED display panels are also allowed on conforming signs provided the static display time for each message is at least 8 seconds, and the time to change from one message to another is no greater than 2 seconds.

Signs shall not be erected and maintained which contain, include or are illuminated by any flashing, intermittent or moving lights, except those giving public service information such as, but limited to, time, date, temperature, weather or news.

Signs shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of traveled way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

Signs shall not be erected or maintained which shall be so illuminated that they obscure or interfere with any official traffic signs, device or signal. Signs must contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video.

Spacing between Digital, Rotoboard and Variable/Changeable Electronic LED signs shall not be less than the minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public. Signs will be located where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public.

To ensure driver safety, signs must include a default designed to freeze a display in one still position if a malfunction occurs. Signs must have a process for modifying displays and lighting levels where directed by the Department to assure safety of the motoring public.

## **2. Arkansas (ARK. CODE RULE § 001.00.07-001)**

### **A. Definitions:**

- 1) *“Electronic Message Device (EMD)”* means a sign with the capability of displaying words, symbols, figures or images controlled by electronic communications.
- 2) *“Blinking”* means any form of flashing where a pattern of sudden illumination changes occurs, excluding electronic message changes.
- 3) *“Dissolve”* means a mode of message transition on an Electronic Message Device accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent message.
- 4) *“Fade”* means a mode of message transition on an Electronic Message Device accomplished by varying the light intensity or pattern, where the first message gradually reduces the intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
- 5) *“Flashing”* means any pattern of changing light illumination where the sign illumination alternates suddenly between fully

illuminated and fully non-illuminated, excluding electronic message changes.

- 6) *“Intermittent”* means any pattern of changing light intensity, other than that achieved with fade, dissolve or instantaneous transitions or the temporary suspension of illumination.
  - 7) *“Malfunction”* means any interruption in the normal display on the Electronic Message Device that results in blinking, flashing, intermittent or moving light display of lighting, and any other abnormal function of the sign that would cause distraction to motorists.
  - 8) *“Moving light”* means the physical change in position of any visible illumination source while lighted or the simulation of movement achieved with a pattern of sequentially illuminating visible illumination sources within close proximity of each other.
- B. All structures that display electronic messages shall be subject to the provisions found in these Regulations, and must be approved by permit prior to installation.
- 1) For permitted structures containing an EMD, only one EMD shall be allowed per facing, and the EMD shall be the only sign allowed on that facing.
  - 2) Electronic message changes must be accomplished within an interval of two (2) seconds or less.
  - 3) The message or image on an EMD must remain static for a minimum of eight (8) seconds or more.
  - 4) EMDs shall contain a default design that will freeze the sign in one position if a malfunction occurs. The Department shall be provided with an on-call contact person and telephone number for every permitted EMD. In the event of malfunction, the contact person must have the ability and authority to make modifications to the displays and lighting levels should the need arise. If modifications cannot be made to correct the malfunction within a timely manner, then the EMD should be disabled until the modifications are made. It shall be the responsibility of the permittee to maintain accurate and current contact information.
  - 5) Signs that contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, including animated parts or scrolling messages or images, are prohibited, with the exception of those giving public service information such as time, date, temperature, and weather and/or similar information as approved by the Department.
  - 6) There shall be no appearance of a visual dissolve or fading in which any part of one electronic message/display appears simultaneously with any part of a following electronic message/display.
  - 7) Should the Department, in its discretion, find the EMD sign, or any display or effect thereon, to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise

interferes with the operation of a motor vehicle, the owner of the sign shall, within twenty-four (24) hours after notification by the Department, reduce the intensity of the sign to an acceptable level. Failure to reduce lighting intensity on request may be cause for revocation of the permit.

- 8) A sign owner may modify existing, legal, conforming structures to an EMD only after filing an application and receiving approval by the Department.
- 9) Signs containing EMDs shall not be located closer than 1,500 linear feet along Interstate highways and 1,000 linear feet along non-Interstate state highways of another EMD when viewed from the same direction of the traveled way.
- 10) EMDs shall comply with all other requirements of Federal and State Outdoor Advertising Regulations.
- 11) Failure to adhere to any of these provisions may result in the revocation of the EMD portion of the permit [following due process including notice to comply].

### **3. Florida (FLA. ADMIN. CODE r.14-10.004)**

The FL DOT interprets the lighting provisions of the State/Federal Agreement (as enunciated in Section 14-10.0009 F.A.C.) and Chapter 479, F.S. to allow the permitting of off-premise, changeable message signs under the following conditions: 1) Changeable message signs will be permitted regardless of the technology that is used, except, if such signs contain, include or are illuminated by any flashing, intermittent, or moving light or lights (other than signs giving public service information such as time, date, temperature, weather, or similar information), they are prohibited; 2) Permitting of changeable message signs will be limited to conforming signs, since applying the modern technology of such signs to nonconforming signs is considered a substantial change not allowed by subsection 14-10.0007 (2) (a) and 23 CFR 750.707 (d) (5); 3) Changeable message signs will be required to meet the remaining regulatory criteria of Chapter 479, F.S. and Chapter 14-10 F.A.C. including limitation of spacing to 1,000 feet on the federal-aid primary highway system and 1,500 on the interstate highway system; and 4) Frequency of message change will be limited by Rule to six (6) second minimum display time, with a two (2) second maximum change time.

### **4. Idaho (IDAHO ADMIN. CODE § 39.03.60.300.05)**

a. Multiple message signs shall not include any illumination or image which moves continuously, appears to be in motion or has any moving or animated parts or video displays or broadcasts. No multiple message sign may include any illumination which is flashing or moving, except, those giving public service information such as date, time, temperature, weather, or other similar information.

b. If illuminated with beams or rays of such intensity or brilliance that it would cause glare or impair the vision of the driver or interfere with the operation of

a motor vehicle, effective shielding must be in place so as to prevent beams or rays of light from being directed at any portion of the traveled way.

c. If illuminated, illumination must not obscure or interfere with the effectiveness of official traffic sign, device, or signal.

d. Multiple message signs must not emit or utilize any sound capable of being detected.

e. The message or image on a multiple message sign must remain static for a minimum of eight (8) seconds.

f. An automated change of message or image on a multiple message sign must be accomplished within two (2) seconds or less and contain a default design that will freeze the sign face in one (1) position should a malfunction occur.

g. If a multiple message sign is in violation of any of the conditions listed in Subsection 300.05 a through 300.05 g, the permit is revoked.

## **5. Illinois (ILL. ADMIN. CODE tit. 92, §§ 522.20 and 522.150)**

### **ILL. ADMIN. CODE tit. 92, § 522.20 Definitions**

"Multiple Message Sign" means an outdoor advertising sign that displays a series of message changes, regardless of the technology used. A multiple message sign provides for a fixed message of at least ten seconds in length with a transition time between message changes of three seconds or less. Multiple message signs contain a default design that will freeze the message in one position if a malfunction occurs.

