



## PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 734

**DEPARTMENT OF TRANSPORTATION  
DELIVERY AND OPERATIONS DIVISION**

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FILING CAPTION: SB 417 Changes: Digital Outdoor Advertising Signs; Acceptable Lease Documentation

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### RULES:

734-060-0000, 734-060-0007

AMEND: 734-060-0000

RULE TITLE: Outdoor Advertising Sign Application Process

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Changes associated with SB 417 (2025).

### RULE TEXT:

An outdoor advertising sign permit may only be issued to one 'person' as defined in OAR 734-059-0015(4). The Department will deny any permit application that specifies more than a single person as the sign permit owner.

(1) Application forms. An application for a sign permit under the Oregon Motorist Information Act (OMIA) is made by completing and submitting the appropriate form, attaching to the form all documents necessary to show the application meets the requirements of the law, and submitting the correct fee to the Outdoor Advertising Sign Program of the Oregon Department of Transportation. Application forms are available from the Outdoor Advertising Sign Program. There are a number of different Outdoor Advertising Sign application forms. The Department may deny a permit application if the applicant does not use the correct form. These include:

- (a) "Outdoor Advertising Sign Permit Application" for new permits, and relocation or reconstruction, of outdoor advertising signs that preexisted the law change on May 30, 2007,
  - (b) "NHS Outdoor Advertising Sign Static Permit Application" for areas added to the National Highway System (NHS) after May 30, 2007;
  - (c) "Outdoor Advertising Sign Digital Sign Permit Application" for digital permits newly issued under ORS 377.710, or relocation and reconstruction of such permitted signs,
  - (d) "NHS Digital Sign Permit Application" for signs in areas added to the NHS after May 30, 2007; and,
  - (e) Application for Transit Bench or Shelter Sign" for signs on transit benches and shelters.
- (2) Copies of sign laws. The Department will make available copies of all state sign statutes, administrative rules, federal statutes, federal regulations, and federal-state agreements in effect. The Department may charge for the copies at the rate established by law for public records requests, and may require prepayment. The Department may also provide

these documents by e-mail, web site, or in other forms for the convenience of the public and the Department.

(3) Summary of regulations. To assist potential permit applicants and the general public, the Department will make available a summary of sign permit regulations. The summary does not bind the Department to the items listed or waive its right and duty to enforce all requirements under the law.

(4) Contents of standard applications for Outdoor Advertising Sign Permits. To be complete the application must include the following:

(a) Application form Part 1: Applicant Information, Sign Specifications. Information must be complete and accurate and include the name of the applicant and sign builder, purpose of the application, description, township/range/section/tax lot, highway route number or name and side of highway where the sign will be located, how site is marked, name and address of property owner, a detailed drawing, or rendering, showing the dimensions and orientation of the sign on the site, including accurate measurement of the distance between the leading edge of the sign (closest to the right of way of the state highway) and the property line of the private property where the sign is being located, and the checkbox checked indicating why the sign will be an "outdoor advertising sign." The location boxes should be completed to the best of applicant's ability to enable the Department to find the site.

(b) Application form Part 2: Certification of Local Jurisdiction. After completing Part 1, applicant must submit the complete application to the local jurisdiction for zoning and local compliance information. The local official must complete Part 2 and, if relevant, attach a letter of explanation of local code compliance. The local official must sign and date Part 2.

(c) Application form Part 3: Certification of Applicant. The application form must be signed and dated by the applicant, certifying that the information provided by applicant is accurate and has not been changed after the local government certification (see section (b) above). If the applicant is a corporation, or other business entity, the individual signing must have authority to sign for the permit owner.

(d) Fee. The fee is based on square footage as described in OAR 734-059-0100. To be complete applicant must submit the correct application fee. The Sign Program does not accept cash. All checks must be made out to Oregon Department of Transportation. E-check payments are accepted for electronically submitted applications, Action Requests, and sign permit or Business License renewals through the OACS system. E-check payment requires payment to be made at the time the renewal/application is submitted by the applicant.

