



## Welcome to the online source for the California Code of Regulations

### 21 CA ADC § 2112

#### Article 5. Permit Administration

Barclays Official California Code of Regulations [Currentness](#)

Title 21. Public Works

Division 2. Department of Transportation

Chapter 19. Placement of Motorist Services Informational Signs Near Highway Exits Along Interstate Route 5

➔ Article 5. Permit Administration

#### **§ 2112. Permit Application and Priorities.**

(a) Permit application. The Owner or Responsible Operator of a Qualified Motorist Service Business must file a Motorist Services Informational Signing Program Application And Permit dated 1-93 as provided by the Department. The completed application together with the current permit fee is to be forwarded to the appropriate district office of the Department. All permit applications are reviewed by the Department, and the Department shall have final responsibility and authority to grant or deny a permit.

Applications for permits will be denied for businesses which do not meet the eligibility criteria or whose signs do not meet the specifications as provided in Sections 2109 and 2110, and Subdivision (a) of Section 2111 of these regulations, except as provided in Subdivision (b)(2) of Section 2113 and Subdivision (b) of Section 2111.

Within 30 days of receipt of the permit application by the Department, each applicant shall be notified in writing that the application is complete and accepted for filing or that the application is deficient. If the application is deficient, the Department shall specify, in writing, the information required to complete the application. Within 30 days from the filing of the completed application, the Department shall notify the applicant of approval or denial of the permit.

No Business Sign shall be affixed by the Department until a Business Sign permit has been issued and the applicable annual rental fee has been paid.

Applications shall be considered to be received by the Department upon the date of receipt. A Business Sign permit shall be effective for the portion of the calendar year the permit is issued by the Department or the entire year if issued on January 1. In the case of a renewal, the Business Sign permit is effective for one year beginning on the first day of January and expires on the 31st day of December.

An Owner or Responsible Operator shall furnish the necessary Business Sign to the Department district office or the location designated by the Department within 60 days after notification by the Department that the Business Sign application has been approved. The Business Sign permit may be canceled by the Department if the sign is not furnished within the 60-day period or does not meet other provisions of these regulations. Under any of these circumstances, the applicant shall forfeit the permit fee, but receive a full refund of any rental fee which has been paid.

An application may be denied if the Department determines that adequate directional information cannot be given to enable motorists to locate the business premises, or the applicant refuses to place adequate Trailblazers on other public highways at the applicant's sole cost and expense.

(b) Priorities.

(1) The order of priority for granting permits to "LODGING" or "CAMPING" businesses for the installation of their Business Signs on Specific Informational Panels or Supplemental Directional Panels, when applications are received from a greater number of Qualified Motorist Service Businesses which meet the eligibility criteria than there is space available on the Motorist Services Informational Panel, shall be determined based upon the State Measured Distance; with first priority going to the closest business, second priority to the next closest business, and so on until all available space on the Motorist Services Informational Panel has been allocated.

The same order of priority shall apply when the maximum number of permits has been issued and a new application is received from a Qualified Motorist Service Business located closer to the interchange than another qualified business which is already signed.

(2) The order of priority for granting permits to "FOOD" or "FUEL" businesses for the installation of their Business Signs on Specific Informational Panels or Supplemental Directional Panels, when applications are received from a greater number of Qualified Motorist Service Businesses which meet the eligibility criteria than there is space available on the Motorist Services Informational Panel, shall be based upon the highest point accumulation from the following two (2) categories:

Category 1: If the State Measured Distance is:

- a. 0 to 1/2 mile, inclusive ..... assign 3 points
- b. over 1/2 mile to 1 mile, inclusive . assign 2 points
- c. over 1 mile to 3 miles, inclusive ... assign 1 point

Category 2. If the business is open:

- a. 20-24 hours per day ..... assign 3 points
- b. 16-20 hours per day ..... assign 2 points
- c. 12-16 hours per day ..... assign 1 point

The same order of priority shall apply when the maximum number of permits has been issued and a new application is received from a Qualified Motorist Service Business with a higher point accumulation than another qualified business which is already signed.

### § 2113. Permit Expiration, Revocation, and Sign Removal.

(a) The permit for a Business Sign expires by its own terms.

(b) The permit for a Business Sign shall be revoked as specifically provided in the permit and for any one of the following reasons:

(1) For making any false or misleading statements in the Business Sign permit application, whether or not those statements were material to or relied upon by the Department in the issuance of such permit, when such false or misleading statements shall remain uncorrected after the expiration of 30 days following written notification thereof.