### **ILL. ADMIN. CODE tit. 92, §§ 522.150(c) and (k)**

The following signs shall not be erected or maintained:

a) Signs located within the right-of-way of an Interstate or primary highway or on any structure, wire, cable, or other device over or above an Interstate or primary highway right-of-way except the following:

1) Signs designating the name of the railroad which owns the bridge.

2) Signs designating the clearance provided (Section 9-112.1 and 9-112.2 of the Code) by the bridge.

3) Public utility signs.

4) Signs required by the Code.

5) Signs required by the Illinois Vehicle Code: [625 ILCS 5].

6) Signs, displays and devices giving specific information in the interest of the traveling public erected and maintained by the Department or by the Illinois State Toll Highway Authority.

b) Signs that attempt or appear to attempt to direct the movement of traffic or which contain wording, color or shape which is similar to official traffic control signs or other traffic control devices. (Section 9-112.2 of the Code)

c) Signs that contain oscillating, rotating, flashing, intermittent or moving light or lights (Section 9-112.2 of the Code), except the following:

1) Signs giving public service information including but not limited to time, weather, date and temperature (Section 6.02(a) of the Act) and multiple message signs with displays that change not more frequently than once every 10 seconds.



- 2) Pole supported business or brand identification signs inside business areas with constant illumination and color and in which the only movement is a slow rotation of the entire body of the sign so as to be visible from all directions. (Section 9-112.2 of the Code)
- 3) On premise signs which comply with Section 522.190(g).
- d) Signs that are erected, painted or drawn upon trees, rocks or other natural features. (Section 5 of the Act)
- e) Signs that are obsolete (i.e., advertises something that is no longer there), abandoned (i.e., where no message or display appears for one year, unless such display advertises the availability of the sign), or structurally unsafe or in disrepair (Section 5 of the Act), unless such structural conditions may be repaired in accordance with the provisions of the Act, and the sign owner agrees in writing to make the repairs within 30 days after receipt of the notice to remove.
- f) Signs that project beams or rays of light at the travelled way of a State highway or cause such beams or rays to create glare or to impair the vision of a driver of any motor vehicle. (Section 6.02(b) of the Act)
- g) Signs that are located within 1,000 feet of official traffic signs, signals, or devices and obscure or interfere with a drivers view of such sign, signal or device. (Section 6.03(a) of the Act)
- h) Signs that are located within 1,000 feet of approaching, merging or intersecting traffic and obscure or interfere with a drivers view of such traffic. (Section 6.03(a) of the Act)
- i) Signs that require a permit for erection or registration under this Part and for which no permit or registration has been issued.
- j) Signs that advertise activities that are illegal under Federal, State or local law in effect at the location of those signs or activities.
- k) Signs (other than multiple message signs) that contain any animated or moving parts. (Section 4.02(g) of the Act)
- l) Signs that violate airport hazard zoning regulations adopted by the Department pursuant to the Airport Zoning Act- [620 ILCS 25]. (See Illustration J.)
- m) Signs erected adjacent to a scenic byway that is a primary or Interstate highway after August 2, 1996, except those signs described in Sections 4.01, 4.02, 4.03, 4.06 and 4.08 of the Act. (Section 5(d) of the Act)

**6. Iowa (IOWA ADMIN CODE r. 716-117.3(1))**

- (e) No sign shall include any flashing, intermittent or moving light or lights except those signs giving public service information such as time, date, temperature, weather and news. Any variation or addition to the stated service information shall be subject to approval by the department. An LED Display is not prohibited under this rule, if it is operated in the following manner:
  - (i) Each change of message is accomplished in one second or less.
  - (ii) Each message shall remain in a fixed position for at least 6 seconds.
  - (iii) No traveling (moving, animated, full motion video, scrolling text

messages, etc.) or segmented messages are presented.

(iv) Is installed only on a fully conforming permitted advertising device.

f. No lighting shall be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of any highway, or is of such low intensity or brilliance as to not cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle. A LED Display is not prohibited under this rule, provided the light intensity presented does not exceed that allowed for other illuminated displays.

## **7. Kentucky (603 KAR 10:021)**

Section 1. General Conditions Relating to Off-Premise Electronic Advertising Devices.

(1) An electronic advertising device visible from the main travelled way on an interstate, parkway, national highway system, or federal-aid primary highway shall be prohibited in a protected area unless the device is located in an urban area or urbanized area.

(2) An advertising device in a protected urban area shall be:

(a) A legal, but not a nonconforming, static advertising device in existence or approved pursuant to a permit issued within one (1) calendar year prior to the effective date of this administrative regulation that is proposed for conversion to an electronic advertising device;

(b) Within 660 feet of right-of-way; and

(c) Compliant with the ordinances or regulations of a local governing body that specifically regulates the erection and maintenance of electronic advertising devices.

(3) An electronic advertising device in an urbanized protected area shall be:

(a) 1. Within 660 feet of right-of-way; and

2. Compliant with the ordinances or regulations of a local governing body that specifically regulates the erection and maintenance of electronic advertising devices; or

(b) Compliant with a variance that has been granted by a local governing body such as a planning and zoning commission.

(4) An off-premise electronic advertising device shall not be converted to an off-premise static advertising device prior to receiving a permit pursuant to 603 KAR 10:010.

(5) An electronic advertising device that is visible from more than one (1) interstate, parkway, national highway system, or federal-aid primary highway shall meet the requirements for each highway independently.

(6) The erection or existence of an electronic advertising device shall be prohibited in a protected area if the device:

(a) Advertises an activity that is prohibited by law;

(b) Is abandoned or discontinued;

(c) Is not clean and in good repair;

- (d) Is not securely affixed to a substantial structure permanently attached to the ground;
  - (e) Directs the movement of traffic;
  - (f) Interferes with, imitates, or resembles an official traffic sign, signal, or traffic control device;
  - (g) Prevents the driver of a vehicle from having a clear and unobstructed view of an official sign or approaching or merging traffic;
  - (h) Is erected or maintained upon a tree;
  - (i) Is erected upon or overhanging the right-of-way; Legislative Research Commission PDF Version Page: 2
  - (j) Has a facing larger than 672 square feet;
  - (k) Has more than one (1) face per facing;
  - (l) Is a non-billboard electronic advertising device; or
  - (m) Is mobile, temporary, or vehicular.
- (7) An on-premise advertising device shall not affect spacing requirements for an off-premise electronic advertising device.
- (8) An electronic advertising device shall not contain extensions to the face.
- (9) Interior angles between two (2) facings of an electronic advertising device shall not exceed forty-five (45) degrees.
- (10) The name of the owner of an electronic advertising device shall be legible from the main traveled way and shall not be larger than twenty (20) square feet. The owner's name shall be shown without other owner information and shall not be considered a message.
- (11) The message on an electronic advertising device shall:
- (a) Be static for at least eight (8) seconds;
  - (b) Change from one (1) message to another in less than two (2) seconds;
  - (c) Not blink, scroll, or contain animation or video; and
  - (d) Be programmed to freeze in a static display if a malfunction occurs.
- (12) An electronic advertising device shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be programmed to automatically dim to a luminance of 300 nits or less if the ambient light is 1.5 foot candles or less.
- (13) Spacing between off-premise advertising devices per visible direction of travel on interstates, parkways, national highway systems, or federal-aid primary highways shall be at least:
- (a) 2,500 feet between off-premise electronic advertising devices; or
  - (b) 500 feet between an off-premise electronic advertising device and an off-premise static advertising device.

