

# HOUSE BILL REPORT

## SB 5382

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### As Passed House - Amended:

April 13, 1999

**Title:** An act relating to the Scenic Vistas Act.

**Brief Description:** Strengthening the Scenic Vistas Act.

**Sponsors:** Senators T. Sheldon, Horn, Haugen and Winsley; by request of Department of Transportation.

### Brief History:

#### Committee Activity:

Transportation: 3/24/99, 4/1/99 [DP].

#### Floor Activity:

Passed House - Amended: 4/13/99, 85-10.

### Brief Summary of Bill

The Scenic Vistas Act is modified:

- The permitting process established in 1967 that requires an initial \$10 and an annual \$10 renewal fee is replaced with a single, one time fee. The new fee will be determined by Administrative Rule.
- The Department of Transportation is authorized to directly contact the owner of a public nuisance sign, i.e., illegal billboards.
- The existing misdemeanor penalty of up to \$1,000 a day is reduced to a civil penalty, which will carry a fee of \$100 per day. This penalty would start on the 16th day after the failure to remove a sign for a maximum of 30 days.

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HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 20 members: Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; G. Chandler; Haigh; Hatfield; Hurst; Lovick; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schual-Berke; Skinner and Wood.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Buck; DeBolt; Fortunato; McDonald and Schindler.

**Staff:** Ashley Probart (786-7319).

**Background:**

The Scenic Vistas Act has several sections regulating the type and use of signs that are on private property that is visible to the Interstate, primary highways, and scenic highways. Regulated signs fall into two broad categories: (1) signs that are regulated, but do not require a permit fee; and (2) signs that are regulated and require a permit fee, such as billboards.

Signs that require a permit fee pay an initial \$10 and an annual renewal fee of \$10. This fee was established in 1961.

The Department of Transportation (DOT) maintains an inventory of both permitted signs and illegal signs, and performs periodic field reviews. This inventory and field review documentation makes the need for annual permit renewals redundant.

The Scenic Vistas Act also has a section on public nuisance signs, including a removal notification and penalty procedure for failure to remove a sign. Public nuisance signs are defined as signs that are installed on private property without a permit, or are on public right-of-way without a permit.

Current law requires the owner of a public nuisance sign to be notified by the DOT, the Washington State Patrol (WSP), the county sheriff, or chief of police of any city or town. If the owner of the public nuisance sign can not be personally contacted, the property owner on which the public nuisance sign resides, is required to receive a certified mail notice of the public nuisance at the property owner's last known address.

Failure to remove the sign 15 days after receiving notification of the public nuisance is considered to be a misdemeanor. A misdemeanor offense can be a maximum of \$1,000 and/or 90 days in jail per occurrence, and each day the sign remains is considered a separate offense.

A 1997 Federal Highway Administration and the State Auditor's Office program review found illegal sign abatement to be a weak link in the DOT's sign program.

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**Summary of Bill:**

The Scenic Vistas Act is modified. The permitting process that requires an initial \$10 and an annual \$10 renewal fee is replaced with a single, one time fee. The DOT determines the one time fee by administrative rule, and also replaces the annual renewal fee with an annual certification process.

The administration process and the penalty for public nuisance signs is changed. The DOT is authorized to directly contact the owner of a public nuisance sign. The WSP, the county sheriff, or chief of police of any city or town is no longer a partner in the notification process.

Failure to remove the sign 15 days after receiving notification from the DOT results in a civil penalty of \$100 per day. The civil penalty applies on the 16th day and has a maximum of 30 days.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill allows the Department of Transportation (DOT) to replace the initial \$10 fee and the annual \$10 renewal fee that was established in 1961 with a single fee and an annual certification process. In addition, this bill allows the Department of Transportation to efficiently address illegal, public nuisance signs. Passage of this bill will address the 1997 Federal Highway Administration and the State Auditor's Office program review finding that illegal sign abatement is a weak link in the DOT's sign program.

**Testimony Against:** None.

**Testified:** Lloyd Ensley, Washington State Department of Transportation.