

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS15443-MWf-121

Short Title: Outdoor Advertising Revisions. (Public)

Sponsors: Senators Jarvis and Moffitt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE LAWS GOVERNING OUTDOOR ADVERTISING.

3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 136-133 reads as rewritten:

5 "§ 136-133. Permits required.

6 ...

7 (d) The Department shall approve or deny a permit for a new outdoor advertising sign
8 within 30 days of receipt of the completed application and all required fees and documentation.
9 An application shall be deemed complete if it contains all information and supporting documents
10 required by the Department's rules. If the Department fails to provide written notice of its decision
11 within the 30-day period, the application shall be deemed approved, and the Department shall
12 issue the permit.

13 (e) Except as provided in G.S. 136-133.1(i), the Department shall not revoke an outdoor
14 advertising permit for a first-time violation of this Article or rules adopted by the Department in
15 accordance with this Article. For any subsequent violation associated with the same permit, the
16 Department shall not revoke the permit until first providing to the permit holder written notice
17 of the violation and at least 60 days to cure the violation. During the cure period, the Department
18 may pursue any other remedies authorized by this Article or applicable law, including the
19 assessment of civil penalties or required corrective actions. This subsection does not limit the
20 Department's authority to address immediate threats to public safety or fraud in the application
21 process."

22 SECTION 2. G.S. 136-138 reads as rewritten:

23 "§ 136-138. Agreements with United States ~~authorized~~ authorized; limitations on
24 delegation.

25 The Department of Transportation is authorized to enter into agreements with other
26 governmental authorities relating to the control of outdoor advertising in areas adjacent to the
27 interstate and primary highway systems, including the establishment of information centers and
28 safety rest areas, and to take action in the name of the State to comply with the terms of the
29 agreements. Any amendment to or modification of the agreement dated January 7, 1972, between
30 the State and the United States Department of Transportation implementing the federal Highway
31 Beautification Act of 1965 shall require prior approval of the General Assembly by joint
32 resolution to be effective. Notwithstanding any provision of law to the contrary, the Department
33 shall not delegate or transfer permitting, enforcement, or other core regulatory authority under
34 this Article to any county, municipality, or other political subdivision of the State. This
35 subsection shall not prohibit the Department from cooperating with local governments or
36 enforcing local ordinances that are consistent with this Article."



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1 SECTION 3. G.S. 136-133.1 reads as rewritten:

2 "**§ 136-133.1. Outdoor advertising vegetation cutting or removal.**

3 ~~(a) The owner of an outdoor advertising sign permitted under G.S. 136-129(4) or~~
4 ~~G.S. 136-129(5) who obtains a selective vegetation removal permit, and the owner's designees,~~
5 ~~may cut, thin, prune, or remove vegetation in accordance with this section, G.S. 136-93(b),~~
6 ~~136-133.2, and 136-133.4. The maximum cut or removal zone for vegetation for each sign face~~
7 ~~shall be determined as follows:~~

8 ~~(1) The point located on the edge of the right-of-way that is the closest point to~~
9 ~~the centerline of the sign face shall be point A. The point on the edge of the~~
10 ~~pavement of the travel way, including acceleration and deceleration ramps,~~
11 ~~that is the closest to the centerline of the sign face shall be point B. The point~~
12 ~~located on the edge of the pavement of the main traveled way, corresponding~~
13 ~~to the applicable distance under sub-subdivision a. or b. of this subdivision~~
14 ~~moving in the direction of the sign viewing zone from point B, shall be point~~
15 ~~C. The point perpendicular to point C on the edge of the right-of-way shall be~~
16 ~~point D. Lines drawn from point A, to point B, to point C, and to point D shall~~
17 ~~define the maximum cut or removal zone [Point C is distanced as follows:].~~

18 ~~a. For a distance of 500 feet for a view zone that has a posted speed limit~~
19 ~~of over 35 miles per hour.~~

20 ~~b. For a distance of 350 feet for a view zone that has a posted speed limit~~
21 ~~of 35 miles per hour or less.~~

