

# CAR WRAPS

**QUESTION:** Has any state had experience with car wraps being parked on private property? Montana is having problems with advertisers using semi trailers, vans and small trailers placed on private property with advertising on them. In some cases the vehicle are licensed to travel on the roadway. However, they are being used as advertising structures. All that I can find is a memo from FHWA dated December 27, 1984 (HRW-12). Our legal staff believes that the FHWA memo is not clear enough, and not current. Do any states have rules in place for regulating this situation? And, if so what is the justification for this regulation.

**WHO:** Pat Hurley, Administrative Officer/Coordinator, Outdoor Advertising Control \Montana DOT, (406) 444-6068, phurley@mt.gov


**DATE:** 4/4/07



FHWA MEMO - car wraps 1984.pdf

RESPONSES	WHO	OTHER DOCUMENTS
<p>This is Florida's position on car/truck wraps. We do not have any special category for these "wraps." They are treated like any other sign. If the vehicle is parked and clearly advertising to a regulated highway, they are issued violations. Some are more obviously stationary than others, of course, and we monitor those we consider borderline to see whether they ever leave the parked location. If they remain, we issue violations. We've been successful in litigating these violations. If the vehicle is actually mobile and is being driven around, we have no authority to regulate.</p>	<p>Lynn Holschuh Outdoor Advertising Control Administrator (850) 414-4600 SC 994-4600 <a href="mailto:lynn.holschuh@dot.state.fl.us">lynn.holschuh@dot.state.fl.us</a></p>	
<p>This situation is classic and considered a temporary display. The program's definition of temporary display is: "Any display, including but not limited to, a display that closes, can be temporarily obstructed or closed, is movable, attached to a trailer, folds, attached by bungy cords, straps, ties, ropes, or attached to the ground, tree, bush, plant, wall, rock, fence, building, structure, or thing that is temporary or permanent in nature because of the materials in which it is constructed or the nature of the copy thereon, including electronic or holographic representations."</p> <p>There have been few cases where the mobile advertisements are constantly moving (just like semi-truck trailer advertising) and the Department concluded that since the advertisements are not permanently affixed to the ground and constantly remain in motion/move there is no outdoor advertising license or permit requirement with the state. However, if these displays or signs become permanent structures (stay at a location for a period of time) and fall within our area of jurisdiction, we would enforce the Business and Professions Code, Chapter 2 and the California Code of Regulations, Title 4, Chapter 6 and all sections that apply.</p> <p>Hope this clarifies California's standpoint on this issue.</p>	<p>James Arbis Outdoor Advertising Program (916) 654-6413 <a href="mailto:james_arbis@dot.ca.gov">james_arbis@dot.ca.gov</a></p>	
<p>The Washington Administrative Code (WAC) definition for a 'sign' includes these vinyl signs draped on box vans or semi-trailers that are parked near, and intended to be visible to, regulated state highways. Here's the</p>	<p>Pat O'Leary WSDOT OAC Program</p>	

<p>definition:</p> <p>WAC 468-66-010(22)"Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway. The term includes the sign face(s), and the sign structure unless the sign is painted on a building, and applies to portable, temporary, and permanent installations.</p> <p>We have abated these signs on vans/trucks/trailers the same as any other sign. We've had several occasions where the truck or trailer will be relocated after we've contacted the owner; after several go-rounds of the cat-and-mouse game, they end up going away.</p> <p>And this is not to be confused with the typical advertising seen on semi trailers traveling down the highway with business or brand names or logos. Obviously, we could never make much of a case there.</p>	<p>(360) 705-7296</p>	
<p>Please see below from Maine Traveler Information Services regarding circumvention. (Maine allows only on-premise signs)</p> <p>Title 23: HIGHWAYS Part 1: STATE HIGHWAY LAW Chapter 21: MAINE TRAVELER INFORMATION SERVICES</p> <p>§1913-A. Categorical signs</p> <p>1. Types of signs. The following signs may be erected and maintained without license or permit under this chapter as follows:</p> <p>A. Signs of a duly constituted governmental body, a soil and water conservation district or regional planning district; [1981, c. 318, §3 (new).]</p> <p>B. Signs located on or in the rolling stock of common carriers, except those which are determined by the commissioner to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle; [1981, c. 318, §3 (new).]</p> <p>C. Signs on registered and inspected motor vehicles, except those which are determined by the commissioner to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle; [1981, c. 318, §3 (new).]</p>	<p>Mark Hasselmann Federal Highway Administration 40 Western Avenue, Room 614 Augusta, ME 04330 phone 207-622-8350 x 101 fax 207-626-9133</p>	<p><a href="http://janus.state.me.us/legis/statutes/23/title23ch21sec0.html">http://janus.state.me.us/legis/statutes/23/title23ch21sec0.html</a></p>
<p>We don't have anything specific to these new 'car wraps'.</p> <p>We do address signs on trailers etc as follows:</p>	<p>Jean Todd Highway Beautification Supervisor</p>	