(e) Written proof of landowner consent. All applications must include written proof that the landowner consents to have applicant maintain the proposed sign. The document must be signed by the landowner, or their authorized agent, and the application filed during the base term of the agreement, or during a renewal term that is automatic or at applicant's election. If during a renewal period applicant must certify that the renewal was exercised and continues in effect. Examples of acceptable documents are:

(i) By any lease, easement or other document, which evidences consent and is signed by the current landowner or their authorized agent; or

(ii) By any lease, easement or other document, which evidences consent and is signed by any prior landowner or their authorized agent, if the lease, easement or other document is binding on successors or assigns.

(iii) Payment information need not be included unless it is the evidence that compensation is exchanged making it an outdoor advertising sign.

(f) Business License. The applicant and the sign builder must have a current outdoor advertising sign business license as required under ORS 377.730. It is the responsibility of the Business License holder who erects or maintains an outdoor advertising sign to ensure that the outdoor advertising sign, visible to a state highway, is in compliance with the OMIA. Compliance includes ensuring signs have an active state sign permit prior to placing or maintaining any message on the sign, and ensuring that the sign stays in compliance during the time that the licensee operates or maintains the sign. Violations may result in suspension or revocation of the licensee's business license as allowed under ORS 377.730.

(g) Relocation permit application. For a relocation application, if the zoning was first commercial or industrial after 1/1/1973, or if the local jurisdiction cannot determine the date, the applicant must submit a sketch or other document showing the site is within 750 feet of a commercial or industrial area to comply with ORS 377.767(3).

- (h) Pre-existing sign permit applications pursuant to ORS 377.712(1). For outdoor advertising signs that existed legally prior to May 30, 2007, the following additional items are required for a pre-existing sign permit application:
- (A) Complete the "Supplement for Pre-existing Sign Permit" portion of the application. The supplement must be signed before a notary public;
  - (B) Submit documents demonstrating each of your claims, such as a lease showing the sign was posted for compensation; and
  - (C) Pursuant to ORS 377.712(1), include documentation demonstrating how applicant was ignorant of the permit requirement for outdoor advertising signs as of May 30, 2007.
- (i) A pre-existing sign permit application pursuant to ORS 377.712(2), including NHS Limited Permit applications in OAR 734-060-0120, for outdoor advertising signs that existed legally prior to October 1, 2012, must include the following additional items to be complete applications:
- (A) A complete "Supplement for Pre-existing Sign Permit" portion of the application, signed before a notary public; and
  - (B) Documentation demonstrating each of the claims selected on the supplement (i.e. as a copy of a signed, executed and current lease agreement, showing the sign was posted for compensation, when posted for compensation is selected).
- (5) Digital Billboard applications must also include the following information:
- (a) When being reconstructed or relocated for the first time as a digital billboard the applicant must provide the eligible permit(s) or relocation credit(s) being retired pursuant 377.700 to 377.844 and OAR 734-060-0007.
  - (b) Whether the proposed sign is a "Poster," "Bulletin," or other sign as described in OAR 734-060-0007(2).
  - (c) Emergency malfunction contact information including name, phone number along with proposed response procedure to possible malfunction.
  - (d) Whether or not a renewable energy resource is available and being utilized. If none, then the applicant must complete the affidavit attesting that no renewable resource is available.
- (6) Transit Bench or Shelter Application. A transit shelter or bench application must provide documentation demonstrating that the site is at an official bus or transit stop on a city or urban transit system route and complies with local ordinances.
- (7) Complete Applications.
- (a) The Outdoor Advertising Sign Program's accepts complete application through the mail, by hand delivery or by facsimile ('fax'). Please visit ODOT's Right of Way Section webpage for our mailing address, physical address and fax number. The Sign Program receives electronic mail at [OutdoorAdvertising@odot.oregon.gov](mailto:OutdoorAdvertising@odot.oregon.gov).
  - (b) If applicant makes any changes to the application form after it has been received by the Department, applicant shall initial the change(s) on the paper application and re-sign the application. If the application was submitted through the OACS system, applicant shall submit changes and electronically sign using its logon and password for the OACS system. Signatures for any changes shall be by an authorized representative of the permit holder. The Department will not accept any changes to an application made verbally; all changes must be in writing or through OACS.
  - (c) The Department will record the date for each application document received. Application materials received by mail will be treated as received at the time a representative of the sign program physically receives the program's mail for that day. Application materials received in person, by fax, or by electronic transmission will be treated as received when a representative of the sign program physically receives those materials. Applications or Action Request materials received through OACS will be treated as received when the permit holder or their authorized representative selects the "Submit" button in OACS. Payment for the application or Action Request is required before OACS will allow the application to be submitted.
  - (d) The Department will only process applications that are complete. An application is complete when the Outdoor Advertising Sign program receives the signed hardcopy application form, or the electronic application through OACS, including all necessary information, all required attachments or documents necessary for issuance of a permit, and the correct application fee.
- (A) Within 15 calendar days of receiving an application the Department will notify the applicant in writing whether the application is complete. If the Department determines the application is complete, the notice will state the application's

