

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1544  
Finance Committee Substitute Adopted 6/27/00  
Third Edition Engrossed 6/28/00

Short Title: Tourist Directional Sign Program.

(Public)

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Sponsors:

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Referred to:

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May 30, 2000

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS)  
3 PROGRAM.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 136 of the General Statutes is amended by adding a new  
6 Article to read:

7 **"ARTICLE 11B.**

8 **"TOURIST-ORIENTED DIRECTIONAL SIGN PROGRAM.**

9 **"§ 136-140.15. Scope of operations.**

10 (a) Program. – The Department of Transportation shall administer a tourist-  
11 oriented directional signs (TODS) program.

12 (b) Definitions. – The following definitions apply in this Article:

13 (1) TODS. – Tourist-oriented directional signs (TODS) are guide signs that  
14 display the business identification of and directional information for  
15 tourist-oriented facilities or for classes of businesses or facilities that are  
16 tourist-oriented.

1           (2) Tourist-oriented business. – A business the substantial portion of whose  
2 products or services are of significant interest to tourists. The term may  
3 include a business involved with seasonal agricultural products.

4           (3) Tourist-oriented facility. – A business, service, or activity facility that  
5 derives a major portion of income or visitors during the normal business  
6 season from road users not residing in the immediate area of the facility.

7           (c) Limitation. – The Department shall not install TODS for a business if the signs  
8 would be required at intersections where, due to the number of conflicting locations of  
9 other highway signs or traffic control devices, or other physical or topographical features  
10 of the roadside, their presence would be impractical or unfeasible, or result in an unsafe  
11 or hazardous condition.

12           (d) Duplication. – If a business is currently shown on another official highway  
13 guide sign, such as a logo sign or supplemental guide sign, on the same approach to an  
14 intersection where a TODS panel for that business would be located, the business may  
15 elect to keep the existing highway guide sign or have it removed and replaced with  
16 TODS. If the business elects to retain the existing highway guide sign, the business is  
17 ineligible for TODS at that intersection.

18 **"§ 136-140.16. Business eligibility criteria.**

19           Any tourist-oriented business is eligible to participate in the TODS program if it  
20 meets all of the following conditions:

21           (1) It is open to the general public and is not restricted to 'members only'.

22           (2) It does not restrict access to its facilities by the general public.

23           (3) It complies with all applicable laws, ordinances, rules, and regulations  
24 concerning the provision of public accommodations without regard to  
25 race, religion, color, age, sex, national origin, disability, and any other  
26 category protected by federal or State constitutional or statutory law  
27 concerning the granting of licenses and approvals for public facilities.

28           (4) It meets the following standards:

29           a. It has the name of the business prominently displayed on the  
30 premises in a manner that makes it readily visible to motorists  
31 from the public highway on which the business is located.

32           b. It is in continuous operation at least eight hours a day, five days a  
33 week during its normal season or the normal operating season for  
34 the type of business.

35           c. It is licensed and approved by the appropriate State and local  
36 agencies regulating the particular type of business or activity.

37 **"§ 136-140.17. Terminating participation in program.**

38           A business may terminate its participation in the TODS program at any time. The  
39 business is not entitled to a refund of any part of any fees paid because of voluntary  
40 termination of participation by the business, for any reason, before the end of its current  
41 contract period.

42 **"§ 136-140.18. Temporary modification of TODS panels.**

1       (a)     The Department shall allow a participating business to close for remodeling or  
2 to repair damage from fire or other natural disaster if its TODS panels are covered or  
3 removed while the business is closed. No refund of fees or extension of the time  
4 remaining in the contract for participation will be provided for the period of closure.

5       (b)     The Department may, at its discretion, remove or cover TODS panels for  
6 roadway construction or maintenance, for routine maintenance of the TODS assembly,  
7 for traffic research study, or for any other reason it considers appropriate. Businesses are  
8 not entitled to any refunds of fee amounts for the period that the TODS panels are  
9 covered or removed under this subsection unless the period exceeds seven days.

10       (c)     The TODS panels for seasonal businesses shall have an appropriate message  
11 added during the period in which the businesses are open to the public as part of their  
12 normal seasonal operation.

13 **"§ 136-140.19. Department to adopt rules to implement the TODS program.**

14       The Department shall adopt rules to implement the TODS program created by this  
15 Article. The rules shall include all of the following:

16           (1)     The Department shall set a fee to cover the initial costs of signs, sign  
17 maintenance, and administering the program.

18           (2)     The Department shall establish a standard for the size, color, and letter  
19 height of the TODS as specified in the National Manual of Uniform  
20 Traffic Control Devices for Streets and Highways.

21           (3)     TODS shall not be placed for businesses more than five miles from the  
22 sign.

23           (4)     TODS shall not be placed where prohibited by local ordinance.

24           (5)     The number of TODS panels shall not exceed six per intersection with  
25 only one tourist-related facility on each panel. The Department shall  
26 develop a system whereby applicants may participate on a rotational  
27 basis.

28           (6)     If a business is not directly on a State highway, it is eligible for TODS  
29 panels only if both of the following requirements are met:

30               a.     It is located on a street that directly connects with a State road.

31               b.     It is located so that only one directional sign, placed on a State  
32 road, will lead the tourist to the place of business.

33           (7)     A TODS shall not be placed immediately in advance of the business if  
34 the facility and its on-premise advertising signs are readily visible from  
35 the roadway.

36           (8)     The Department shall limit the placement of TODS to along highways  
37 other than fully controlled access highways and to rural areas in and  
38 around towns or cities with a population of less than 25,000."

39       Section 2. This act becomes effective July 1, 2000.