#### Section 2. Exchange of Billboards for Permit.

- (1) An exchange of six (6) existing off-premise advertising devices shall be required for one (1) new off-premise electronic advertising device permit located within the protected area of an interstate, parkway, national highway system, or federal aid primary highway. (2) An exchange of five (5) existing off-premise advertising devices shall be required for the conversion of an existing legal static advertising device

in an urban area or an urbanized protected area to an off-premise electronic advertising device.

- (3) An off-premise advertising device to be exchanged shall be:
  - (a) Situated in an unpermissible location in a protected area;
  - (b) Visible from a scenic highway;
  - (c) Currently nonconforming as established in Section 5 of this administrative regulation or pursuant to local regulations; or
  - (d) Illegal.
- (4) An advertising device proposed for an exchange for a permit shall be no less than fifty (50) square feet per facing.
- (5) An advertising device proposed for exchange that meets the requirements of subsections (3) and (4) of this section shall be approved by the department prior to exchange.
- (6) The owner of an exchanged advertising device shall receive credit by the department for each advertising device removed after the effective date of this administrative regulation.
- (7) If an advertising device is removed by an owner in order to obtain a permit under this administrative regulation, but the permit is denied by the department, the department shall credit the owner for the removed device pending the outcome of the appeal or until a permit is filed for another advertising device.
- (8) If the permittee voluntarily removes an advertising device and receives credit toward a permit for an electronic advertising device, the permittee waives any right or claim to any additional compensation from the department for that device.

### Section 3. Off-premise Electronic Advertising Devices on Interstates and Parkways.

- (1) Electronic advertising devices shall only be erected or maintained in a protected area of an interstate or parkway that:
  - (a) Is zoned industrial or commercial and was an incorporated municipality on September 21, 1959; or
  - (b) Was zoned commercial or industrial and included a commercial industrial land use on September 21, 1959.
- (2) An electronic advertising device shall be no closer than fifty (50) feet to the edge of the main traveled way or turning roadway of the interstate or parkway.

### Section 4. Off-Premise Electronic Advertising Devices on National Highway System and Federal-Aid Primary Highways. An electronic advertising device visible from a national highway system or federal-aid primary highway shall be erected and maintained in:

- (1) A commercial or industrial zone; or
- (2) An unzoned commercial or industrial area with a commercial or industrial activity that is located on the same side of the highway and within 700 feet of the activity boundary line measured along or parallel to the pavement of the highway.

### Section 5. Nonconforming Electronic Advertising Devices.

- (1) A nonconforming electronic advertising device in a protected area shall not require a permit and shall continue to exist if the device:
  - (a) Has not been abandoned or discontinued;
  - (b) Has been subjected to only routine maintenance as established in subsection (7) of this section;
  - (c) Is in compliance with state law and administrative regulations as well as local zoning, sign, or building restrictions at permitting; and
  - (d) Remains substantially the same including the structure as it was on the effective date of the state law or administrative regulation that made the device nonconforming.
- (2) The owner of a nonconforming advertising device shall submit biennial updates on a completed Advertising Device Biennial Certification Form, TC Form 99-206.
- (3) An incomplete or inaccurate submission shall not be considered an update submittal.
- (4) The update submittal for a nonconforming electronic advertising device shall be submitted electronically to the department pursuant to the following table:

| Dept. of Highways' District # | Submittal Year                     |
|-------------------------------|------------------------------------|
| 1 & 7                         | Odd January 1 - April 30th         |
| 2 & 4                         | Even January 1 - April 30th        |
| 3 & 9                         | Odd May 1st - August 31st          |
| 6 & 8                         | Even May 1st - August 31st         |
| 5 & 11                        | Odd September 1st - December 31st  |
| 10 & 12                       | Even September 1st - December 31st |

\*A submittal shall be received during the submittal period to be considered.
- (5) Failure to submit an update within thirty (30) days of the deadline established in subsection (4) of this section shall subject the owner of the nonconforming electronic advertising device to a fine of \$250 per permit pursuant to KRS 177.990(2).
- (6) A nonconforming advertising device may be sold, leased, or transferred without affecting its status, but its location shall not be changed. A transfer of ownership for a nonconforming advertising device shall be submitted on a completed Advertising Device Ownership Transfer, TC Form 99-205.
- (7) An owner may conduct routine maintenance of a nonconforming electronic advertising device. Routine maintenance shall include:
  - (a) In kind replacement of material components with a like material component;
  - (b) Painting of supports and frames;
  - (c) Changing existing nonstructural light fixtures for energy efficiency;
  - (d) Replacement of nuts, bolts, or nails;
  - (e) A safety related addition such as a catwalk that does not prolong the life of the advertising device but provides protection for workers; and
  - (f) Rebuilding a destroyed advertising device.
- (8) Non routine maintenance shall include:

- (a) Enlargement of the device;
- (b) A change in the structural support including material diameters, dimensions, or type that would result in increased economic life such as replacement of wood posts with steel posts or the replacement of a wood frame with a steel frame;
- (c) The addition of bracing, guy wires, or other reinforcement;
- (d) A change in the location of the structure; or
- (e) A change in the direction of the face.

(9) Non routine maintenance on a nonconforming electronic advertising device shall constitute a violation of this administrative regulation and action shall be taken pursuant to Section 9 of this administrative regulation.

#### **8. Louisiana (LA. ADMIN. CODE tit. 70 § 132)**

- A. Changeable Message Sign—any outdoor advertising sign which displays a series of advertisements, regardless of technology used, including, but not limited to, the following:
- 1. rotating slats;
  - 2. changing placards;
  - 3. rotating cubes;
  - 4. changes in light configuration or light colors;
  - 5. LED (light emitting diodes)/video displays.
- B. Qualifying Criteria
- 1. Message changes must be accomplished within four seconds and the message must remain stationary for a minimum of eight seconds.
  - 2. The message change must be accomplished in such a manner that there is no appearance of movement of the message or copy during the change. This rule is not intended to prohibit movement of the structure in sequence in order to effect a change in message.
  - 3. The sign may not contain flashing, intermittent or moving lights.
  - 4. The use of such technology is limited to conforming signs only. Application of such technology to nonconforming signs is prohibited.
  - 5. Any such sign shall contain a default design that will freeze the sign in one position if a malfunction occurs.
  - 6. Such signs shall not use animated, scrolling or full motion video displays.
  - 7. A changeable message sign which meets these criteria shall be considered an outdoor advertising sign.
  - 8. On stacked sign structures, changeable message signs shall be allowed one per side.
  - 9. Changeable message signs shall not exceed 672 square feet.
- C. This rule is not applicable to on-premise outdoor advertising signs.

