# Sign Regulations: Where we are and where are we going?

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### The Lead Up

- Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981).
  - Commercial speech.
  - Substantial government interest.
- In 1983, the City of Austin prohibits off-premise signs.
- Reed v. Town of Gilbert, 576 U.S 155 (2015).
  - Non-commercial speech.
  - Regulations based on the content of the speech.

### Reagan National Advertising v. City of Austin

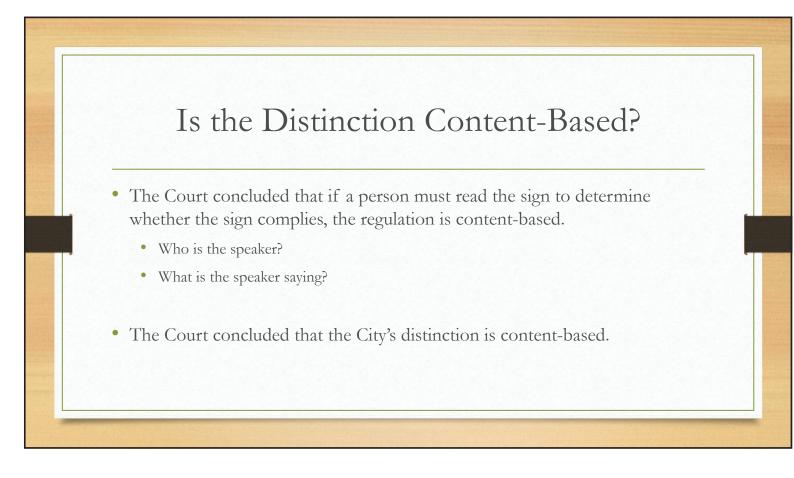
- In 2017, Reagan National Advertising sought to convert some of its billboards into digital signs.
- After the City denied the applications, Reagan National Advertising sued the City of Austin alleging that the City's 34-year distinction between on-/off-premise signs is an unconstitutional content-based restriction on speech.
  - In 2019, the trial court ruled in the City's favor.
  - In 2020, the Fifth Circuit Court of Appeals reversed.

### The Fifth Circuit's Ruling

• Is Austin's distinction between on-/off-premise signs was content-based?

• Does Austin regulate commercial speech?

# Is the Distinction Content-Based? The Court explained that a regulation can be content-based if it defines regulated speech by its function or purpose. Reed v. Town of Gilbert, 576 U.S 155 (2015). Thomas v. Bright, 937 F.3d 721 (6th Cir. 2019). Act Now to Stop War and End Racism Coalition and Muslim American Society Freedom Foundation, v. District of Columbia, 846 F.3d 391, 396 (D.D.C 2017). The Court concluded that the City's regulates speech based on its purpose.



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