

Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

Blanca Rubio, Chair

AB 2099 (Mark González) – As Introduced February 18, 2026

SUBJECT: Advertising displays: customary maintenance.

SUMMARY: The Outdoor Advertising Act (OAA) regulates placement of advertising displays adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal-aid highways. This bill would authorize, as part of “customary maintenance”, an activity performed for the purpose of maintaining an advertising display in its existing physical configuration, including, but not limited to, replacing structural members, as defined, and using stronger materials, without increasing the number of posts.

Specifically, this bill:

1) Defines “Customary maintenance” to mean an activity performed on a display for the purpose of maintaining the display in its existing physical configuration, including, but not limited to, replacing structural members, such as posts and internal bracing, and using stronger materials, without increasing the number of posts.

EXISTING LAW:

1) Provides, under the OAA, for the regulation by the Department of Transportation (Caltrans) of an advertising display (i.e., billboards), as defined, within view of public highways. The Act regulates the placement of an off-premises advertising display along highways that generally advertises business conducted or services rendered or goods produced or sold at a location other than the property where the display is located.

2) The OAA regulates the placement of advertising displays adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal-aid highways.

3) Provides no advertising display which was lawfully erected anywhere within this state shall be compelled to be removed, nor shall its customary maintenance or use be limited, whether or not the removal or limitation is pursuant to or because of this chapter or any other law, ordinance, or regulation of any governmental entity, without payment of compensation, as defined in the Eminent Domain Law. The compensation shall be paid to the owner or owners of the advertising display and the owner or owners of the land upon which the display is located. This section applies to all displays which were lawfully erected in compliance with state laws and local ordinances in effect when the displays were erected if the displays were in existence on November 6, 1978, or lawfully erected after November 6, 1978, regardless of whether the displays have become nonconforming or have been provided an amortization period. (Business and Professions Code § 5412)

4) The OAA generally prohibits placing or maintaining advertising displays on Department of Transportation-owned property adjacent to landscaped freeways if the advertising display is designed to be viewed primarily by persons traveling on the landscaped freeway, but exempts (1) a county that designates where advertising displays may be placed or prohibited as part of a county land use or zoning ordinance and (2) a relocated advertising display that is converted to a

message center pursuant to a relocation agreement. Requires Caltrans to issue a permit, without any additional consideration, for any display that is being placed pursuant to a relocation agreement with another governmental entity if the relocated display is allowed for under the OAA, as defined.

5) Provides the governing body of any city, county, or city and county may enact ordinances, including, but not limited to, land use or zoning ordinances, imposing restrictions on advertising displays adjacent to any street, road, or highway equal to or greater than those imposed by this chapter, as specified. No city, county, or city and county may allow an advertising display to be placed or maintained in violation of this chapter. (Business and Professions Code § 5230)

6) States that it is a policy of this state to encourage local entities and display owners to enter into relocation agreements that allow local entities to continue development in a planned manner without expenditure of public funds while allowing continued maintenance of private investment and a medium of public communication.

7) Defines “relocation” for these purposes to include removal of an advertising display and construction of a new display to substitute for the display removed.

8) Grants Caltrans the ability to allow any lawfully erected display to be increased in height at its permitted location, provided the height increase or conversion would not cause a reduction in federal aid highway funds or an increase in the number of displays within the state which does not conform to OAA.

FISCAL EFFECT: This bill is keyed fiscal by Legislative Counsel.

COMMENTS:

Purpose of the bill. According to the author’s office, “This bill ensures that structural bracing and the replacement of components are considered part of customary maintenance. This is also essential for public safety, as proper bracing protects against environmental hazards such as high winds. AB 2099 explicitly states that maintenance activities must not increase the advertising copy area dimensions and should keep or reduce the number of structural posts, aligning with existing federal and state regulations.”

Background.

A combination of state and federal requirements governs the placement and operation of all outdoor advertising in California. Caltrans enforces the Outdoor Advertising Act (OAA), within the Business and Professions Code, which regulates commercial advertising displays visible from the National Highway System (NHS) and within 660 feet outside of the highway right-of-way, and issues permits for placing off-premises commercial advertising display. The OAA, with some exceptions, specifically prohibits the placement of any advertising display on property adjacent to a section of landscaped freeway. The federal Outdoor Advertising Control program is governed by the Highway Beautification Act (HBA) of 1965. This Act aims to establish an effective control of outdoor advertising signs, devices, and displays located in close proximity to the National Interstate System. The HBA includes similar restrictions as the OAA, including maximum sign size, sign spacing, location, illumination, and content. If the state fails to properly administer the federal program, the state is subject to a sanction that would reduce its federal highway funding allocations by 10%.