#### **9. Massachusetts (700 C.M.R. 3.17)**

- (1) Permits for Electronic Signs require the prior written approval of the municipality wherein the proposed sign will be located unless otherwise exempted by State law.

(2) Except as otherwise prohibited by Federal or Massachusetts law and regulations, or local ordinances or zoning regulations, permits for Electronic Signs may be issued provided such sign complies with all of the following:

- (a) Each static display must last at least 10 seconds.
- (b) Achieves an instant message change.
- (c) Does not display illumination that moves, appears to move or changes in intensity during the static display period. This does not include changes to a display for time, date and temperature.
- (d) Automatically adjusts the intensity of its display according to natural ambient light conditions.
- (e) The brightness of an Electronic Sign shall not exceed 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance. Distances to measure the foot candle impact vary with the expected viewing distance of each size sign. Measurements should be taken perpendicular to the face.

Measurement distance criteria:

Face Size Distance to be measured from

12 x 25 150 feet

10'6 x 36 200 feet

14 x 48 250 feet

20 x 60 350 feet

(3) A permit issued pursuant to this section shall indicate that it is for an Electronic Sign. Any such permit is determined to not be prohibited by any agreement between the Department and the Secretary of Transportation of the United States. All regulations provided by 700 CMR 3.00 *et. seq.* are applicable to Electronic Signs except where specifically stated therein. In the event a provision of this section conflicts with another section of 700 CMR, this section controls.

(4) A legally conforming sign may be modified to an Electronic Sign if a new permit for the Electronic Sign is obtained by the Department. Non-conforming and/or Grandfathered signs shall not be eligible for electronic sign conversion or permitting.

(5) Electronic Signs shall not:

- (a) Emit any sound;
- (b) Cause beams or rays of light to be directed at any portion of the traveled way, which beams or rays are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or otherwise interfere with the operation of a motor vehicle;
- (c) Obscure or interfere with the effectiveness of an official traffic sign, device or signal, or cause an undue distraction to the traveling public;
- (d) Contain more than one face visible from the same direction on the traveled way;
- (e) Obscure or otherwise interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic;

- (f) Be within 500 feet of any type of permitted sign regardless of which direction the sign is intended to face;
  - (g) Be within 1000 feet of another off premise permitted Electronic Sign on the same side of the traveled way regardless of which direction the sign is intended to face;
  - (h) Be within 1000 feet of another off premise permitted Electronic Sign on the opposite side of the traveled way regardless of which direction the sign is intended to face;
  - (i) Contain flashing, intermittent, or moving lights; or display animated, moving video or scrolling advertising.
  - (j) Subject to approval of the Department, spacing between electronic signs may not apply where they are separated by a building or other obstruction or the geometry of the roadway is such that only one sign is visible from any point on the public way at any one time.
- (6) Subject to approval of the Department, the 1000 foot spacing requirement between electronic signs may not apply where a proposed sign and an existing sign are separated by a building or other permanent obstruction or the geometry of the roadway is such that the motorist can only view one sign at any point on the public way at any one time.
- (7) All Electronic Signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.
- (8) If the Department finds that an Electronic Sign or display causes glare or impairs the vision of the driver of any motor vehicle or otherwise interferes with the safe operation of a motor vehicle, upon request, the permit holder shall within 24 hours reduce the intensity of the sign to a level acceptable to the Department.
- (9) In addition to any municipal requirement, the Department may impose any restriction as to the hours of operation for each Electronic Sign.
- (10) The permit holder of an Electronic Sign shall coordinate with governmental authorities, through the Department's Division of Highways to display, when appropriate, emergency information important to the traveling public, such as Amber Alerts or other public safety alerts. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information, or protocols established by the Department's Division of Highways.
- (11) The permit holder shall provide the Director with contact information for a person who is available 24 hours a day, 7 days a week to turn off the Electronic Sign promptly if a malfunction occurs. The sign shall contain a default mechanism that freezes the sign in the event of a sign malfunction.
- (12) The permit holder shall designate a minimum of 15 hours per month of total advertisement time per permit to the Department for Public Service Announcement (PSA) purposes. Said time shall be equally distributed throughout the hours of operation of the Electronic Sign. The permit holder shall submit a detailed proof of play (POP) report each month to the Director to verify that PSA's are being displayed. The Director shall determine the total number of PSA's to be aired each month and will coordinate with the permit holder for their sign. POP reports are due by the 5th day of each month for the



prior month of play. Failure to submit a POP report or failure to adhere to the minimum PSA requirement may result in a fine or revocation of permit/s.

**10. Mississippi (tit. 7501-09002 Miss. Code R. § 1000(5))**

**(5) Digital Signs**

a. In addition to the provisions set out herein. Digital sign structures shall be governed by the following:

i. The display change time shall be not more than (1) second with duration of each display not less than (8) seconds.

Digital/LED Display structures shall contain a default design that will freeze the display in one still position if a malfunction occurs. The owner of every permitted Digital/LED Display sign will provide the MDOT State Maintenance Engineer with an on-call contact person and phone number for each permitted Digital/LED Display sign. The contact person must have the authority and ability to make immediate modifications to the displays and lighting levels should the need arise.

ii. Digital/LED Display – Displays shall not create excessive brightness or glare. Such displays shall contain static messages only without movement. Movement is herein defined as the appearance or illusion of movement, either text or images, of any part of the sign structure, design, or pictorial, segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.

iii. The digital billboard must have capability to adjust its intensity in response to ambient lighting conditions. Should MDOT, at its sole discretion, find the sign, any display or effect thereon, to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with the operation of a motor vehicle, upon request, the owner of the sign shall immediately reduce lighting intensity of the sign to a level acceptable to MDOT. Failure to reduce lighting intensity on request shall be cause for revocation of the permit.

vi. No conventional sign structure can be converted to Digital/LED Display unless the site is a conforming site. Nonconforming, grandfathered, or illegal sign structures will not be allowed to be retro-fitted with a Digital/LED Display or Tri-Vision sign.

vii. All retro-fitted Digital/LED Displays on permitted, conforming structures must first be approved for compliance with these guidelines by the State Maintenance Engineer or his/her representative.

b. 'Immediate' or 'immediately' referred to in Sections 1000.5.a.i. and 1000.5.a.iii. above, shall be considered by the Department to mean that the owner shall promptly and diligently begin and complete modifications as soon as it is advised of the need therefore. If the

malfunction poses a hazard to the safety of the traveling public, the sign shall be turned off on arrival by the owner or its maintenance personnel until such repairs can be made.