22 ~~(2) Notwithstanding subdivision (1) of this subsection, the sign owner or designee~~
23 ~~may also cut vegetation within any area on the State right-of-way located~~
24 ~~between viewing zones of two sign faces on the same structure, or otherwise~~
25 ~~within any area measured perpendicular from any point on the sign structure~~
26 ~~to the edge of the pavement of the main traveled way, by paying a fee of one~~
27 ~~hundred fifty dollars (\$150.00) per caliper inch to the Department of~~
28 ~~Transportation.~~

29 ~~(3) Repealed by Session Laws 2024-15, s. 17(a), effective July 1, 2024.~~

30 ~~(4) Repealed by Session Laws 2024-15, s. 17(a), effective July 1, 2024.~~

31 ~~(5) Repealed by Session Laws 2024-15, s. 17(a), effective July 1, 2024.~~

32 ~~(6) Repealed by Session Laws 2024-15, s. 17(a), effective July 1, 2024.~~

33 (a) The owner of an outdoor advertising sign permitted under G.S. 136-129(4) or
34 G.S. 136-129(5) may obtain an annual vegetation maintenance permit from the Department of
35 Transportation upon payment of a fee of four hundred dollars (\$400.00).

36 (a1) Notwithstanding any law to the contrary, in order to promote the outdoor advertiser's
37 right to be clearly viewed as set forth in G.S. 136-127, the Department of Transportation, at the
38 request of a selective vegetation removal permittee, may approve plans for the cutting, thinning,
39 pruning, or removal of vegetation outside of the cut or removal zone defined in subsection (a) of
40 this section along acceleration or deceleration ramps so long as the view to the outdoor
41 advertising sign will be improved and the total aggregate area of cutting or removal does not
42 exceed the maximum allowed in subsection (a) of this section.

43 ~~(b) Vegetation permitted to be cut, thinned, pruned, or removed shall be defined as any~~
44 ~~tree, shrub, or underbrush within the zone created by subsection (a) of this section. Any existing~~
45 ~~tree that was in existence at the time that an outdoor advertising structure was erected shall only~~
46 ~~be eligible for removal in accordance with subsections (c), (d), and (e) of this section. Native~~
47 ~~dogwoods shall be preserved. For the purposes of this section, an existing tree is defined as a tree~~
48 ~~that had a diameter of four inches or greater as measured six inches from the ground at the time~~
49 ~~that the outdoor advertising structure was erected. An outdoor advertising sign is considered~~
50 ~~erected when the sign is completely constructed with a sign face.~~

1 (b) Upon issuance of the annual vegetation maintenance permit, the owner and the
2 owner's designees may, at any time during the permit year, cut, thin, prune, remove, or
3 maintain any tree, shrub, or underbrush within the maximum cut or removal zone for each sign
4 face as defined in subsection (b) of this section.

5 ~~(c) The applicant for a selective vegetation removal permit shall submit to the~~
6 ~~Department a site plan locating thereon any trees existing at the time that the outdoor advertising~~
7 ~~sign was erected, as defined in subsection (b) of this section, that are requested to be cut, thinned,~~
8 ~~pruned, or removed, and noting their species and total caliper inches. The applicant shall also~~
9 ~~tag, with highly visible material or flagging, any tree that is, at the time of the application for a~~
10 ~~selective vegetation removal permit, greater than four inches in diameter as measured six inches~~
11 ~~from the ground and requested to be cut, thinned, pruned, or removed. The selective vegetation~~
12 ~~removal request may be investigated on-site by Department personnel and a representative of the~~
13 ~~applicant. In the event that the Department disputes the accuracy of the existing tree information~~
14 ~~on the site plan noted above, the Department shall notify the applicant in writing and may request~~
15 ~~the following:~~

16 ~~(1) A tree survey.~~

17 ~~(2) That the applicant amends the site plan.~~

18 ~~(3) That the applicant deletes the trees in dispute from the desired cutting.~~

