

ASSEMBLY, No. 1259

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman RUSSO

1 AN ACT concerning roadside signs and outdoor advertising for  
2 tobacco products in certain locations and amending P.L.1991,  
3 c.413.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

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8 1. Section 5 of P.L.1991, c.413 (C.27:5-9) is amended to read as  
9 follows:

10 5. Signs permitted by this act shall be by permit from the  
11 commissioner pursuant to conditions consistent with the regulations  
12 of the commissioner, and the following:

13 a. A sign may not attempt or appear to attempt to direct the  
14 movement of traffic or interfere with, imitate, or resemble any official  
15 traffic sign, signal or device, or include or utilize flashing, intermittent  
16 or moving lights, or utilize lighting equipment or reflectorized  
17 materials which emit or reflect colors, including, but not limited to,  
18 red, amber or green, except as may be authorized by the commissioner  
19 or by agreement between the commissioner and the Secretary of  
20 Transportation of the United States.

21 b. A sign may not interfere or be likely to interfere with the ability  
22 of the operator of a motor vehicle to have a clear and unobstructed  
23 view of the highway ahead or of official signs, signals or traffic control  
24 devices.

25 c. Illumination of a sign shall be effectively shielded so as to  
26 prevent light from being directed at any portion of the main-traveled  
27 way of the highway, or, if not so shielded, be of a sufficiently low  
28 intensity or brilliance as not to cause glare or impair the vision of  
29 persons operating motor vehicles on that highway, or otherwise impair  
30 the operation of a motor vehicle.

31 d. Signs shall be maintained in a safe condition with due regard for  
32 conditions of climate, weather and terrain, and as a condition of

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

Matter underlined thus is new matter.

1 continued use or permit renewal, unsafe signs shall be remediated by  
2 maintenance or repair.

3 e. A sign may not be of a type, size, or character so as to endanger  
4 or injure public safety, health or welfare, or be injurious to property in  
5 the vicinity thereof.

6 f. A sign may not be painted, drawn, erected or maintained upon  
7 trees, rocks, other natural features or public utility poles.

8 g. Signs for which a permit has been issued shall display in a  
9 conspicuous position on the sign or its supporting structure, the name  
10 of the person holding the permit.

11 h. A sign or other object shall not in any way simulate any official,  
12 directional, traffic control or warning signs erected or maintained by  
13 any governmental agency.

14 i. A sign advertising any tobacco product including, but not limited  
15 to, cigarettes, loose tobacco, cigars, snuff or chewing tobacco shall  
16 not be located within 1,000 feet of any school property used for school  
17 purposes which is owned by or leased to any elementary or secondary  
18 school or school board. The boundaries of the 1,000 foot perimeter  
19 shall be determined pursuant to the provisions of N.J.S.2C:35-7.

20 (cf: P.L.1991, c.413, s.5)

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22 2. Section 21 of P.L.1991, c.413 (C.27:5-25) is amended to read  
23 as follows:

24 21. [A] Except for the provisions of subsection i. of section 5 of  
25 this act (C.27:5-9i), a sign erected and maintained with a valid permit  
26 issued before the effective date of this act, which does not comply with  
27 this act or the rules or regulations adopted pursuant hereto, may  
28 continue to be maintained, repaired and restored at the size, location,  
29 height, and setback set forth in the permit, including in the event of the  
30 partial destruction thereof, without limitation as to time, unless it is  
31 totally destroyed or abandoned, or the commissioner finds, pursuant  
32 to the authority granted under subsection b. of section 10 of this act,  
33 any grounds for revocation of the permit.

34 (cf: P.L.1991, c.413, s.21)

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36 3. This act shall take effect on the first day of the fifth month after  
37 enactment.

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#### STATEMENT

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42 In at least 44 states, including New Jersey, it is illegal to sell  
43 cigarettes to children. Therefore, it is in the interest of the State to  
44 prohibit the advertising of these products near schools, where children  
45 spend most of their daytime hours.

46 This bill amends the "Roadside Sign Control and Outdoor

1 Advertising Act" of 1991 to prohibit advertisements of tobacco  
2 products within 1,000 feet of a school. The provisions of this bill  
3 would apply primarily to billboard advertising.

4 Under this bill, owners of billboards or other fixed signs advertising  
5 tobacco products would have to change their advertising or remove  
6 their signs within 30 days of notice by the Commissioner of  
7 Transportation. The commissioner may enter private property after 30  
8 days to remove the sign and may recover the costs of removal or \$500,  
9 whichever is greater. Additional penalties are \$50 to \$500 for each  
10 offense, with each day of violation a separate offense. State and local  
11 law enforcement authorities, under the direction of the commissioner,  
12 may enforce the act.

13 In 1964, the tobacco industry adopted a "voluntary cigarette  
14 advertising code" which contained the stipulation that advertising  
15 would not be included in media aimed primarily at persons under age  
16 21. Yet the tobacco industry spends over \$3 billion a year, much of  
17 which is youth oriented, to market its products. One brand of  
18 cigarettes was able to increase its share of the children's market from  
19 less than 1 percent to about 33 percent (or about, \$476 million)  
20 through a cartoon advertising campaign, according to the Journal of  
21 American Medical Association (JAMA).

22 These advertisements are successful because they create powerful  
23 images that link smoking with healthy, glamorous, athletic and  
24 successful lifestyles. They should not be placed where children and  
25 adolescents are most likely to see them in the vicinity of their schools.  
26 Studies published in JAMA as well as in the Health Education Journal  
27 have shown a link between advertising and children's recognition and  
28 acceptance of tobacco products. It was found that children's favorable  
29 attitudes toward advertising and smoking precede actual tobacco use  
30 and correlate positively with a child's intention to smoke.

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35 Prohibits tobacco advertising within 1,000 feet of schools.