#### **11. Montana (ARM 18.6.237)**

(1) An electronic billboard (EBB) may be approved as an off-premise outdoor advertising sign if it is visible to the traveling public from a controlled route and is within an area zoned commercial or industrial within the city limits or urban area of an incorporated or unincorporated city or town as shown on the department's official city urban and unincorporated town maps.

(2) An EBB must meet all of the following conditions:

(a) EBB messages must have a minimum display (dwell) time of eight seconds and a maximum change (twirl) interval of one second;

(b) an EBB shall not exceed a brightness level of three tenths (0.3) footcandles over ambient light as measured by the distance to the EBB as follows:

| EBB face area (square feet) | Distance of Measurement (feet from EBB) |
|-----------------------------|---|
| 300-672                     | 250                                     |
| 200-299                     | 150                                     |
| 150-199                     | 135                                     |
| 100-149                     | 110                                     |

(c) an EBB must use automatic dimming technology to adjust the brightness of the EBB relative to ambient light to avoid exceeding the brightness level of three tenths (0.3) footcandles;

(d) an EBB must not be placed with illumination that interferes with the effectiveness of or obscures an official traffic sign, device, or signal;

(e) an EBB must not cause beams or rays or light to be directed at the traveled way if the light is of unreasonable intensity or brilliance or is likely to be mistaken for a warning or danger signal or cause glare or impair the vision of any driver, or to interfere with the driver's operation of a motor vehicle;

(f) an EBB message must remain static. Paging, scrolling, or streaming messages are prohibited. The message must not use techniques of message display such as fading, rolling, window shading, exploding, dissolving, spinning, revolving, or shaking messages;

(g) an EBB must not include or be illuminated by flashing, intermittent, or moving lights, nor use jumping arrows or rapid chasing or flashing lamp borders, or lights which resemble or simulate any lights used to control traffic;

(h) an EBB must not be located within 1000 feet of the beginning or ending of the pavement widening, for each entrance or exit roadway, to the main-traveled way on interchanges, and within 500 feet of an intersection;

(i) an EBB must not be placed within 2000 feet of another permitted sign measured along the nearest edge of the pavement between points directly opposite the signs on the same side of the roadway;

(j) an EBB must only be constructed as a single face, back-to-back, or two-faced V-shaped structure. Only one face may be visible in each direction of the main-traveled way. Side-by-side or stacked EBBs are prohibited;

- (k) an EBB must not be a portable sign which is used as permanent illuminated signage, as only a fixed sign is allowed;
  - (l) an EBB must not attempt or appear to attempt to direct the movement of traffic and must not interfere with, imitate, or resemble any official traffic sign, signal, or device; and
  - (m) an EBB must contain a default mechanism which will stop the sign face in one position if a malfunction which causes the display to be in violation of this rule occurs, or within three hours when notified by the department.
- (3) An existing non-EBB may be modified or upgraded to EBB technology if the sign conforms with EBB criteria established in this rule relating to zoning, size, lighting, and spacing. Prior approval from the department is required to upgrade an existing sign to EBB technology, including a new sign application and a nonrefundable inspection fee.
- (4) Nonconforming signs must not be modified or upgraded to EBB technology.
- (5) All applications for EBB original or upgraded permits must be accompanied by an approval issued by a local or county government on a form provided by the department. Approval of an application and issuance of a permit do not alleviate an applicant for responsibility to comply with all applicable county or local regulations. Any violation of county or local regulations may result in revocation of the permit.
- (6) Violation of this rule may result in revocation of the permit.

## **12. Nebraska (NEB. ADMIN. CODE § 410-3-002.05(D))**

An outdoor advertising sign, display or device which changes the message or copy on the sign by electronic or mechanical device or process, regardless of the technology used. CMS are considered outdoor advertising signs and subject to all applicable regulations and subject to the following:

002.05 D1: CMS must conform to general spacing requirements of 002.05C4 and the specific spacing requirements of 002.05 D2;

002.05 D2: No two (2) CMS structures may have sign facings erected less than five thousand (5000) feet apart measured from the center of the sign supports nearest the highway along a line parallel with the highway. CMS structures may be located on either side of the highway, however, each sign must only be visible from one direction of travel and must comply with the 5000 foot spacing on each side;

002.05 D3: CMS structures must conform to the size requirements of 002.05 C3;

002.05 D4 Conforming sign structures may be modified to a CMS upon compliance with CMS standards and obtaining a permit in accordance with 002.12;

002.05 D5: Non-conforming sign structures will not be modified to a CMS;

002.05 D6: Each advertisement displayed must remain fixed for a least ten (10) seconds;

002.05 D7: When an advertisement is changed, it must be accomplished with an interval of two (2) seconds or less;

002.05 D8: CMS must contain a default mechanism that will freeze the sign in one position if a malfunction occurs;

002.05 D9: CMS shall be constructed as a single structure with only one face intended to be visible from each direction of travel, as viewed from a point 100 feet from the centerline of the sign measured horizontally along a line normal or perpendicular to the centerline of the highway;

002.05 D10: CMS shall be limited to one advertisement per face, at any one time.

### **13. Nevada (NEV. ADMIN. CODE § 410.350)**

1. Signs must not be placed with illumination that interferes with the effectiveness of or obscures any official traffic sign, device or signal. Signs must not include or be illuminated by flashing, intermittent or moving lights, except any parts necessary to give public service information such as the time, date, temperature, weather or similar information. Signs must not cause beams or rays of light to be directed at the traveled way if the light is of such intensity or brilliance or is likely to be mistaken for a warning or danger signal or to cause glare or impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle. Illumination or lights for signs must not resemble or simulate any lights used to control traffic.

2. A commercial electronic variable message sign, including, without limitation, a trivision sign, may be approved as an off-premise outdoor advertising sign in an urban area if the sign does not contain flashing, intermittent or moving lights, does not cause a glare on the roadway and the following conditions are met:

(a) An existing sign may be modified or updated if the sign conforms with established criteria relating to zoning, size, lighting and spacing.

(b) A message on a trivision sign may have a minimum display time of 6 seconds and a maximum change interval of 3 seconds.

(c) A trivision sign must contain a mechanism that will stop the sign in one position if a malfunction occurs.

(d) If a sign is installed that does not comply with the provisions of this subsection, the owner of the sign shall correct the violation or remove the sign at his own expense.

(e) Prior approval from the department is required to modify existing signs to include the commercial electronic variable message sign, and a new permit fee of \$150 will be charged.

**14. New Mexico (NMAC 18.21.5.13 and NMAC 18.21.5.14)**

**18.21.5.13 OFF-PREMISE CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS) - SPECIFICATIONS:**

A. The use of changeable electronic variable message sign (CEVMS) technology, shall not, in itself, constitute the use of flashing, intermittent or moving light or lights.

