

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6208

Chapter 138, Laws of 2010

61st Legislature
2010 Regular Session

TEMPORARY AGRICULTURAL DIRECTIONAL SIGNS

EFFECTIVE DATE: 06/10/10

Passed by the Senate March 6, 2010
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 2, 2010
YEAS 96 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 19, 2010, 2:08 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6208** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 19, 2010

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6208

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

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 ten
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.

Passed by the Senate March 6, 2010.

Passed by the House March 2, 2010.

Approved by the Governor March 19, 2010.

Filed in Office of Secretary of State March 19, 2010.