priority among all pending, complete applications. If the Department will be denying the application, a Notice of Denial will be issued rather than a notice that the application is complete.

(B) If the Department determines any information provided is incorrect or incomplete, the application will be deemed incomplete. The Department may rescind a notice of completeness and priority date if it later determines that information provided by applicant is either incomplete or incorrect.

(e) If an application is incomplete, and is not being initially denied, within 15 calendar days of receiving the application the Department will return a copy of the first page of the application with written instructions on what is needed to complete or correct the application. The applicant must confirm any subsequent changes, by initialing changes on hardcopy applications, or by editing the electronic application in the OACS system, if application is submitted through OACS. If the changes are substantive, the applicant must obtain a new certification from the local jurisdiction. The Department will retain the application in an incomplete status for 60 days. If the application is still incomplete after 60 days, it will be deemed withdrawn by the applicant. Hardcopy applications will be marked "Withdrawn" and may be retained by the Department. Applications submitted through OACS that remain incomplete after 60 days will be moved to a "Withdrawn" status and archived within that system.

(A) If an application form is complete but the application is considered incomplete due to insufficient supporting documents or failure to submit the correct fee, the Department may return a copy of any relevant portion of the application with written instructions on how to complete it; or the Department may hold the application and notify the applicant in writing of what is needed to make it complete and the date that the information must be received by to prevent the application from being withdrawn under the law.

(B) Within 15 days of receiving the corrected form or additional materials the Department will provide the applicant written notification whether the application is complete and, if complete, the priority among all pending, complete applications.

(C) If the applicant makes any change to the application after it is deemed complete, the Department will change the priority date to the date of that change.

(D) If the Department has held an incomplete application for 60 days from the date of initial receipt, the application is deemed withdrawn by the applicant. The Department will return a copy of the first page of the application and may refund any eligible deposited fee. The Department will retain the original application as a record.

(8) Processing of complete permit application.

(a) The Department will approve or deny a permit application within 60 days of the complete application's priority date as determined under section (7)(d) or (e) of this rule if the application clearly does not conflict with another complete application.

(b) An application for a permit that conflicts with the location of an expired or canceled permit will not be processed until the time for any hearing or appeal on the latter permit has passed, unless the permit is being canceled as a condition for issuance of the new permit.

(c) When a complete application might conflict with another complete application due to spacing or any other reason, the application with the earliest priority date and time takes precedence over later applications. Subject to all other requirements of the OMIA, the Department will issue the permit to the earlier applicant.

(d) If multiple complete applications have the same priority date and time, and are determined by the Department to compete for the same spot, the Department shall notify the applicants of the circumstances within seven days of the Department's determination. If an affected applicant requests a contested case hearing, the matter will be determined by a single contested case hearing under Oregon's Administrative Procedures Act. The Department shall refer the matter to the Office of Administrative Hearings within seven days of an applicant's written hearing request.

(e) If the Department does not approve or deny a permit application within the time allowed under section (8)(a) of this rule, such actions do not require the Department to issue a permit or require any remedy except as provided otherwise in law.

(9) Field checks; applicant requirements and Department method.

(a) When the Department determines an application is complete, the Department will perform a field check to

determine the milepoint and all other information necessary to process the application.