B. Off-premise changeable electronic variable message signs (CEVMS) shall be allowed, regardless of the technology used, provided such signs shall:

- (1) utilize only one (1) advertisement at any given time for each advertising face, and do not display, contain or utilize multiple advertisements or displays;
- (2) contain a static display that shall remain for no less than eight (8) seconds in duration;
- (3) achieve a transition to another static display in less than two (2) seconds and shall not contain or utilize transitional elements or any movement at all between copy changes, except tri-vision signs;
- (4) not incorporate or display any illumination that changes in intensity during the static display or transition period as described above;
- (5) change copy uniformly in a fluid, seamless transition not capable of being detected, except trivision signs;
- (6) not exceed a maximum surface area of six hundred seventy-two (672) square feet per advertising face, with a maximum length of forty-eight (48) feet and a maximum height of fourteen (14) feet; length and height measurements shall include border and trim, but shall not include any ornamental base or apron support;
- (7) not be placed within one thousand (1,000) feet of another off-premise changeable electronic variable message sign on the same side of the highway, regardless of face orientation, except for those tri-vision signs lawfully permitted and erected prior to the effective date of this rule;
- (8) not contain or include any advertisements that employ the use of intermittent or flashing light or lights or that are illuminated by intermittent or flashing light or lights;
- (9) not include animated, flashing, scrolling, or full-motion video elements, and may not incorporate or display segmented or traveling advertisements;
- (10) be shielded so as to prevent light from being directed at any portion of the main-traveled way, or if not so shielded, are of such low intensity or brilliance so as not to cause glare or impair the operation of a motor vehicle or violate the New Mexico Night Sky Protection Act, Sections 74-12-1 et seq., NMSA 1978, to the extent it applies;
- (11) have brightness levels capable of being measured and such brightness shall be limited to an acceptable, safe level or measurement, as follows: CEVMS shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of three tenths (0.3) foot candles above ambient light, as measured using a foot candle meter and in conformance with the following process: light measurements shall be taken with the meter aimed directly at the advertisement or sign face, or at the area of the sign emitting the brightest

light if that area is not the advertisement or sign face; measurements shall be taken as follows:

| <b>Table: CEVMS Sign Brightness</b> |                                |
|-------------------------------------|--------------------------------|
| <b>Sign Face Area</b>               | <b>Distance of Measurement</b> |
| 681-1200 sq. ft.                    | 350 feet                       |
| 385-680 sq. ft.                     | 250 feet                       |
| 300-384 sq. ft.                     | 200 feet                       |
| 200-299 sq. ft.                     | 150 feet                       |
| 150-199 sq. ft.                     | 136 feet                       |
| 125-149 sq. ft.                     | 118 feet                       |
| 100-124 sq. ft.                     | 107 feet                       |
| 75-99 sq. ft.                       | 96 feet                        |
| 50-74 sq. ft.                       | 83 feet                        |
| 35-49 sq. ft.                       | 67 feet                        |
| 25-34 sq. ft.                       | 56 feet                        |
| 15-24 sq. ft.                       | 47 feet                        |
| 1-14 sq. ft.                        | 36 feet                        |

- (12) not incorporate, utilize or emit any sound or noise capable of being detected or emit any smoke, scent or odors;
- (13) not contain, incorporate or utilize any interactive component or medium, and not interact or interface with drivers, pedestrians or the general public;
- (14) not interfere with or direct, or attempt to direct, the movement of traffic, or resemble or simulate any warning or danger signal, or any official traffic control device, and not contain wording, color, shapes or likenesses of official traffic control devices;
- (15) contain a default mechanism so that in the event 50% or more of a sign has failed, the sign will immediately revert to a black screen and remain in such condition until the malfunction is corrected; in all such cases, the malfunctioning sign must be expediently repaired;
- (16) utilize sufficient safeguards to prevent unauthorized access, use or hacking of changeable electronic variable message signs and related technology, including infrastructure, hardware, software and networks, by unauthorized users;
- (17) be continuously monitored twenty-four (24) hours per day by the device owner or the permit holder, including monitoring of hardware, software, network and other infrastructure; and
- (18) comply with all applicable provisions, restrictions and prohibitions regarding outdoor advertising devices contained in federal and state law.

C. With the exception of tri-vision signs legally permitted and erected prior to the effective date of this rule, any changeable electronic variable message sign existing prior to the effective date of this rule, 18.21.5 NMAC, shall conform with this section within sixty (60) days of the effective date of this section or such changeable electronic variable message sign shall be deemed illegal and non-compensable and subject to removal by the department at the expense of the sign owner pursuant to the provisions of 18.21.5.33 NMAC.

**18.21.5.14 OFF-PREMISE CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS) - ADDITIONAL REQUIREMENTS:**

A. Permit required. A person desiring to erect, install, convert or maintain an off-premise changeable electronic variable message sign shall obtain a new permit from the department pursuant to this rule for that use prior to erection, installation, conversion or maintenance of the sign.

B. Location. No sign utilizing changeable electronic variable message technology may be erected, installed, converted or maintained outside the limits of any municipality, town or village, or within the boundaries or limits of any designated scenic byway, or outside the boundaries or limits of any designated scenic byway where the intent or result is that the changeable electronic variable message advertisements are oriented to, or visible or legible from, the scenic byway.

C. Modification. The permit holder and the owner of the sign are responsible for any changes, alterations or modifications to the advertisements or to the use of the changeable electronic variable message sign made by an unauthorized user, or by an advertiser authorized to facilitate such changes, alterations or modifications.

D. Conversion.

(1) An existing static outdoor advertising device may be converted to a changeable electronic variable message sign, provided the existing sign:

(a) has been approved by the local government;

(b) is a legal, conforming sign;

(c) is in good repair;

(d) has had all permit fees timely paid; and

(e) does not violate any applicable sections of this rule or of the

Beautification Act.

(2) No existing static outdoor advertising device may be converted to changeable electronic variable message sign technology if the existing sign has a non-conforming or grandfathered status.

(3) The conversion of a static outdoor advertising device to a changeable electronic variable message sign must be approved by the applicable local governmental entity.

(4) The application shall include written assurance from the applicant that the sign structure will meet or exceed current engineering standards or practices and all applicable building codes.

(5) The conversion of a static outdoor advertising device to a changeable electronic variable message sign must be accomplished within one hundred twenty (120) days after the issuance of the applicable permit.

#### **15. New Jersey (N.J. ADMIN CODE § 16:41C-8.8)**

(a) "Off-premise multiple message signs shall comply with all other sections of this chapter in addition to the following:

1. A person wishing to install an off-premise multiple message sign that would be visible to a highway shall apply to the Administrator for permission prior to installation. The Administrator shall grant permission providing the following conditions are met:

i. Tri-vision sign panels shall remain fixed for a period of at least four seconds before changing;

- ii. All other types of multiple message technology shall remain fixed for a period of at least 8 seconds. The Administrator may authorize a shorter period upon considering highway design, traffic volume, and traffic safety;
  - iii. A message change shall be accomplished completely within one seconds or less
2. Multiple message signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.
  3. The minimum spacing between multiple message signs shall be 3,000 feet.
    - (b) The provisions in this chapter pertaining to size, spacing, and illumination for multiple message signs shall not apply to such signs erected within the Atlantic City Casino Recreation District.
    - (c) All signs allowed by (b) above shall be shielded so as to prevent light from being directed at any portion of the main-traveled way of the street or highway, or if not so shielded, be of such low intensity or brilliance as not to cause glare or impair the operation of a motor vehicle. All other provisions of this chapter which pertain to illumination shall not apply to signs erected within the Atlantic City Casino Recreation District.”

