



SPONSOR: Rep. Spence & Sen. McBride

HOUSE OF REPRESENTATIVES

143rd GENERAL ASSEMBLY

HOUSE BILL NO. 499

AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO REGULATION OF OUTDOOR ADVERTISING.

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

1           Section 1. Amend § 1110, Chapter 11, Title 17 of the Delaware Code by striking subsection (3) in its entirety and  
2 replacing it with the following:

3       “(3)    Lighting. - Signs may be illuminated, subject to the following restrictions:

- 4           a.       Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights are  
5                   prohibited, except those giving public service information such as time, date, temperature, weather or  
6                   similar information, or as defined in subsections (e) below.
- 7           b.       Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any  
8                   portion of the traveled ways of the interstate or federal-aid primary highway and which are of such  
9                   intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which  
10                  otherwise interfere with any driver’s operation of a motor vehicle are prohibited.
- 11          c.       No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic  
12                   sign, device or signal.
- 13          d.       All lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all  
14                   highways under the jurisdiction of the State.
- 15          e.       Notwithstanding the provisions of subsections (a) through (d) of this subsection, signs commonly known  
16                   as variable message signs may be changed at intervals by electronic or mechanical process and or remote  
17                   control and shall be permitted within 660 feet of the edge of the right of way of any Interstate, federal-  
18                   aid primary highway (as of June 1, 1991), National Highway System roads and other state controlled

19 highways. Such signs shall be allowed except as prohibited by local ordinance or zoning regulation and  
20 are not considered to be in violation of flashing, intermittent or moving lights criteria provided that:

- 21 1. Each message shall remain fixed for a minimum of at least eight (8) seconds.
- 22 2. When the message is changed, it shall be accomplished in one (1) second or less with all moving  
23 parts or illumination changing simultaneously and in unison.
- 24 3. Variable message signs shall not be placed within 500 feet of another variable message sign  
25 regulated by this section along the same roadway traveling in the same direction of traffic.
- 26 4. Variable message signs shall contain a default design that will freeze the sign in one position if a  
27 malfunction occurs or in the alternative shut down.
- 28 5. The variable message sign does not display any message that moves, appears to move, scrolls or  
29 changes in intensity during the fixed display period. Such signs will appropriately adjust display  
30 brightness as ambient light levels change.”.

#### SYNOPSIS

This Bill allows Delaware to join 42 states that use digital outdoor advertising technology. This technology is merely a change of copy via computer instead of by manual means. Digital signs contain static messages only which do not scroll, flash or feature motion pictures or emit intermittent light. This innovation benefits Delaware's economy by fostering enhanced communications with the public by allowing multiple advertisers to communicate from one premier location as well as speed delivery of emergency information about public safety or Amber Alerts.