19 ~~If a notice of disputed tree information is received from the Department, the applicant can~~
20 ~~either employ the services of a North Carolina licensed landscape architect or certified arborist~~
21 ~~to perform a tree survey, amend the site plan, or notify the Department in writing that any or all~~
22 ~~of the disputed trees are deleted from the application. If the applicant selects a tree survey, the~~
23 ~~landscape architect or certified arborist will submit a report under seal that contains a tree~~
24 ~~inventory of existing trees in the removal zone for the outdoor advertising structure and include~~
25 ~~the age of any tree that existed at the time that the sign was erected. The report will categorize~~
26 ~~tree species and include a site map of sufficient detail and dimensions. A tree survey will not be~~
27 ~~required for subsequent applications to cut, thin, prune, or remove trees at the same site for trees~~
28 ~~that have been previously permitted. Any dispute relating to whether or not the tree existed at the~~
29 ~~time the outdoor advertising sign was erected shall be conclusively resolved by information in~~
30 ~~the report from the licensed landscape architect or certified arborist.~~

31 (c) Native dogwoods shall be preserved. No person shall cut or remove any native
32 dogwood under this section. All other vegetation within the authorized zone may be cut, thinned,
33 pruned, removed, or maintained without further application, site plan, tree survey, or additional
34 fees.

35 ~~(d) Except as provided in subsection (e) of this section, trees existing at the time the~~
36 ~~outdoor advertising sign was erected may only be removed within the zone created in subsection~~
37 ~~(a) of this section if the applicant satisfies one of the following two options selected by the~~
38 ~~applicant: (i) reimbursement to the Department pursuant to G.S. 136-93.2 or (ii) trees that existed~~
39 ~~at the time of the erection of the sign may be removed if the applicant agrees to remove two~~
40 ~~nonconforming outdoor advertising signs for each sign at which removal of existing trees is~~
41 ~~requested. The surrendered nonconforming signs must be fully disassembled before any removal~~
42 ~~of existing trees is permitted and shall not be eligible for future outdoor advertising permits in~~
43 ~~perpetuity.~~

44 (d) The annual vegetation maintenance permit shall be valid for one year from the date
45 of issuance and may be renewed annually upon payment of the five-hundred-dollar (\$500.00)
46 fee.

47 ~~(e) Removal of trees and vegetation of any age, including complete removal, except for~~
48 ~~native dogwoods, shall be permitted within the cut or removal zone established in subsection (a)~~
49 ~~of this section if the applicant for the selective vegetation removal permit, in lieu of compliance~~
50 ~~with subsection (d) of this section, agrees to submit to the Department a plan for beautification~~
51 ~~and replanting related to the site for which the vegetation permit request is made. The Department~~

1 shall develop rules for compensatory replanting, including the criteria for determining which
2 sites qualify for replanting, and shall, in consultation with the applicant and local government
3 representatives, determine which sites must be replanted, and the types of plants and trees to be
4 replanted, in accordance with G.S. 136-18(9). The replanting and maintenance shall be
5 conducted by the applicant or his or her agents in accordance with the rules adopted by the
6 Department. If the conditions detailed in this subsection are agreed to by the applicant and
7 approved by the Department, there shall be no reimbursement to the Department under
8 G.S. 136-93.2 for removal of trees that existed at the time the outdoor sign was erected, nor shall
9 the applicant be required to remove two nonconforming outdoor advertising signs for removal of
10 existing trees at the site.

11 (e) This section shall constitute the sole and exclusive authority for vegetation cutting or
12 removal associated with outdoor advertising signs. All prior requirements for selective vegetation
13 removal permits, caliper-inch fees, replanting plans, and related processes are repealed and
14 replaced by the annual permit process established herein.

15 (f) Tree branches within a highway right-of-way that encroach into the zone created by
16 subsection (a) of this section may be cut or pruned. Except as provided in subsection (g) of this
17 section, no person, firm, or entity shall cut, trim, prune, or remove or otherwise cause to be cut,
18 trimmed, pruned, or removed vegetation that is in front of, or adjacent to, outdoor advertising
19 and within the limits of the highway right-of-way for the purpose of enhancing the visibility of
20 outdoor advertising unless permitted to do so by the Department in accordance with this section,
21 G.S. 136-93(b), 136-133.2, and 136-133.4.