**16. North Carolina (tit. 19A N.C. ADMIN. CODE 2E.0203(4))**

**Automatic Changeable Facing Sign:**

- (a) Automatic changeable facing signs shall be permitted on the controlled routes under the following conditions:
  - (i) The sign does not contain or display flashing, intermittent, or moving lights, including animated or scrolling advertising;
  - (ii) The changeable facing remains in a fixed position for at least eight (8) seconds;
  - (iii) If a message is changed electronically, it must be accomplished within an interval of two (2) seconds or less;
  - (iv) The sign is not placed within 1,000 feet of another automatic changeable facing sign on the same side of the highway;
  - (v) The 1000-foot distance shall be measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway;
  - (vi) A legally conforming structure may be modified to an automatic changeable facing upon compliance with these standards and approval by the Department. Nonconforming or grandfathered structures shall not be modified to an automatic changeable facing;
  - (vii) The sign must contain a default design that will freeze the sign in one position if a malfunction occurs; and
  - (viii) The sign application meets all other permitting requirements.
- (b) The outdoor advertising permit shall be revoked for failure to comply with this Item.

**17. Ohio (OHIO ADMIN CODE 5501:2-2-02(B) and Informal AG Opinion)**

Multiple message and variable message advertising devices: such advertising devices may be permitted on the interstate system or the primary system under the following conditions:



- (1) Each message or copy shall remain fixed for at least eight seconds;
- (2) When a message or copy changes by remote control or electronic process, it shall be accomplished in three seconds or less;
- (3) No such advertising device shall be placed within one thousand feet of another multiple message or variable message advertising device on the same side of the highway visible in the same direction of travel;
- (4) Such advertising devices shall contain a default design that will freeze the device in one position if a malfunction occurs;
- (5) Any maximum size limitations shall apply independently to each face of a multiple message or variable message advertising device; and
- (6) Only one multiple message advertising device shall be permitted at a single location facing the same direction.”

## 18. Rhode Island (RI CODE R. § VI)

### D. Lighting

1. No *sign* may be *erected* or *maintained* which contains, includes or is illuminated by any flashing, intermittent or moving light or lights, except in the use of public information devices which indicate the correct time and temperature, or other changeable LED message *signs* or *billboards* with changeable messages.
2. No lighting may be used in any way in connection with any *sign* unless it so effectively shielded as to prevent beams or rays of light from being directed at any portion of the *state-way*, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver’s operation of a motor vehicle.
3. The Department has the right to require adjustments to lighting.

### E. New Technologies

Adjacent to the *state-way*, no legally conforming *signs* advertising copy may be converted to Trivision or equivalent technologies unless approved by the Department, and if and when necessary, the Federal Highway Administration [non-conforming *signs* do not qualify for conversion and no video shall be allowed]. The Department will not allow the conversion of signs utilizing LED technology pending its study of safety issues.

If a *signs* advertisement copy is converted to a type of new technology, the *Department* may require a percentage of the advertisement copy be dedicated to public service (e.g. Amber Alert)

However, in accordance with Title 24 “Highways,” Chapter 24-10.1-2, for each *sign* using such technology, two [2] valid *permits* for *signs* or *billboards* of equivalent size shall be required. Provided, further, however, that in the event that a *person*, firm or corporation does not hold more than one *permit*, only one *permit* for *signs* of equivalent size shall be require

### F. Timing of Messages

A sign that is converted to Trivision or equivalent technologies, or message *signs*, or any other types of *signs* with changeable messages, shall display said messages for ten [10] continuous seconds or more without interruption. The Department may adjust the timing of messages based on public safety concerns.

## **19. South Carolina (S.C. REG. § 63-354)**

### Off-premise Changeable Message Signs

- A. Changeable message signs shall not contain or display flashing, intermittent or moving lights.
- B. Changeable message signs shall conform with size requirements as described in Regulation Section 63-345.
- C. Changeable message signs shall be spaced 500 feet apart on the same side of the highway.
- D. Only conforming sign structures may be modified to changeable message signs upon compliance with changeable message sign standards and approval of the Department. Nonconforming sign structures shall not be modified to changeable message signs.
- E. Each message displayed shall remain fixed for at least six seconds.
- F. When a message is changed, it shall be accomplished within an interval of two seconds or less.
- G. Changeable message signs may only be constructed as a single face and V-shape structures. Changeable message signs shall not be side by side or stacked.
- H. If a conforming sign is to be revised to a changeable message sign, an application shall be submitted noting the sign is to become a changeable message signs and requesting approval for this change.
- I. Brilliancy and light intensity shall remain the same throughout the display period.

## **20. Texas (tit. 43 TEX. ADMIN. CODE §§ 21.251-21.260)**

### **§21.251**

In this division, "electronic sign" means a sign, display, or device that changes its message or copy by programmable electronic or mechanical processes.

### **§21.252**

The department has determined that the use of an electronic image on a digital display device is not the use of a flashing, intermittent, or moving light for the purposes of any rule, regulation, and standard promulgated by the department or any agreement between the department and the Secretary of the United States Department of Transportation

### **§21.253**

- (a) The department will issue a permit for an electronic sign if the application for the permit:
  - (1) satisfies the requirements of this division and any applicable requirements of Division 1 of this subchapter (relating to Signs); and
  - (2) has attached to it:
    - (A) a certified copy of the permit issued by the municipality that gives permission for the electronic sign; or
    - (B) if the municipality does not issue permits, a certified copy of written permission for the electronic sign from the municipality.
- (b) A permit from the department is required for the erection of an electronic sign even if the requested sign location is within a city certified under §21.200 of this chapter (relating to Local Control).

#### **§21.254**

An electronic sign may not:

- (1) be illuminated by flashing, intermittent, or moving lights;
- (2) contain or display animated, moving video, or scrolling advertising;
- (3) consist of a static image projected on a stationary object; or
- (4) be a mobile sign located on a truck or trailer.

#### **§21.255**

(a) An electronic sign may be located, relocated, or upgraded only along a regulated highway and within:

- (1) the corporate limits of a municipality that allows electronic signs under its sign or zoning ordinance; or
- (2) within the extraterritorial jurisdiction of a municipality described by paragraph (1) of this subsection that under state law has extended its municipal regulation to include that area.

