

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 639
SENATE BILL 769

AN ACT TO EXEMPT OR DEFER THE REMOVAL OF CERTAIN DIRECTIONAL SIGNS, DISPLAYS, AND DEVICES PURSUANT TO SECTION 131 OF TITLE 23 OF THE UNITED STATES CODE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 136 of the General Statutes is hereby amended by adding a new Article thereto to read as follows:

"ARTICLE 11A.

"Exemption and Deferment from Removal of Certain Directional Signs, Displays, and Devices.

§ 136-140.1. Declaration of policy. — Notwithstanding any other provision of law, the State of North Carolina hereby finds and declares that the removal of certain directional signs, displays, and devices, lawfully erected under State law in force at the time of their erection, which do not conform to the requirements of subsection (C) of 23 U.S.C. 131, which provide directional information about goods and services in the interest of the traveling public, and which were in existence on May 6, 1976, may work a substantial economic hardship in certain defined areas, and shall be exempt according to Section 131 United States Code and the rules and regulations promulgated pursuant thereto.

§ 136-140.2. Definitions. — As used in this Article: 'Motorist services directional signs' means signs, displays, and devices giving directional information about goods and services in the interest of the traveling public, including but not limited to:

- (1) places of public lodging;
- (2) places where food is served to the public on a regular basis;
- (3) places where automotive fuel or emergency automotive repair services, including truck stops, are regularly available to the public;
- (4) educational institutions;
- (5) places of religious worship;
- (6) public or private recreation areas, including campgrounds, resorts and attractions, natural wonders, wildlife and water fowl refuges, and nature trails;
- (7) plays, concerts and fairs;
- (8) antiques, gift and souvenir shops;
- (9) agricultural products in a natural state, including vegetables and fruit.

§ 136-140.3. Exemption procedures. — The North Carolina Department of Transportation shall upon receipt of a declaration, petition, resolution, certified copy of an ordinance, or other clear direction from a board of county commissioners, municipality, county, city, provided that such resolution is not in conflict with existing statute or ordinance, that removal of motorist services directional signs would cause an economic hardship in a defined area, shall forward such declaration, resolution, or finding to the Secretary of the North Carolina Department of Transportation for inclusion as a defined hardship area qualifying for exemption pursuant to 23 U.S.C. 131(O). Any such declaration or resolution submitted to the North Carolina Department of Transportation shall further find that such motorist service signs provided directional information about goods and services in the interest of the traveling

public and shall request the retention by the State of said directional motorist services signs as defined herein. The North Carolina Department of Transportation shall thereupon comply with all regulations issued both now and hereafter by the Federal Highway Administration necessary for application for the exemption provided in 23 U.S.C. 131(O), provided such motorist services directional signs were lawfully erected under State law at the time of their erection and were in existence on May 5, 1976. The petitioner seeking exemption of those signs defined in G.S. 136-140.2 shall furnish the information required by the United States Department of Transportation to the North Carolina Department of Transportation and the North Carolina Department of Transportation shall request exemption from the United States Department of Transportation.

"§ 136-140.4. Deferment. — The North Carolina Department of Transportation shall adopt programs to assure that removal of directional signs, displays or devices, providing directional information about goods and services in the interest of the traveling public, not otherwise exempted by economic hardship, be deferred until July 1, 1979."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1977.