State law generally does not apply to “on premise” advertising displays, including those that advertise the sale, lease, or exchange of property upon which it is placed and those that advertise the business conducted, services rendered, or the goods produced or sold on the property. Apart from certain safety requirements in state law, the regulation of “on-premise” displays is a local matter.

All companies or individuals applying for a permit must first acquire an outdoor advertising license. An outdoor advertising license is similar to a driver's license ID number that is specific to an individual. An outdoor advertising permit would be the vehicle registration and needed for each vehicle(s). Both are subject to renewal and can be sold or transferred to another party but does not affect the driver's license ID.

A property owner's consent is necessary for a display to be permitted, and such permits will only be valid for the duration of having the property owner's consent. If a property owner withdraws consent or a consent agreement expires, and the two parties are unable to reach a mutually agreeable extension or new terms, the display owner is obligated to remove the display.

Caltrans will accept either a building permit or an action of a local agency when applying for a permit. If neither can be provided, Caltrans must deny the application.

The OAA establishes standards for advertising structures, including requirements related to size, identification, and location, and mandates compliance with permit application procedures and conditions administered by Caltrans. For an application to install an outdoor advertising display adjacent to an Interstate or primary highway to be eligible for permit consideration, it must meet the criteria set forth in the OAA and the regulations adopted by Caltrans, as defined.

Current law (BPC § 5412) prohibits a governmental entity from compelling the removal of a lawfully erected advertising display within the state, or limiting its customary maintenance or use, without payment of compensation, as defined in the Eminent Domain Law, to the owner or owners of the display and the land upon which the display is located. This prohibition does not apply to an advertising display relocated by mutual agreement between the display owner and a local entity.

Customary maintenance of billboards. Display owners are required to maintain permitted displays in an operable and safe condition. Customary maintenance, as outlined in California Code of Regulations (CCR) Section 2270 (adopted in 1976), refers to any action taken on a permitted display to actively preserve it, in its approved physical configuration and size dimensions, for the duration of its normal life. Under customary maintenance, a permittee is allowed to change the advertising message, add an extension (related to the advertising copy) to the outside dimension of the display for a period of up to three years, and add a light box as defined in CCR 2242.

Certain activities are prohibited under customary maintenance, as they are considered to be the placement of a new display. Prohibited activities include: 1) Raising the height of the display; 2) Relocating all or part of the display; 3) Adding a backup facing to a single-faced display; 4) Changing the direction of a display facing; 5) Increasing the dimensions of a display facing (except for temporary extensions); 6) Adding illumination or a changeable message (except for

light boxes). It should be noted that the above-mentioned changes require a new permit application and are subject to current regulations under the OAA.

In December 2024, Caltrans disseminated a newsletter (bulletin) to industry stakeholders discussing various ODA laws and regulations, including an overview of CCR Section 2270 (Customary Maintenance). The newsletter stated that activities such as “upgrading materials” (e.g., changing wood with metal) and “adding bracing or additional supports that are not part of the originally approved configuration” are not classified as “Customary Maintenance.” However, this guidance has caused confusion within the industry, as neither of these activities are explicitly prohibited under CCR Section 2270 in its current wording.

This measure defines "customary maintenance" in statute to generally include activities not classified as customary maintenance under the December 2024 Caltrans guidance. Specifically, customary maintenance activity includes, but is not limited to, replacing structural posts and internal bracing, and using stronger materials while keeping or reducing the number of posts.

Federal Highway Beautification Act of 1965. The HBA was created to protect the public investment, promote the safety and recreational value of public travel, and to preserve the natural beauty of highways in the nation. The HBA specifies that states have the responsibility to enforce provisions regarding the placement and maintenance of outdoor advertising signs, displays and devices along the Interstate and National Highway System. The state of California enforces the provisions of federal law through a compact that was developed between the state and the federal government in 1967. Federal law also includes a penalty for states that violate HBA by reducing all federal highway transportation funds by a designated percentage.

As previously mentioned, if the state fails to properly administer the federal program, the state is subject to a sanction that would reduce its federal highway funding allocations by 10%.

