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**SUBSTITUTE SENATE BILL 6208**

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**State of Washington**                      **61st Legislature**                      **2010 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Haugen, Hatfield, and Shin)

READ FIRST TIME 01/20/10.

1            AN ACT Relating to temporary agricultural directional signs; and  
2 amending RCW 47.42.020 and 47.42.120.

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

4            **Sec. 1.** RCW 47.42.020 and 2005 c 398 s 2 are each amended to read  
5 as follows:

6            The definitions set forth in this section apply throughout this  
7 chapter.

8            (1) "Department" means the Washington state department of  
9 transportation.

10           (2) "Erect" means to construct, build, raise, assemble, place,  
11 affix, attach, create, paint, draw, or in any other way bring into  
12 being or establish.

13           (3) "Interstate system" means any state highway which is or does  
14 become part of the national system of interstate and defense highways  
15 as described in section 103(d) of title 23, United States Code.

16           (4) "Maintain" means to allow to exist.

17           (5) "Person" means this state or any public or private corporation,  
18 firm, partnership, association, as well as any individual or  
19 individuals.

1 (6) "Primary system" means any state highway which is or does  
2 become part of the federal-aid primary system as described in section  
3 103(b) of title 23, United States Code.

4 (7) "Scenic system" means (a) any state highway within any public  
5 park, federal forest area, public beach, public recreation area, or  
6 national monument, (b) any state highway or portion thereof outside the  
7 boundaries of any incorporated city or town designated by the  
8 legislature as a part of the scenic system, or (c) any state highway or  
9 portion thereof outside the boundaries of any incorporated city or town  
10 designated by the legislature as a part of the scenic and recreational  
11 highway system except for the sections of highways specifically  
12 excluded in RCW 47.42.025 or located within areas zoned by the  
13 governing county for predominantly commercial and industrial uses, and  
14 having development visible to the highway, as determined by the  
15 department.

16 (8) "Sign" means any outdoor sign, display, device, figure,  
17 painting, drawing, message, placard, poster, billboard, or other thing  
18 that is designed, intended, or used to advertise or inform, any part of  
19 the advertising or informative contents of which is visible from any  
20 place on the main-traveled way of the interstate system or other state  
21 highway. "Sign" does not include a display authorized under RCW  
22 47.36.030(3) promoting a local agency sponsored event that does not  
23 include advertising.

24 (9) "Commercial and industrial areas" means any area zoned  
25 commercial or industrial by a county or municipal code, or if unzoned  
26 or zoned for general uses by a county or municipal code, that area  
27 occupied by three or more separate and distinct commercial or  
28 industrial activities, or any combination thereof, within a space of  
29 five hundred feet and the area within five hundred feet of such  
30 activities on both sides of the highway. The area shall be measured  
31 from the outer edges of the regularly used buildings, parking lots, or  
32 storage or processing areas of the commercial or industrial activity  
33 and not from the property lines of the parcels upon which the  
34 activities are located. Measurements shall be along or parallel to the  
35 edge of the main traveled way of the highway. The following shall not  
36 be considered commercial or industrial activities:

37 (a) Agricultural, forestry, grazing, farming, and related

1 activities, including, but not limited to, wayside fresh produce  
2 stands;

3 (b) Transient or temporary activities;

4 (c) Railroad tracks and minor sidings;

5 (d) Signs;

6 (e) Activities more than six hundred and sixty feet from the  
7 nearest edge of the right-of-way;

8 (f) Activities conducted in a building principally used as a  
9 residence.

10 If any commercial or industrial activity that has been used in defining  
11 or delineating an unzoned area ceases to operate for a period of six  
12 continuous months, any signs located within the former unzoned area  
13 become nonconforming and shall not be maintained by any person.

14 (10) "Roadside area information panel or display" means a panel or  
15 display located so as not to be readable from the main traveled way,  
16 erected in a safety rest area, scenic overlook, or similar roadside  
17 area, for providing motorists with information in the specific interest  
18 of the traveling public.

19 (11) "Temporary agricultural directional sign" means a sign on  
20 private property adjacent to a state highway right-of-way, or on a  
21 state highway right-of-way, to provide directional information to  
22 places of business offering for sale seasonal agricultural products on  
23 the property where the sale is taking place.

24 **Sec. 2.** RCW 47.42.120 and 1999 c 276 s 1 are each amended to read  
25 as follows:

26 Notwithstanding any other provisions of this chapter, no sign  
27 except a sign of type 1 or 2 or those type 3 signs that advertise  
28 activities conducted upon the properties where the signs are located,  
29 may be erected or maintained without a permit issued by the department.  
30 Application for a permit shall be made to the department on forms  
31 furnished by it. The forms shall contain a statement that the owner or  
32 lessee of the land in question has consented thereto. For type 8 signs  
33 (temporary agricultural directional signs), when the land in question  
34 is owned by the department, the consent statement must be reviewed and,  
35 if the sign does not create a safety concern, be approved within five  
36 days of application by the department. The application shall be  
37 accompanied by a fee established by department rule to be deposited

1 with the state treasurer to the credit of the motor vehicle fund.  
2 Permits shall be for the remainder of the calendar year in which they  
3 are issued, and accompanying fees shall not be prorated for fractions  
4 of the year. Permits must be renewed annually through a certification  
5 process established by department rule. Advertising copy may be  
6 changed at any time without the payment of an additional fee.  
7 Assignment of permits in good standing is effective only upon receipt  
8 of written notice of assignment by the department. A permit may be  
9 revoked after hearing if the department finds that any statement made  
10 in the application or annual certification process was false or  
11 misleading, or that the sign covered is not in good general condition  
12 and in a reasonable state of repair, or is otherwise in violation of  
13 this chapter, if the false or misleading information has not been  
14 corrected and the sign has not been brought into compliance with this  
15 chapter or rules adopted under it within thirty days after written  
16 notification.

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