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SENATE BILL 6102

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State of Washington

61st Legislature

2009 Regular Session

By Senator Jacobsen

Read first time 02/26/09. Referred to Committee on Transportation.

1 AN ACT Relating to the display of digital advertising signs on  
2 highways; adding a new section to chapter 47.42 RCW; creating a new  
3 section; prescribing penalties; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds and declares all of  
6 the following:

7 (1) Numerous municipalities and states have raised safety concerns  
8 regarding the construction and conversion of advertising signs along  
9 and on state, county, and city highways into digital advertising signs.

10 (2) The key issues of concern are: The potential distraction to  
11 motorists due to brightness, rapid changes in the signs, and proximity  
12 to complex driving environments and areas of high traffic congestion;  
13 diversion of attention from official highway signs; and spacing, among  
14 other factors.

15 (3) The federal highway administration is expected to release, in  
16 early 2009, phase 1 of a study indicating a need for more research on  
17 the safety impacts of commercial electronic variable message signs,  
18 referred to in this act as digital advertising signs.

1 (4) In early 2009, the American association of state highway and  
2 transportation officials is expected to release a critical review of  
3 studies in fifty countries around the world over the last ten years on  
4 safety impacts of digital advertising signs.

5 (5) In 2010, the federal highway administration is expected to  
6 release phase 2 of the study described in subsection (3) of this  
7 section, consisting of field work and conclusions concerning safety  
8 impacts of digital advertising signs.

9 It is the intent of the legislature to protect the public safety by  
10 prohibiting, until January 1, 2012, the construction of new digital  
11 advertising signs, or the conversion, enhancement, improvement,  
12 modification, modernization, or alteration, other than routine  
13 maintenance, of existing advertising signs into digital advertising  
14 signs, that are visible from a state, county, or city highway, in order  
15 to provide the legislature adequate time to analyze the safety studies  
16 described in this section, hold public hearings throughout the state on  
17 the findings of those studies, and revise state law as appropriate.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.42 RCW  
19 to read as follows:

20 (1)(a) A sign subject to this chapter, or any other sign that is  
21 visible from a highway that is under the jurisdiction of the state, a  
22 county, or a city, may not be constructed as, or converted, enhanced,  
23 improved, modified, modernized, or altered into, a digital advertising  
24 sign.

25 (b) An official highway changeable message sign may not be  
26 constructed as, or enhanced, upgraded, improved, modified, modernized,  
27 or altered into, a digital advertising sign for the purpose of  
28 displaying commercial messages in addition to official traffic  
29 operations or public safety messages.

30 (2) For the purposes of this section:

31 (a) "Digital advertising sign" means an advertising sign of still,  
32 scrolling, or moving images, including video and animation, that may be  
33 changed remotely through electronic means and utilizes a series of grid  
34 lights, including cathode ray, light-emitting diode display, plasma  
35 screen, liquid crystal display, fiber optic, or other electronic media  
36 or technology.

1 (b) "Official highway changeable message sign" means a traffic  
2 control device owned and operated by or on behalf of the department or  
3 a local or regional transportation agency designed to provide the  
4 public with traffic operations and public safety information.

5 (3) A civil penalty of three thousand five hundred dollars applies  
6 for each day that a sign or official highway changeable message sign is  
7 in violation of this section. The owner of a sign in violation of this  
8 section must disgorge profits gained over the period during which the  
9 sign is in violation of this section. The civil penalty under this  
10 section must be assessed and recovered in an action brought by the  
11 attorney general, a county prosecutor, or a city attorney, who is also  
12 authorized to seek an injunction against further violation of this  
13 section.

14 NEW SECTION. **Sec. 3.** This act expires January 1, 2012.

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