(b) The applicant must place a marking at the site to show the proposed location for the sign permit which corresponds to a detailed drawing, or rendering, showing the dimensions and orientation of the sign on the site. The drawing or rendering must include an accurate measurement of the distance between the leading edge of the sign and the property line adjacent to the right of way of the state highway, showing that all portions of the sign structure will be completely contained within the private property of the leaseholder and outside of the right of way of the state highway. The applicant may use a stake, ribbon, paint, or any method or material that will allow the Department to easily locate the site and attribute it to the applicant. If the marked site is other than that represented to the local authority in obtaining its signature on the application form, or is other than where the applicant actually builds the sign, the Department may consider that a violation of ORS 377.725(10).

(c) If the Department cannot locate the site it will notify the applicant pursuant to (5)(e) above that the application is incomplete due to incorrect information and may request reasonable action by the applicant to identify the site.

(d) The Department will conduct a field check by traveling to the proposed site and calculating the milepoint to the one-hundredth of a mile or, when necessary, to the one-thousandth of a mile. The Department may also determine the engineering station. The Department may also make any other determination regarding the site that is relevant to the application, such as proximity to the right of way and to a commercial or industrial area. Once a field check has been conducted the application fee is non-refundable.

(e) The Department may use intersections, highway structures, or other highway feature and its corresponding milepoint or engineering station, to measure and calculate the milepoint of the proposed site. Milepost markers are for the convenience of motorists and are not precise indications of the milepoint, therefore the Department will not use milepost markers for these calculations without other indication of accuracy.

(10) Denied Permit Applications. If the Department denies an application, it will consider that site as conflicting with other applications:

(a) Until the time to request a hearing elapses without a hearing request from the applicant; or

(b) If a hearing is requested, until the time to request an appeal on the final order has elapsed or until the final appellate court enters a judgment on the matter, whichever is later.

(c) The Department will keep the original application and any accompanying documents and return a copy after an application is denied.

(11) Issued Permits.

(a) The permit will specify the 180th day by which the sign must be constructed.

(b) Within 190 days of permit issuance, the permittee must notify the Department in writing if the action described in the permit has been completed, and include at least one photograph demonstrating that completion. For a reconstruction permit or a relocation permit based on a relocation credit, the notice must state that the new sign has been constructed. For a direct relocation the notice must state that the new sign has been constructed and the former sign on which the permit was based has been removed. If the Department has not received the notification within 180 days the Department will alert the permittee about the upcoming 190-day deadline. If the permittee fails to submit the written notice and photograph within the time allowed, the Department will cancel the permit to relocate or reconstruct, and the permit will revert to its prior status. No fees will be refunded.

(c) "Constructed" means that the structure and all sign faces are permanently in place and the permit plate is attached. "Removed" means the taking down, removing, or eliminating all sign structure elements that are visible from the state right of way.

(12) Sign Removal Notification A written relocation credit request and the accompanying relocation credit banking fee must be provided to the Department by the permit holder within 60 days of the removal of any permitted sign for that sign to be eligible to receive a relocation credit.

(13) Notification of Ownership Change It is the responsibility of a Business Licensee and a Permit Owner to notify the Department of ownership changes, in writing, within 60 days if a sign permit or relocation credit has been transferred to a new owner or licensee. Failure to provide written notification and required transfer fees within 60 days may be

considered a violation under ORS 377.725(2) and may result in the suspension of associated Business License(s).

STATUTORY/OTHER AUTHORITY: ORS 184.617, 184.619, 377.715, 377.725

STATUTES/OTHER IMPLEMENTED: ORS 377.705, 377.712, 377.715, 377.723, 377.725

AMEND: 734-060-0007

RULE TITLE: Digital OAS Procedures

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Rule changes to digital OAS procedure to accommodate changes made by SB 417 (2025).