<p>002.09A9 Signs painted, printed or mounted upon parked automobiles, trucks, trailers or a movable structure are prohibited except for the following signs:  002.09A9(a) Class IIB Signs if they comply with all other requirements of that class.  002.09A9(b) Class IID Signs if they comply with all other requirements of that class.  002.09A9(c) Class IIE Signs if they comply with all other requirements of that class.  (Note that Class IIB, IID and IIE signs are on premise signs.)</p>	<p>Right-of-Way Division  Nebraska Dept. of Roads  402.479.4463</p>	
<p>New Hampshire has had some experience with this and I will dig out the court ruling that was in the state favor and get back to you.</p>	<p>Walter J. Keuenhoff Jr.  Supervisor of Outdoor Advertising Control  Junkyard Control NHDOT  - Bureau of Traffic PO  Box 483 Concord NH  03302  Tele: (603) 271-8124</p>	
<p>Virginia has experienced advertising on vehicles parked beside the roadway. I am enclosing an instructional memorandum we developed with the aid of our attorneys to deal with the circumvention.</p>	<p>James R. Barrett,  C.P.E.S.C. Regulatory &amp; Compliance Manager  Asset Management  Division, Virginia DOT  6600 West Broad Street  Richmond, VA 23230  804-662-9389  804-662-9426 FAX  <a href="mailto:James.Barrett@VDOT.Virginia.gov">James.Barrett@VDOT.Virginia.gov</a></p>	<p>  04-OA-27.0 Ads on Vehicles.doc</p>
<p>We are having an explosion of this type of signs in Georgia, especially in the newer, fast growing, exurban areas. We treat them as unauthorized signs and start removal proceedings. We have no rules specifically addressing these kinds of signs though we use OCGA 32-6-75(a)(4) which applies very well. It says no sign shall be allowed which is not "securely affixed to a substantial structure which is not securely attached to the ground".</p>	<p>Joanna M. Campbell  Outdoor Advertising Manager  Georgia DOT  25 Kennedy Drive  Forest Park, GA 30297</p>	
<p>Our law reads as follows:   (A) "Advertising device" includes any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or <b>any other contrivance designed</b>, intended, or used to advertise or to give information in the nature of advertising, or any part thereof, the advertising or informative contents of which are visible from the main traveled way of any highway on the interstate system or primary system in this state.   We have always used the highlighted language would regulate semi-trailers.</p>	<p><a href="mailto:Kerry.Yoakum@dot.state.oh.us">Kerry.Yoakum@dot.state.oh.us</a></p>	
<p>Iowa's Code is written in such a way that all advertising devices are prohibited except for ... on-premise signs,</p>	<p>Lance Stumbo</p>	

<p>billboards, private directional signs and logo signs (306C.11 Code of Iowa). So rather than take the approach that a 'Car wrap' is allowed because there is no specific rule prohibiting it, we would assume that it is illegal because there is no law authorizing such a device. Therefore, as an off premise sign it needs to secure an outdoor advertising permit in order to remain in place or else it must be removed (assuming that the location was conforming). Iowa's definition of an advertising device states "any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other device designed, intended, or used to advertise or give information in the nature of advertising, and having the capacity of being visible from the traveled portion of any interstate or primary highway".</p> <p>Having said that, the problem is one of enforcement. It is no different than any other sign except that it is a moving target, so to speak. It would take a lot of time and effort to gather documentation but proving that it is not a legal sign without a permit would not be difficult, in my opinion.</p> <p>In the past we have successfully removed signs on wagons and semi trailers and are currently seeking removal of a sign on a semi trailer in southern Iowa. This particular sign owner has refused to remove the sign and requested an Administrative Hearing. We will have a court decision on this matter in the next few months.</p>	<p>Advertising Management Senior Advertising Control Agent 515-239-1673 <a href="mailto:lance.stumbo@dot.iowa.gov">lance.stumbo@dot.iowa.gov</a></p>	
<p>In Arkansas, we treat them as illegal signs. Some cities however have specific sign regulations that deal with them, but the state simply treats them as illegal signs.</p>	<p>Brandy Campbell Beautification Coordinator Arkansas Highway and Transportation Dept. Environmental Division * Beautification Office: 501-569-2088 * Fax: 501-569-2089 Cell: 501-412-1588 <a href="mailto:Brandy.Campbell@ArkansasHighways.com">Brandy.Campbell@ArkansasHighways.com</a></p>	