

**WAC 468-70-070 Permits and procedure.** (1) No business signs will be installed on motorist information sign panels prior to issuance of a permit by the department. Permits will be issued by the department in accordance with this chapter.

(2) Permit applications will be accepted at the appropriate department of transportation regional office in care of the regional administrator. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) One permit application will be for all the signing that the applicant will qualify for at a single interchange or intersection.

(4) Application forms, which may be obtained from the department, shall contain the following information:

(a) Name and address of the owner of the business to be advertised.

(b) The highway for which the applicant seeks signing.

(c) A description of the interchange or intersection for which the business sign is to be installed.

(d) A statement of the business location including exact travel distance from the interchange or intersection and precise roads used for access.

(e) An agreement to limit the height of any on-premise sign to no greater than fifteen feet higher than the roof of the main building, measured to the bottom of the sign for businesses located within one mile of an interchange or intersection. (Not applicable along interstate highways if the sign is not visible to the highway.)

Pursuant to RCW 47.36.310, for on-premise signs visible along rural interstate highways the department may waive the fifteen-foot height requirement, on a case-by-case basis, where granting the waiver will not preclude another business having an on-premise sign which complies with the fifteen-foot height requirement from receiving business signs.

(f) Such other information as may be required by the department.

(5) Each permit application will include a sketch, drawing or picture of the message to be placed on the business signs. Business signs may not display messages advertising products or services incidental to the qualifying motorist service activity. The department shall have final approval of the design of the business sign and may modify such submissions to achieve uniformity, visibility, and legibility.

(6) Any party aggrieved by an application determination of the department shall be accorded hearing rights before the secretary of transportation or his designee pursuant to chapter 34.05 RCW.

(7) Once an application is approved, the department will request that the business provide its business signs to the department for installation and pay the first year's annual motorist information sign panel fee. There is no additional fee for first-time business sign installations.

(8) The department will install RV symbols on business signs upon request, after confirming that the business meets the eligibility requirements prescribed by WAC 468-70-050(2). RV symbols may remain on business signs until no longer applicable, or until the symbols require replacement due to weather-wear.

(9) Fees:

(a) The annual fee charged to each business for motorist information sign panels is:

(i) Nine hundred ten dollars for signs located in fee zone 1;

(ii) Six hundred eighty-three dollars for signs located in fee zone 2; or

(iii) Three hundred sixty-four dollars for signs located in fee zone 3.

(b) The fee for business sign replacement is one hundred fifteen dollars per sign, prepaid.

(c) The fee for new or replacement department-installed RV symbols is seventy-five dollars per symbol, prepaid.

(d) The annual fee for motorist information sign panels shall be paid within thirty calendar days after the anniversary of the permit issue. Failure to pay the annual fee within thirty calendar days after the anniversary of the permit issue will cause the permit to expire and the business signs to be removed from the motorist information sign panels.

(10) Business signs may be replaced at the request of a business; or, the department may request the business signs to replace weather-worn signs.

(11) Loss of sign locations:

(a) If highway construction or maintenance activities temporarily close sections of highway where business signs are installed, the business shall have no claim against the department or its contractor for disruption of signing and/or access resulting from the closures.

(b) Where it's necessary to remove signs temporarily to accommodate highway construction or maintenance activities, the department may prorate the amount due to the department for the next billing cycle proportionate to the length of time the sign is removed.

(c) Where highway construction, maintenance activities, or natural causes permanently preclude reinstalling motorist information sign panels or business signs, the business shall be entitled to:

(i) If no signs remain, prorated reimbursement for the balance of the current billing cycle; or

(ii) If signs remain in one direction of travel, prorated credit of the amount due to the department for the next billing cycle.

(12) The department shall not be liable for loss or damage due to delays or interruptions of service because of inclement weather, fire, or other casualty loss, strikes, governmental laws, rules, or regulations, acts of God, or any other reason outside the department's control.

(13) In the event of change of ownership or operation, assignment of permits in good standing shall be effective only upon receipt of assignment by the department. The department will not reassign permits in the event of change of both ownership and operation.

(14) Revocation and expiration:

(a) After hearing before the secretary of transportation or his designee, as required by chapter 34.05 RCW (Administrative Procedure Act) and the rules and regulations of the department adopted pursuant thereto, any motorist information sign permit may be revoked by the secretary or the secretary's designee who has conducted the hearing for any of the following reasons:

(i) For the making of any false or misleading statements in the application for any permit, whether or not the same is material to or relied upon by the department in the issuance of such permit when such false or misleading statement or information shall remain uncorrected after the expiration of thirty days following written notification thereof.

(ii) For allowing or suffering any on-premise sign to remain that exceeds the height requirements set forth in this chapter.

(iii) For failure to provide the services and/or facilities required by WAC 468-70-050 and this section.

(b) If a motorist information sign permit is revoked or is allowed to expire, a new application may be accepted by the department and the motorist service activity must meet the requirements of any other applying motorist service activity.

[Statutory Authority: RCW 47.36.030, 47.36.310, and 47.36.320. WSR 06-15-018, § 468-70-070, filed 7/7/06, effective 8/7/06. Statutory Authority: ESHB 2474, 2004 c 229 § 218 and RCW 47.36.310 and 47.36.320. WSR 04-16-056, § 468-70-070, filed 7/29/04, effective 8/29/04. Statutory Authority: RCW 47.36.325 and the 2002 supplemental appropriation bill. WSR 03-20-082, § 468-70-070, filed 9/30/03, effective 10/31/03. Statutory Authority: Chapter 34.05 RCW and RCW 47.42.060. WSR 00-01-184 (Order 196), § 468-70-070, filed 12/22/99, effective 1/22/00. Statutory Authority: RCW 47.36.030. WSR 95-23-098 (Order 153), § 468-70-070, filed 11/21/95, effective 1/1/96. Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101. WSR 91-17-012 (Order 129), § 468-70-070, filed 8/13/91, effective 9/13/91. Statutory Authority: RCW 47.42.046 and 47.42.047. WSR 88-22-001 (Order 115), § 468-70-070, filed 10/20/88. Statutory Authority: Chapter 47.42 RCW. WSR 87-01-054 (Order 106), § 468-70-070, filed 12/16/86; WSR 85-17-012 (Order 96), § 468-70-070, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-070, filed 12/20/78. Formerly WAC 252-42-060.]