RULE TEXT:

- (1) This rule describes the process for applying for a permit for a digital billboard.
- (2) Definitions for the purposes of this rule:
  - (a) "Sign" means the sign structure, the display surfaces of the sign, and all other component parts of the sign.
  - (b) "Retire" means to use a relocation credit such that it no longer exists or to remove an existing sign to become a relocation permit or credit for use.
  - (c) "Digital Billboard" or "digital OAS" means an outdoor advertising sign (OAS) that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.
- (3) Qualifications for receiving a digital OAS permit:
  - (a) The proposed site and digital billboard must meet all requirements of the OMIA including, but not limited to, the following:
    - (A) The digital OAS is not illuminated by a flashing or varying intensity light.
    - (B) The display surface of the digital OAS does not create the appearance of movement.
    - (C) The digital OAS must operate at an intensity level of not more than 0.3 foot-candles over ambient light as measured by the distance to the sign depending upon its size.
    - (D) The distance measurement for ambient light is: 150 feet if the display surface of the sign is 12 feet by 25 feet, 200 feet if the display surface is 10.5 by 36 feet, and 250 feet if the display surface is 14 by 48 feet.
  - (b) Applicant must submit a completed application for a digital sign permit using the approved form that may be obtained by one of the following methods:
    - (A) Requesting from Sign Program Staff;
    - (B) Email: [OutdoorAdvertising@odot.oregon.gov](mailto:OutdoorAdvertising@odot.oregon.gov);
    - (C) Website: <https://www.oregon.gov/odot/row/pages/outdoor-advertising-sign.aspx>.
  - (c) The Department shall confirm that any existing permitted Outdoor Advertising Sign or relocation credit being retired for the purpose of receiving a new digital OAS permit has been removed within the 180 days allowed to construct the new permitted sign. The Department will not charge a Banking Permit Fee for the cancellation of state sign permits retired for the purpose of receiving a new digital billboard permit.
- (4) If an outdoor advertising sign being relocated is relocated as a digital OAS or if an outdoor advertising sign being reconstructed is reconstructed as a digital OAS, an applicant for a digital sign permit under ORS 377.725 shall either remove one existing outdoor advertising sign and retire the permit for that sign or retire one relocation credit for each digital sign face. The permit or relocation credit retired must be for signs with a display surface of at least 250 square feet.
  - (a) All permits and relocation credits submitted under these procedures will be permanently cancelled (retired) and are not eligible for renewal.
  - (b) Any state sign permits submitted for retirement must include the written statement notifying the Department that the "lease has been lost or cancelled."
- (5) Two digital OAS permits are required for any back to back or V-type digital sign. A separate application is required for each digital sign face.
- (6) The first time a digital OAS is permitted it is not subject to the 100-mile rule in ORS 377.767(4). The site of the newly permitted billboard will become the established location for future reference.
- (7) Relocation of permitted digital OAS. The Department will issue one digital relocation credit for each permitted digital sign that is removed. The digital relocation credit issued will be for the same square footage as the permitted

digital sign that was removed. A digital relocation credit can only be used to relocate a digital billboard. A permitted digital sign can only be reconstructed as a digital billboard.

(8) Use of renewable energy resource. The applicant must provide a statement with the application that clarifies what, if any, renewable energy resources are available at the site and are being utilized. If none, then a notarized statement to that effect must be included with the application.

(9) All permitted digital billboards must have the capacity to either freeze in a static position or display a black screen in the event of a malfunction.

(a) The applicant must provide emergency contact information that has the ability and authority to make modifications to the display and lighting levels in the event of emergencies or a malfunction.

(b) The Department will notify the sign owner of a malfunction that has been confirmed by ODOT in the following instances:

(A) The light impairs the vision of a driver of any motor vehicle; or

(B) The message is in violation of ORS 377.710(6) or 377.720(3)(d).

(10) All digital billboard signs must comply with the light intensity and sensor requirements of ORS 377.720(3)(d).

(a) The Department will take measurements of the permitted digital billboard when notified that the sign has been constructed and the permit plate has been installed.

(b) The Department will use an approved luminance meter designed for use in measuring the amount of light emitted from digital billboards using the industry standard for size and distance as follows:

(A) 150 feet for 12'x 25'.

(B) 200 feet for 10.5'x 36'.

(C) 250 feet for 14'x 48'.

STATUTORY/OTHER AUTHORITY: ORS 184.617, 184.619, 377.715, 377.725, 377.831

STATUTES/OTHER IMPLEMENTED: ORS 377.705, 377.720, 377.725, 377.750, 377.767, 377.831