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## § 2424. Permit Renewal Process.

(a) A permit must be renewed pursuant to Section 5360 of the Act. The permit renewal process consists of the following:

(1) ~~The Department mails a renewal application for a term of five years to the Permittee permittee at the Permittee's permittee's last address on the Department's record with the Department at least 30 45 days before the expiration date. Failure to receive a notice for permit renewal does not relieve a permittee of the obligation to renew all permit(s) prior to expiration.~~

(2) ~~To timely renew, a permittee should submit a The Permittee returns the completed permit renewal form and the current renewal fee(s) to the Department on or before December 31 in the year that the permit will expire. Form ODA-0013(A), Application For Outdoor Advertising Permit Renewal 1999-2003 (Rev. 09/99) which is incorporated by reference, and fee to the Department postmarked on or before December 31 of the year in which the permit expires to avoid a penalty. The Permittee would be scheduled to pay as follows:~~

(b) A permit holder may elect to pay permit renewal fees in either of the following manners:

(1) A permit holder may pay the total sum of all permits renewed for the entire five-year renewal term during the first year of the term or, (A) A Permittee holding 10 or more permits may pay one fifth of the fee (pro-rata fee) to the Department on an annual basis postmarked each year on or before December 31 to avoid a penalty fee. A Permittee shall be responsible for paying the then-current annual fee at the time of each pro-rata payment.

(2) A permit holder may pay one-fifth of the total sum of all permit(s) renewed in the first year and one-fifth of the remaining sum in each subsequent year during the five-year renewal term. (B) A Permittee holding less than 10 permits must pay the total fee every five years on or before December 31 of the year in which payment is due to avoid a penalty fee. A Permittee prepaying for five years may be assessed any increase in the annual fees, due by December 31 of the year which payment is due.

~~(C) The Permittee is responsible for contacting the Department if a renewal application is not received.~~

(c) In either case and to avoid a late payment (3) A permit is expired and is subject to a mandatory penalty fee, of \$100.00 if the permit renewal application and fee payment must be are received by the Department submitted with a postmarked date no later than after December 31 of the year in which the permit expires or the pro-rata payment is due.

~~(4) The Department shall issue the permit after receiving the completed renewal application, permit fee or pro-rata fee, and after determining the Display is not in violation of any provision of the Act or these regulations and an unexpired building permit has been issued, if the display has not been constructed. Permits issued prior to December 31, 2002, for Displays that have not been constructed or have not obtained an unexpired building permit, will not be revoked until June 30, 2005, if the applicable city or county confirms that a building permit is being actively considered for the Display. The Department will also review its records to determine there is no~~

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~~active violation notice on record for the Display as of December 31 of the year in which the permit expires. The permit entitles the permittee to place the permitted display for the term of the permit, provided all pro rata fees are timely received.~~

~~(5) If the Department fails to issue a permit according to this Chapter and the Act within one year after receiving a complete and valid renewal application and required fees, the permit is considered renewed for the year of the renewal application. An applicant shall provide a certified mail receipt or signed acknowledgment of receipt by a Department representative to invoke this provision. This section does not apply to a permit under review pursuant to Chapter 3.6 commencing with section 2424(C) in Title 4 of the California Code of Regulations or a legal action.~~

~~(6) The following occurs when a permit is not renewed in accordance with (a)(1) to (a)(4) of this section:~~

~~(A) The Department provides written notice by certified mail to the Permittee at the address on record at least 30 days before the cancellation date indicating the permit is expired, is not in compliance with the Act, or the permit fee or the pro rata fee is not received. However, the permit may be renewed with a penalty fee.~~

~~(B) The Permittee has until December 31 of the first year following the expiration of the permit to return the renewal application, permit fee or pro rata fee, and penalty fee or notify the Department to cancel the permit because the Display has been removed.~~

~~(C) The Department issues the permit after receiving the completed renewal application, permit fee or pro rata fee, and after determining the Display is not in violation of any provision of the Act or these regulations. The Department will also review its records to determine if there is no active violation notice on record for the Display as of December 31 of the year in which the permit expires.~~

~~(D) When the Permittee fails to comply with subsection (6)(B), the permit is not renewable and the Director shall notify the permittee by certified mail that the permit will be revoked in thirty (30) days. Any permittee served with a notice of revocation may appeal this decision in accordance with the provisions of section 2241(b) of these Regulations.~~

~~(d) A permit will expire on December 31:~~

~~(1) of the fifth year of the five-year renewal term when the permit holder elects to pay the total sum of all permits.~~

~~(2) of each year when the permit holder elects to pay annual installments during the five-year renewal term.~~

~~(e) (7) A permit must be renewed by December 31 the end of the first year after expiration or lose eligibility for renewal and be subject to cancellation. The Department shall provide notice to a permit holder at the address of record at least 30 days before the cancellation of a permit.~~

~~(8) The renewal application for a valid, unrevoked, and unexpired permit shall be mailed when issuance of the permit is pending resolution of a violation notice or a legal action. The Permittee shall continue to comply with the renewal requirements. The permit is issued only when a final decision is made by the Director or by a court of law that does not uphold the violation. Fees will~~

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~~be deposited into the State Highway Account and when appropriate, refunded upon the final decision.~~

(f) The permit renewal form shall contain the following:

- (1) The name of the permit holder. For permit holders who are individuals, the first and last name of the individual shall be provided. For permit holders who are business entities, the legal business name shall be provided.
- (2) The permit holder's address of record and display location.
- (3) The permit number, amount due, and expiration date.
- (4) An attestation that all information provided to the Department is accurate and current.

Note: Authority cited: Sections 5250 and 5415, Business and Professions Code. Reference: Sections 5358, 5360, 5463 and 5485, Business and Professions Code.

#### **HISTORY**

1. New section filed 9-20-99; operative 10-20-99 (Register 99, No. 39).
2. Amendment of subsections (a)(2)(A)-(B), (a)(3)-(4), (a)(6)(D) and (a)(8) and amendment of Note filed 11-23-2004; operative 12-23-2004 (Register 2004, No. 48).
3. Change without regulatory effect amending subsection (a)(4) filed 2-28-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 9).

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4 CCR § 2424, 4 CA ADC § 2424