In support. California State Outdoor Advertising Association writes in support, this bill will establish a clear statutory definition of "customary maintenance" for legally placed outdoor advertising displays. “This important bill will provide much-needed clarity for both regulatory agencies and the outdoor advertising industry by formally defining what constitutes acceptable maintenance activities. Currently, the term "customary maintenance" lacks a statutory definition within the OAA, leading to inconsistent interpretations and potential regulatory uncertainty. This bill ensures that essential maintenance activities—such as the addition of structural bracing and the replacement of critical materials—are explicitly recognized and permitted. These maintenance actions are vital to the safety of outdoor advertising displays, particularly in protecting structures from environmental hazards such as high winds and other adverse weather conditions. This also will ensure the safety of laborers servicing the signs and posting ads. AB 2099 ensures that existing displays can be properly maintained without ambiguity, enhancing both regulatory consistency and public safety. The bill aligns with federal regulations (23 CFR 750.707(d)(5)) that allow states to define their own customary maintenance criteria.”

In opposition. Scenic America writes, “In short, AB 2099 would allow billboard companies to substantially rebuild aging structures under the label of “maintenance,” while shifting new legal and financial risks onto California’s cities and counties, thus discouraging enforcement of local standards that protect community character, scenic views, and environmental quality. This bill would allow billboard companies to carry out extensive reconstruction while retaining existing permits and legal protections.”

The Humboldt County Board of Supervisors writes, “this bill would dramatically expand the definition of “customary maintenance” under the OAA in ways that would strip local governments of meaningful regulatory authority over billboard structures, expose counties and cities to substantial unfunded financial liability, and eliminate critical safeguards for public safety and environmental review. Local governments currently lack authority to require CEQA review or building permits for activities that qualify as customary maintenance. By expanding the definition to encompass structural work, this bill would allow replacing or supplementing load-bearing billboard supports without building permits, engineering review, or any public permit record.”

Related legislation. AB 2024 (Nguyen) of 2026. This bill would make several changes and clarifications to the OAA, including provisions related to Caltrans’ acceptance of permit applications, the designation of landscape freeways, and the authority for governmental entities to enter into relocation agreements. (Assembly Committee on Governmental Organization)

AB 2717 (Caloza) of 2026. This bill would extend the authorization date in accordance with, a local ordinance or other discretionary approval, as specified, for advertising displays for designated professional sports arenas with a capacity of 15,000 or more seats to January 1, 2032. The exemption would be limited to arenas fully constructed or under construction before January 1, 2027, and would require that the display be in accordance with a local ordinance or other discretionary approval, as specified. (Assembly Committee on Governmental Organization)

SB 1228 (Rubio) of 2026. This bill would exempt certain advertising displays developed within the boundary limits of, and as part of, an individual redevelopment agency project from the prohibition on placing or maintaining an advertising display on property adjacent to a portion of a freeway that has landscaping or trees, a city, county, or city and county’s land use or zoning ordinance, and a local governmental entity’s relocation agreement, as those are described above. (Senate Committee on Rules)

Prior legislation. AB 770 (M. González), Chapter 707, Statutes of 2025. Authorized an ordinance adopted by the City of Los Angeles pertaining to outdoor advertising displays to provide a framework of allowable signage placement, sizing, and sequencing, as specified that is also consistent with provisions of existing outdoor advertising exemptions for Los Angeles. The bill also authorized the city to adopt implementing ordinances that sequence or phase the authorization of advertising displays over time, as specified.

SB 364 (Strickland), Chapter 313, Statutes of 2025. Made changes to the Caltrans review process when considering a permit application for a new outdoor advertising display along a freeway or highway, as specified.

SB 783 (S. Rubio) of 2025. This bill would have allowed certain off-premises advertising displays within a redevelopment agency (RDA) project to continue to be considered an on-premises display for an additional three years, until January 1, 2029. (Vetoed by the Governor)

SB 1488 (Durazo), Chapter 897, Statutes of 2024. Reduced the minimum duration (one year to 120 days) of a sponsorship marketing plan for outdoor advertising displays at stadiums and arenas, and require Caltrans to include among its priorities support for the placement of advertising displays at arenas when renegotiating an agreement with the FHWA, as specified.

AB 1175 (Quirk-Silva), Chapter 361 of 2023. Extended until January 1, 2026, the period of time during which an advertising display that was in operation as of December 31, 2022, and located within the boundaries of a former redevelopment agency (RDA) project may continue to be remain, under provisions that permit such signs to be treated as an on-premises display, as specified. Under current law the advertising display could remain only until January 1, 2023.

