

SSB 5761 - H COMM AMD
By Committee on Transportation

ADOPTED 04/09/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 47.42.120 and 2010 c 138 s 2 are each amended to read
4 as follows:

5 Notwithstanding any other provisions of this chapter, no sign
6 except a sign of type 1 or 2 or those type 3 signs that advertise
7 activities conducted upon the properties where the signs are located,
8 may be erected or maintained without a permit issued by the department.
9 Application for a permit shall be made to the department on forms
10 furnished by it. The forms shall contain a statement that the owner or
11 lessee of the land in question has consented thereto. For type 8 signs
12 (temporary agricultural directional signs), when the land in question
13 is owned by the department, the consent statement must be reviewed and,
14 if the sign does not create a safety concern, be approved within ten
15 days of application by the department. The application shall be
16 accompanied by a fee established by department rule to be deposited
17 with the state treasurer to the credit of the motor vehicle fund.
18 Permits shall be for the remainder of the calendar year in which they
19 are issued, and accompanying fees shall not be prorated for fractions
20 of the year. Permits must be renewed annually through a certification
21 process established by department rule. Advertising copy may be
22 changed at any time without the payment of an additional fee.
23 Assignment of permits in good standing is effective only upon receipt
24 of written notice of assignment by the department. A permit may be
25 revoked after hearing if the department finds that any statement made
26 in the application or annual certification process was false or
27 misleading, or that the sign covered is not in good general condition
28 and in a reasonable state of repair, or is otherwise in violation of
29 this chapter, if the false or misleading information has not been
30 corrected and the sign has not been brought into compliance with this

1 chapter or rules adopted under it within thirty days after written
2 notification. Beginning July 1, 2014, the department shall establish
3 and charge by rule an annual fee for type 4 and 5 sign permits. The
4 fee must reasonably recover costs for outdoor advertising control
5 program administration and enforcement and may not exceed one hundred
6 fifty dollars. The department shall establish by rule exemptions from
7 payment of the annual fee for type 4 and 5 signs that do not generate
8 rental income.

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

11 (1) Any sign erected or maintained contrary to the provisions of
12 this chapter or rules adopted hereunder that is designed to be viewed
13 from the interstate system, the primary system, or the scenic system is
14 a public nuisance, and the department, the chief of the Washington
15 state patrol, the county sheriff, or the chief of police of any city or
16 town shall notify the permittee or, if there is no permittee, the owner
17 of the property on which the sign is located, by certified mail at his
18 or her last known address, that it constitutes a public nuisance and
19 must comply with the chapter or be removed.

20 (2) If the permittee or owner, as the case may be, fails to comply
21 with the chapter or remove any such sign within fifteen days after
22 being notified to remove the sign he or she is guilty of a misdemeanor.
23 In addition to the penalties imposed by law upon conviction, an order
24 may be entered compelling removal of the sign. Each day the sign is
25 maintained constitutes a separate offense.

26 (3) If the permittee or owner, as the case may be, fails to comply
27 with this chapter or rules adopted under this chapter or fails to
28 remove any sign erected or maintained contrary to the provisions of
29 this chapter or rules adopted under this chapter within fifteen days
30 after being notified to remove the sign, the department shall assess a
31 fine of one hundred dollars per calendar day until the sign is brought
32 into compliance or is removed. The one hundred dollar per calendar day
33 fine is not contingent on a misdemeanor conviction. Fines collected
34 under this subsection must be deposited with the state treasurer to the
35 credit of the motor vehicle fund.

36 (4) If the permittee or the owner of the property upon which it is
37 located, as the case may be, is not found or refuses receipt of the

1 notice, the department, the chief of the Washington state patrol, the
2 county sheriff, or the chief of police of any city or town shall post
3 the sign and property upon which it is located with a notice that the
4 sign constitutes a public nuisance and must be removed. If the sign is
5 not removed within fifteen days after such posting, the department, the
6 chief of the Washington state patrol, the county sheriff, or the chief
7 of police of any city or town shall abate the nuisance and destroy the
8 sign, and for that purpose may enter upon private property without
9 incurring liability for doing so.

10 ((+4)) (5) Nothing in this section may be construed to affect the
11 provisions contained in RCW 47.42.102 requiring the payment of
12 compensation upon the removal of any signs compensable under state law.

13 ((+5)) (6) Any sign erected or maintained on state highway right-
14 of-way contrary to this chapter or rules adopted under it is a public
15 nuisance, and the department is authorized to remove any such sign
16 without notice.

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

19 Every permit issued by the department shall be assigned a separate
20 identification number, and each permittee shall fasten to each sign a
21 weatherproof label, not larger than ((~~sixteen~~)) twenty-eight square
22 inches, that shall be furnished by the department and on which shall be
23 plainly visible the permit number. The permittee shall also place his
24 or her name in a conspicuous position on the front or back of each
25 sign. The failure of a sign to have such a label affixed to it is
26 prima facie evidence that it is not in compliance with the provisions
27 of this chapter.

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

30 Correct the title.

EFFECT: Requires the department of transportation to assess a
fine for signs that do not comply with the chapter, clarifies that the

fine is not contingent upon the conviction of a misdemeanor, and directs the money collected from fines to the motor vehicle fund.

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