

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1124

Chapter 398, Laws of 2005

59th Legislature
2005 Regular Session

HIGHWAYS--SIGNS, BANNERS

EFFECTIVE DATE: 7/24/05

Passed by the House April 18, 2005
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 12, 2005
Yeas 42 Nays 0

BRAD OWEN

President of the Senate

Approved May 11, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1124** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 11, 2005 - 1:58 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1124

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington **59th Legislature** **2005 Regular Session**

By Representatives Eickmeyer, Buck, Blake, Upthegrove, B. Sullivan,
Chase and Dunshee

Read first time 01/17/2005. Referred to Committee on Transportation.

1 AN ACT Relating to authorizing the use of signs, banners, or
2 decorations over highways under limited circumstances; and amending RCW
3 47.36.030 and 47.42.020.

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

5 **Sec. 1.** RCW 47.36.030 and 2003 c 198 s 3 are each amended to read
6 as follows:

7 (1) The secretary of transportation shall have the power and it
8 shall be its duty to adopt and designate a uniform state standard for
9 the manufacture, display, erection, and location of all signs, signals,
10 signboards, guideposts, and other traffic devices erected or to be
11 erected upon the state highways of the state of Washington for the
12 purpose of furnishing information to persons traveling upon such state
13 highways regarding traffic regulations, directions, distances, points
14 of danger, and conditions requiring caution, and for the purpose of
15 imposing restrictions upon persons operating vehicles thereon. Such
16 signs shall conform as nearly as practicable to the manual of
17 specifications for the manufacture, display, and erection of uniform
18 traffic control devices for streets and highways and all amendments,
19 corrections, and additions thereto.

1 (2) The department of transportation shall prepare plans and
2 specifications of the uniform state standard of traffic devices so
3 adopted and designated, showing the materials, colors, and designs
4 thereof, and shall upon the issuance of any such plans and
5 specifications or revisions thereof and upon request, furnish to the
6 boards of county commissioners and the governing body of any
7 incorporated city or town, a copy thereof. Signs, signals, signboards,
8 guideposts, and other traffic devices erected on county roads shall
9 conform in all respects to the specifications of color, design, and
10 location approved by the secretary. Traffic devices hereafter erected
11 within incorporated cities and towns shall conform to such uniform
12 state standard of traffic devices so far as is practicable. The
13 uniform system must allow local transit authority bus shelters located
14 within the right of way of the state highway system to display and
15 maintain commercial advertisements subject to applicable federal
16 regulations, if any.

17 (3) The uniform system adopted by the secretary under this section
18 may allow signs, banners, or decorations over a highway that:

19 (a) Are in unincorporated areas;

20 (b) Are at least twenty vertical feet above a highway; and

21 (c) Do not interfere with or obstruct the view of any traffic
22 control device.

23 The department shall adopt rules regulating signs, banners, or
24 decorations installed under this subsection (3).

25 **Sec. 2.** RCW 47.42.020 and 1993 c 430 s 10 are each amended to read
26 as follows:

27 The definitions set forth in this section apply throughout this
28 chapter.

29 (1) "Department" means the Washington state department of
30 transportation.

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

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

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

1 (5) "Person" means this state or any public or private corporation,
2 firm, partnership, association, as well as any individual or
3 individuals.

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

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

19 (8) "Sign" means any outdoor sign, display, device, figure,
20 painting, drawing, message, placard, poster, billboard, or other thing
21 that is designed, intended, or used to advertise or inform, any part of
22 the advertising or informative contents of which is visible from any
23 place on the main-traveled way of the interstate system or other state
24 highway. "Sign" does not include a display authorized under RCW
25 47.36.030(3) promoting a local agency sponsored event that does not
26 include advertising.

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

1 edge of the main traveled way of the highway. The following shall not
2 be considered commercial or industrial activities:

3 (a) Agricultural, forestry, grazing, farming, and related
4 activities, including, but not limited to, wayside fresh produce
5 stands;

6 (b) Transient or temporary activities;

7 (c) Railroad tracks and minor sidings;

8 (d) Signs;

9 (e) Activities more than six hundred and sixty feet from the
10 nearest edge of the right of way;

11 (f) Activities conducted in a building principally used as a
12 residence.

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

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

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

Passed by the House April 18, 2005.
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