22 (f) Notwithstanding any other provision of this section, the owner of an outdoor
23 advertising sign permitted under G.S. 136-129(4) or G.S. 136-129(5), or the owner's designees,
24 may apply herbicides from the private property side along the fence line for the purpose of
25 controlling vegetation encroachment. For purposes of this subsection, "fence line" means the
26 boundary line between the private property on which the outdoor advertising sign is located and
27 the adjacent State highway right-of-way. The owner or designee shall utilize only applicators
28 licensed by the North Carolina Department of Agriculture and Consumer Services and shall
29 comply with all federal and State pesticide laws and rules. Application shall not exceed five feet
30 into the right-of-way and shall not be applied to native dogwoods or any tree with a diameter of
31 four inches or greater measured six inches from the ground.

32 (g) Notwithstanding any law to the contrary, the owner of an outdoor advertising sign
33 defined by subsection (a) of this section or the owner's designees may, working only from the
34 private property side of the fence, without charge and without obtaining a selective vegetation
35 removal permit, cut, trim, prune, or remove any tree or other vegetation except for native
36 dogwoods that is (i) less than four inches in diameter at the height of the controlled access fence,
37 (ii) located within 300 feet on either side of the existing sign location, and (iii) a distance of three
38 feet from a controlled access fence within the limits of the highway right-of-way. The activities
39 permitted by this subsection must be performed from the private property owner side of the
40 controlled access fence and with the consent of the owner of the land that is used to access said
41 fence.

42 (h) No additional funds from the Highway Trust Fund shall be used for the purpose of
43 vegetation replacement under the provisions of this section.

44 (i) The Department may revoke an outdoor advertising permit for the unlawful
45 destruction or illegal cutting of vegetation within the right-of-way of any State-owned or
46 State-maintained highway only if both of the following conditions are met:

47 (1) The unlawful destruction or illegal cutting occurred within 500 feet of either
48 side of the corresponding sign location measured along the edge of pavement
49 of the main travel way of the nearest controlled route and was willfully caused
50 by one or more of the following:

51 a. The sign owner.

- b. The permit holder.
 - c. The lessee or advertiser employing the sign.
 - d. Any employees, agents, or assigns of persons listed in sub-subdivisions a. through c. of this subdivision, including, but not limited to, independent contractors hired by any of the above persons, or the owner of the property upon which the sign is located, if expressly authorized by the above persons to use or maintain the sign.
- (2) There is substantial, material evidence that the unlawful destruction or illegal cutting of vegetation would create, increase, or improve a view to the outdoor advertising sign for passing motorists from the main travel way of the nearest controlled route."

SECTION 4. G.S. 136-133.2 reads as rewritten:

"§ 136-133.2. Issuance or denial of a selective vegetation removal permit.

~~(a) Except as provided in subsection (b) of this section and G.S. 136-133.1(g), permits to remove vegetation may be granted for outdoor advertising locations that have been permitted for at least two years prior to the date of application. The Department shall approve or deny an application submitted pursuant to this section, including the fee required by G.S. 136-18.7 and all required documentation, within 30 days of the receipt of an application for a selective vegetation removal permit. If written notice of approval or denial is not given to the applicant within the 30-day period, then the application shall be deemed approved. If the application is denied, the Department shall advise the applicant, in writing, by registered or certified mail, return receipt requested, addressed to the party to be noticed, and delivering to the addressee, the reasons for the denial.~~

(a) The Department shall approve or deny an application for an annual vegetation maintenance permit, including the required four hundred dollars (\$400.00) fee, within 30 days of receipt of the application. If the Department fails to provide written notice of its decision within the 30-day period, the application shall be deemed approved and the permit shall be issued.

~~(b) Notwithstanding the two-year period required in subsection (a) of this section, permits to remove vegetation may be granted for outdoor advertising locations where outdoor advertising has been relocated pursuant to G.S. 136-131.5 and that otherwise comply with the requirements of this section and rules adopted by the Department in accordance with this section.~~

(b) The Department may deny an application only for failure to pay the required fee or for failure to hold a valid outdoor advertising permit under G.S. 136-129(4) or G.S. 136-129(5).

(c) A new site for relocation shall not be denied by the Department of Transportation due to the presence of vegetation obstructing the visibility of the outdoor advertising from the viewing zone. Notwithstanding any law to the contrary, the owner or operator of the outdoor advertising sign shall be permitted to improve the visibility of the sign by removing any vegetation on private property upon receiving written consent of the landowner."

SECTION 5. This act is effective when it becomes law.