AB 1415 (Santiago), Chapter 689 of 2023. Exempted from the OAA displays erected in specified areas of Los Angeles pursuant to specified conditions, including preapproval by Caltrans.

AB 1673 (Pacheco), Chapter 590, Statutes of 2023. Clarified the definition of the terms "relocation," "relocated display," and all related variants of the terms. It also explicitly allows the conversion of an advertising display to a message center (e.g. an advertising display which allows changeable ads rather than a static display).

SB 1309 (Durazo) of 2022. This bill would have extended the authorization date for advertising displays for designated professional sports arenas with a capacity of 15,000 or more seats to January 1, 2028. The exemption would be limited to arenas constructed or under construction before January 1, 2023, and would require that the display be in accordance with a local ordinance or other discretionary approval, as specified. (Vetoed by Governor Newsom)

AB 3168 (Rubio), Chapter 926 of 2018. Revised the OAA to facilitate the relocation and conversion of advertising displays adjacent to freeways. Specifically, the bill narrowed the definition of landscaped freeway and allow displays to be relocated, increased in height, or converted to a message center, if there is not a net increase in the number of displays statewide or a reduction of federal highway funds.

AB 700 (Jones-Sawyer), Chapter 337 of 2017. Extended the deadline by an additional two years (January 1, 2019, to January 1, 2021) for a sports arena advertising display to be authorized by local ordinance in order to qualify for an OAA exemption.

SB 1199 (Hall), Chapter 869 of 2016. Authorized two existing advertising displays along Interstate 405 in the City of Inglewood to be considered on-premise displays, until January 1, 2023, and therefore exempt from the OAA. This authorization is valid as long as it does not cause a reduction of federal transportation funds.

AB 1373 (Santiago), Chapter 853 of 2016. Provided an exemption from regulations of the OAA for signs allowed by a City of Los Angeles ordinance in relation to the number and location of billboards in an area bounded by West 8th Street on the northeast, South Figueroa Street on the southeast, Interstate 10 on the southwest, and State Route 110 on the northwest, and a small, adjacent parcel if certain conditions are satisfied.

SB 684 (Hill), Chapter 544, Statutes of 2013. Provided that an advertising display advertising businesses and activities within the boundary limits of, and as a part of, an individual redevelopment agency project, as the project boundaries existed on December 29, 2011, may remain and be considered an on-premises display, until January 1, 2023, if the advertising display meets specified criteria. This bill would authorize, on and after January 1, 2022, the applicable city, county, or city and county to request from Caltrans an extension for good cause, as specified, beyond January 1, 2023, not to exceed the expiration of the redevelopment project area.

SB 694 (Correa), Chapter 545, Statutes of 2013. Exempted, from the OAA, advertising displays at a publicly owned multimodal transit facility (MTF) that is to serve as a station for the high-speed train system, as specified, and requires revenues from the advertising display to be used to support the construction, operation, and maintenance of the MTF.

SB 31 (Padilla), Chapter 542 of 2013. Established the current authorization that allows arenas to display advertising for products, goods, or services sold on premises as well as part of a sponsorship marketing plan if the arena is on public land and has a capacity of 15,000 or more seats. The bill established the 2019 deadline for these arenas to qualify for the OAA exemption by obtaining local authorization.

AB 2756 (Blumenfield), Chapter 615, Statutes of 2010. Defined "mobile billboard advertising display" and allows a local authority to regulate these displays.

SB 2339 (Solorio), Chapter 493 of 2008. Exempted from the OAA displays advertising any products, goods, or services sold by persons on the premise of a publicly owned sports arena located on public land if the arena had a capacity of 5,000 seats and had an advertising display in existence before January 1, 2009.

AB 762 (Núñez), Chapter 725, Statutes of 2003. Created an exemption to the OAA by allowing the National Latino Arts Council to place an advertisement on the roof of a not-for-profit educational academy.

SB 190 (Perata), Chapter 54, Statutes of 2001. Exempted from the OAA the prohibition against placing advertising displays adjacent to landscaped freeways, up to five advertising structures or signs (billboards) used to support the Oakland-Alameda County Coliseum Complex.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Outdoor Advertising Association

Opposition

County of Humboldt

County of San Luis Obispo

Environmental Protection Information Center

Humboldt Bay Harbor, Recreation and Conservation District

Scenic America

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