(2) If the Motorist Services Informational Panel is filled and a subsequent Business Sign permit application is reviewed and approved by the Department for a qualified business which has a higher order of priority as described in Section 2112(b) of these regulations than an existing permittee business, then, the Department shall notify the existing permittee located the greatest distance according to the State Measured Distance that the Business Sign permit will not be renewed more than once and that the sign will be removed not later than the expiration date of the permit for the renewal period following the expiration of the current permit.

(3) For failure to provide the services and/or facilities required by these regulations, and/or for failure to open for business for more than seven (7) consecutive days or for fewer than 10 days cumulatively during a one-year period, unless the business is of a seasonal nature and permittee had previously notified the Department of the intended closure to which the Department agreed, or the Department finds the Owner or Responsible Operator was in substantial compliance or that such failure was beyond the control of the Owner or the Responsible Operator, or that the failure was justified by extenuating circumstances.

(4) For failure to comply with the application and permit, except in isolated instances without the knowledge of the Owner or the Responsible Operator, or on any occasion unless steps are promptly taken to ensure to the fullest extent reasonably possible that such instances will not recur.

(c) A Business Sign shall be temporarily removed from or covered on all Motorist Services Informational Panels if, due to fire, accident or other similar causes, a Qualified Motorist Service Business becomes inoperable for a period of time exceeding seven (7) days, but not more than 90 days. Under these circumstances, a business shall not lose its priority nor be required to reapply for a permit prior to the normal time for a renewal application. A further extension of time may be granted upon a showing of good cause. Failure to reopen the business within 90 days or failure of the Owner or Responsible Operator to proceed with necessary repairs as rapidly as possible will be the basis for revocation of the permit and removal of the sign.

(d) If a permit is revoked or allowed to expire, a new application must be submitted to the Department. The applicant must then requalify the business in the same manner required for initial permit applicant.

#### § 2114. Permit, Rental, Service and Transfer Fees.

(a) Permit, rental, service, and transfer fees shall be established by the Department and shall not be less than 25% above the estimated cost of placement and maintenance of the motorist informational signs (LOGO signs). The permit and rental fees shall be charged to the Owner or Responsible Operator of a Qualified Motorist Service Business per sign per direction of travel every year. The service fee shall be charged to the Owner or Responsible Operator when the Department changes, covers, uncovers, removes, reinstalls, or replaces a Business Sign. The transfer fee shall be charged when the Qualified Motorist Service Business changes owners.

(b) Permit, rental, service, and transfer fees shall be revised and adjusted annually to not less than 25% above the estimated cost of placement and maintenance by the Department. The Department shall establish a schedule setting forth these fees. A copy of the current schedule of fees shall be attached to each application for an initial Business Sign permit, and to each annual billing for the renewal of a Business Sign permit.

(c) Permit fee. The Department shall charge an annual permit fee of \$100.00 for affixing a Business Sign to a Motorist Services Informational Panel in each direction of travel. Renewal applications with the permit fee shall be submitted not later than 30 days prior to the expiration of the current permit.

(d) The Department shall charge an annual rental fee of \$250.00 for affixing a Business Sign to a Motorist Services Informational Panel in each direction of travel. The fee shall be the same amount whether the Business Sign is placed on either Specific Informational Panel or a Supplemental Directional Sign, or both.

For both initial and renewal applications, the annual rental fee is due within 30 days after receipt of notification of approval of the application. Failure to pay renewal permit or rental fees will result in the cancellation of the permit and removal and disposal of the Business Sign by the Department.

(e) Service fee. When required by the Department or when requested by the Owner or Responsible Operator, and upon payment of a service fee of \$100.00 for each main line sign or \$50.00 for each directional sign, the Department may change, cover, uncover, remove, install, reinstall, or replace a Business Sign. Any new or renovated Business Sign required for this purpose shall be provided by the applicant.

(f) Transfer fee. Permits for the installation of Business Signs are transferable; however, any change in ownership of the Qualified Motorist Service Business will require reapplication, approval by the Department, and the payment of a transfer fee of \$50.00 for each permit. Failure of the new owner to apply for transfer of the permit will be the basis to revoke the existing permit and remove the sign.

#### § 2115. Refunds of Permit and Rental Fees.

Once the fees are received by the Department and the sign affixed, there shall be no refunds except under the following conditions:

- (1) The permit provides for a refund. Any such refund will be a prorated amount of the rental fees only.
- (2) The business premises are acquired by eminent domain.

This database is current through 3/22/13 Register 2013, No. 12  
END OF DOCUMENT

© 2013 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

[Table of Contents](#)