(b) Two electronic signs may be located on the same sign structure if each sign face is visible only from a different direction of travel. An electronic sign may not be located within 1,500 feet of another electronic sign on the same highway if facing the same direction of travel.

#### **§21.256**

A sign may be modified to be an electronic sign if a new permit for the electronic sign is obtained from both the municipality in whose jurisdiction the sign is located and the department, except that lighting may not be added to or used to illuminate a nonconforming sign.

#### **§21.257**

a) Each message on an electronic sign must be displayed for at least eight seconds. A change of message must be accomplished within two seconds and must occur simultaneously on the entire sign face.

(b) An electronic sign must:

- (1) contain a default mechanism that freezes the sign in one position if a malfunction occurs; and
- (2) automatically adjust the intensity of its display according to natural ambient light conditions.

(c) If the department finds that an electronic sign causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the sign, within 12 hours of a request by the department, shall reduce the intensity of the sign to a level acceptable to the department.

#### **§21.258**

The owner of an electronic sign shall coordinate with local authorities to display, when appropriate, emergency information important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages must remain in the advertising rotation according to the protocols of the agency that issues the information.

#### **§21.259**

(a) The owner of an electronic sign shall provide to the department contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly if a malfunction occurs or is able to

accommodate an emergency notification request from a local authority under §21.258 of this division (relating to Emergency Information).

(b) The department will share the contact information with the appropriate local authority that has jurisdiction over the location of the electronic sign.

**§21.260**

The requirements and other provisions of Division 1 of this subchapter (relating to Signs) apply to an electronic sign, except that if this division conflicts with a provision of Division 1 of this subchapter, this division controls.

**21. West Virginia (W. VA. CODE R. § 157-6-7.8)**

CMS may not contain or display flashing, intermittent or moving lights. However, the illumination of an advertising device containing a message center display is not the use of a flashing, intermittent or moving light for the purposes of any rule, regulation, and standard promulgated by the Division of Highways. No message center display may include any illumination that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than eight (8) seconds or that has an interval between messages of two (2) minutes or less. No LED, OLED, illuminated message center display, or similar device may exceed the following brightness limits measured as candelas per square feet at any focal point on any roadway or berm or any vehicular approach to any roadway:

|           | Day | Night |
|-----------|-----|-------|
| Red       | 300 | 100   |
| Green     | 600 | 200   |
| Amber     | 450 | 150   |
| Blue      | 800 | 350   |
| White     | 550 | 50    |
| All color | 650 | 250   |

**22. Wisconsin (WIS. ADMIN. CODE TRANS. § 201.15)**

(1) Purpose. The purpose of this section is to set standards for the use of signs whose messages may be changed by electronic process in accordance with 23 USC 131 (c) (3) and (j), and ss. 84.30 (3) (c) and (4) (b), Stats.

(2) Definitions. In this section:

(a) “Activities conducted on the property on which the signs are located” has the meaning provided in s. Trans 201.19 (2).

(b) “Message” means anything displayed on a sign, including copy, art animations and graphics.

(c) “Multiple message sign” means an outdoor advertising sign, display or device whose messages are on triangular louvered facings and are changed by electronic rotation of the louvers.

(d) “Public service information” means a message on an electronic sign which provides the time, date, temperature, weather, or information concerning civic, charitable or other noncommercial activities.

(e) “Segmented message” means any message or distinct subunit of a message presented by means of at least one display change on a variable message sign.

(f) "Traveling message" means a message which appears to move across a variable message sign.

(g) "Variable message sign" means an outdoor advertising sign, display or device without moving parts whose message may be changed by electronic process through the use of moving or intermittent light or lights.

(3) Variable Message Signs. Signs authorized under s.84.30 (3) (c) and (e), Stats. may consist in whole or in part of a variable message sign subject to all of the following restrictions:

(a) Signs erected under s. 84.30 (3) (c), Stats., may be used only to advertise activities conducted on the property on which the signs are located or to present public service information.

(b) Signs erected under s. 84.30 (3) (e), Stats., may be used only to present public service information.

(c) No message may be displayed for less than one-half of a second.

(d) No message may be repeated at intervals of less than 2 seconds.

(e) No segmented message may last longer than 10 seconds.

(f) No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second.

(g) No variable message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. Signs found to be brighter than necessary for adequate for adequate visibility shall be adjusted by the person owning or controlling the sign in accordance with the instructions of the department.

(4) Multiple Message Signs. Signs authorized under s.84.30 (3) (c) and (e), Stats. may consist in whole or in part of a multiple message sign subject to all of the following restrictions:

(a) The louver rotation time to change a message shall be one second or less.

(b) The time a message remains in a fixed position shall be 6 seconds or more.

(c) During an appeal under s. 84.30(18), Stats., or any other litigation with the department concerning a multiple message sign, the person owning or controlling the sign shall place the louvers in a fixed position and may not rotate them until a final decision has been rendered.

Note: A multiple message sign as defined in s. Trans 201.15 (2) (c) refers to the sign known in the outdoor advertising industry as a tri-vision sign, and a variable message sign defined in s. Trans 201.15 (2)(g) includes the device known in the outdoor advertising industry as a commercial electronic variable message sign.

### **23. Wyoming (tit. 2349 ch. 16 Wyo. CODE R. § 4)**

(a) The message, messages, or copy displayed on a digital billboard:

(i) Shall not be displayed through blinking, intermittent, flashing, or moving lights;

(ii) Shall remain fixed for at least 8 seconds;

(iii) Shall not increase the ambient lighting level by more than 0.3 foot candles when measured by a foot candle meter at:

(A) 150 feet for a digital billboard with a surface area of not more than 242 square feet;

(B) 200 feet for a digital billboard with a surface area greater than 242 square feet but not more than 378 square feet;

(C) 250 feet for a digital billboard with a surface area greater than 378 square feet but not more than 672 square feet; and

(D) 350 feet for a digital billboard with a surface area greater than 672 square feet.

(b) In no case shall a digital billboard increase the ambient lighting level by more than 0.3 foot candles at the property line of a single family dwelling located in a zoned district in which billboards are prohibited.

(c) Each digital billboard shall have a light sensing device to adjust the brightness as ambient light conditions change to conform to the requirements of this section.

(d) Transitions between messages shall be accomplished in 2 seconds or less by employing an immediate, dissolve, or fade method.

### **Changeable Message Signs Allowed/No regulations (State Interpretation of State/Federal Agreement)**

Four states enable changeable message technology through their state interpretation of the Federal/State agreement. (U.S. DOT FHWA Interpretation on Changeable Message Technology, Memorandum, July 17, 1996; Barbara Orski, Director, Office of Real Estate Services and U.S. DOT FHWA Guidance on Off-Premise Changeable Message Signs, Memorandum, September 25, 2007; Gloria Shepherd, Associate Administrator for Planning, Environment, and Realty.

1. Maryland
2. New Hampshire
3. North Dakota
4. Pennsylvania (Penn. DOT Strike Letter)