

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SENATE BILL 206
RATIFIED BILL**

AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS)
PROGRAM.

The General Assembly of North Carolina enacts:

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

"Article 11B.

"Tourist-Oriented Directional Sign Program.

"§ 136-140.15. Scope of operations.

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

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

- (1) TODS. – Tourist-oriented directional signs (TODS) are guide signs that display the business identification of and directional information for tourist-oriented businesses and tourist-oriented facilities or for classes of businesses or facilities that are tourist-oriented.
- (2) Tourist-oriented business. – A business, the substantial portion of whose products or services is of significant interest to tourists. The term may include a business involved with seasonal agricultural products. When used in this Article, the term "business" means a tourist-oriented business.
- (3) Tourist-oriented facility. – A business, service, or activity facility that derives a major portion of income or visitors during the normal business season from road users not residing in the immediate area of the facility. When used in this Article, the term "facility" means a tourist-oriented facility.

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

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

"§ 136-140.16. Eligibility criteria.

A business or facility is eligible to participate in the TODS program if it meets all of the following conditions:

- (1) It is open to the general public and is not restricted to "members only".
- (2) It does not restrict access to its facilities by the general public.
- (3) It complies with all applicable laws, ordinances, rules, and regulations concerning the provision of public accommodations without regard to

race, religion, color, age, sex, national origin, disability, and any other category protected by federal or State constitutional or statutory law concerning the granting of licenses and approvals for public facilities.

(4) It meets the following standards:

- a. It is in continuous operation at least eight hours a day, five days a week during its normal season or the normal operating season for the type of business or facility.
- b. It is licensed and approved by the appropriate State and local agencies regulating the particular type of business or activity.

"§ 136-140.17. Terminating participation in program.

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

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

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

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

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

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

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

- (1) The Department shall set fees to cover the initial costs of signs, sign maintenance, and administering the program.
- (2) The Department shall establish a standard for the size, color, and letter height of the TODS as specified in the National Manual of Uniform Traffic Control Devices for Streets and Highways.
- (3) TODS shall not be placed more than five miles from the business or facility.
- (4) TODS shall not be placed where prohibited by local ordinance.
- (5) The number of TODS panels shall not exceed six per intersection with only one business or facility on each panel.
- (6) If a business or facility is not directly on a State highway, it is eligible for TODS panels only if both of the following requirements are met:
 - a. It is located on a street that directly connects with a State road.
 - b. It is located so that only one directional sign, placed on a State road, will lead the tourist to the business or facility.
- (7) A TODS shall not be placed immediately in advance of the business or facility if the business or facility and its on-premise advertising signs are readily visible from the roadway.
- (8) The Department shall limit the placement of TODS to highways other than fully controlled access highways and to rural areas in and around towns or cities with a population of less than 40,000."

SECTION 2. This act becomes effective January 1, 2002.

In the General Assembly read three times and ratified this the 16th day of August, 2001.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____m. this _____ day of _____, 2001