

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5761

63rd Legislature
2013 Regular Session

Passed by the Senate April 22, 2013
YEAS 40 NAYS 8

President of the Senate

Passed by the House April 9, 2013
YEAS 57 NAYS 36

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5761** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5761

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By Senate Transportation (originally sponsored by Senators King and Hobbs; by request of Department of Transportation)

READ FIRST TIME 02/27/13.

1 AN ACT Relating to outdoor advertising sign fees, labels, and
2 prohibitions; amending RCW 47.42.120, 47.42.080, and 47.42.130;
3 repealing RCW 47.42.048; and prescribing penalties.

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

5 **Sec. 1.** RCW 47.42.120 and 2010 c 138 s 2 are each amended to read
6 as follows:

7 Notwithstanding any other provisions of this chapter, no sign
8 except a sign of type 1 or 2 or those type 3 signs that advertise
9 activities conducted upon the properties where the signs are located,
10 may be erected or maintained without a permit issued by the department.
11 Application for a permit shall be made to the department on forms
12 furnished by it. The forms shall contain a statement that the owner or
13 lessee of the land in question has consented thereto. For type 8 signs
14 (temporary agricultural directional signs), when the land in question
15 is owned by the department, the consent statement must be reviewed and,
16 if the sign does not create a safety concern, be approved within ten
17 days of application by the department. The application shall be
18 accompanied by a fee established by department rule to be deposited
19 with the state treasurer to the credit of the motor vehicle fund.

1 Permits shall be for the remainder of the calendar year in which they
2 are issued, and accompanying fees shall not be prorated for fractions
3 of the year. Permits must be renewed annually through a certification
4 process established by department rule. Advertising copy may be
5 changed at any time without the payment of an additional fee.
6 Assignment of permits in good standing is effective only upon receipt
7 of written notice of assignment by the department. A permit may be
8 revoked after hearing if the department finds that any statement made
9 in the application or annual certification process was false or
10 misleading, or that the sign covered is not in good general condition
11 and in a reasonable state of repair, or is otherwise in violation of
12 this chapter, if the false or misleading information has not been
13 corrected and the sign has not been brought into compliance with this
14 chapter or rules adopted under it within thirty days after written
15 notification. Beginning July 1, 2014, the department shall establish
16 and charge by rule an annual fee for type 4 and 5 sign permits. The
17 fee must reasonably recover costs for outdoor advertising control
18 program administration and enforcement and may not exceed one hundred
19 fifty dollars. The department shall establish by rule exemptions from
20 payment of the annual fee for type 4 and 5 signs that do not generate
21 rental income.

22 **Sec. 2.** RCW 47.42.080 and 2010 c 8 s 10016 are each amended to
23 read as follows:

24 (1) Any sign erected or maintained contrary to the provisions of
25 this chapter or rules adopted hereunder that is designed to be viewed
26 from the interstate system, the primary system, or the scenic system is
27 a public nuisance, and the department, the chief of the Washington
28 state patrol, the county sheriff, or the chief of police of any city or
29 town shall notify the permittee or, if there is no permittee, the owner
30 of the property on which the sign is located, by certified mail at his
31 or her last known address, that it constitutes a public nuisance and
32 must comply with the chapter or be removed.

33 (2) If the permittee or owner, as the case may be, fails to comply
34 with the chapter or remove any such sign within fifteen days after
35 being notified to remove the sign he or she is guilty of a misdemeanor.
36 In addition to the penalties imposed by law upon conviction, an order

1 may be entered compelling removal of the sign. Each day the sign is
2 maintained constitutes a separate offense.

3 (3) If the permittee or owner, as the case may be, fails to comply
4 with this chapter or rules adopted under this chapter or fails to
5 remove any sign erected or maintained contrary to the provisions of
6 this chapter or rules adopted under this chapter within fifteen days
7 after being notified to remove the sign, the department shall assess a
8 fine of one hundred dollars per calendar day until the sign is brought
9 into compliance or is removed. The one hundred dollar per calendar day
10 fine is not contingent on a misdemeanor conviction. Fines collected
11 under this subsection must be deposited with the state treasurer to the
12 credit of the motor vehicle fund.

13 (4) If the permittee or the owner of the property upon which it is
14 located, as the case may be, is not found or refuses receipt of the
15 notice, the department, the chief of the Washington state patrol, the
16 county sheriff, or the chief of police of any city or town shall post
17 the sign and property upon which it is located with a notice that the
18 sign constitutes a public nuisance and must be removed. If the sign is
19 not removed within fifteen days after such posting, the department, the
20 chief of the Washington state patrol, the county sheriff, or the chief
21 of police of any city or town shall abate the nuisance and destroy the
22 sign, and for that purpose may enter upon private property without
23 incurring liability for doing so.

24 ~~((+4))~~ (5) Nothing in this section may be construed to affect the
25 provisions contained in RCW 47.42.102 requiring the payment of
26 compensation upon the removal of any signs compensable under state law.

27 ~~((+5))~~ (6) Any sign erected or maintained on state highway right-
28 of-way contrary to this chapter or rules adopted under it is a public
29 nuisance, and the department is authorized to remove any such sign
30 without notice.

31 **Sec. 3.** RCW 47.42.130 and 1999 c 276 s 2 are each amended to read
32 as follows:

33 Every permit issued by the department shall be assigned a separate
34 identification number, and each permittee shall fasten to each sign a
35 weatherproof label, not larger than ~~((sixteen))~~ twenty-eight square
36 inches, that shall be furnished by the department and on which shall be
37 plainly visible the permit number. The permittee shall also place his

1 or her name in a conspicuous position on the front or back of each
2 sign. The failure of a sign to have such a label affixed to it is
3 prima facie evidence that it is not in compliance with the provisions
4 of this chapter.

5 NEW SECTION. **Sec. 4.** RCW 47.42.048 (State and local prohibitions)
6 and 1974 ex.s. c 80 s 3 are each repealed.

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