

# HOUSE BILL REPORT

## HB 1323

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### As Reported By House Committee On:

Transportation

**Title:** An act relating to the Scenic Vistas Act.

**Brief Description:** Strengthening the Scenic Vistas Act.

**Sponsors:** Representatives Mitchell, K. Schmidt, Fisher, Romero, Rockefeller, Haigh and Ogden; by request of Department of Transportation.

### Brief History:

#### Committee Activity:

Transportation: 2/2/99, 2/8/99 [DP].

#### Brief Summary of Bill

- The permitting process that requires an initial \$10 and an annual \$10 renewal fee is replaced with a single, one time fee that will be determined by administrative rule. The department will also replace the annual renewal fee with an annual certification process.
- The administration process and the penalty for public nuisance signs is changed. The Department of Transportation is authorized to directly contact the owner of a public nuisance sign. The existing misdemeanor penalty for public nuisance signs is reduced to a civil penalty.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 18 members: Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins, Republican Vice Chair; Haigh; Hatfield; Hurst; Lovick; Mitchell; Morris; Murray; Ogden; Radcliff; Romero; Schual-Berke; Scott and Wood.

**Minority Report:** Do not pass. Signed by 7 members: Representatives Buck; G. Chandler; DeBolt; McDonald; Mielke; Pflug and Schindler.

**Staff:** Ashley Probart (786-7319).

**Background:**

The Scenic Vistas Act has several sections regulating the type and use of signs that are on private property that is visible to the interstate, primary highways, and scenic highways. Regulated signs fall into two broad categories: 1) signs that are regulated, but do not require a permit fee, and 2) signs that are regulated and require a permit fee, such as bill boards.

Signs that require a permit fee pay an initial \$10 and an annual renewal fee of \$10. The Department of Transportation maintains an inventory of both permitted signs and illegal signs, and performs periodic field reviews of signs. This inventory and field review documentation makes the need for annual permit renewals redundant.

The Scenic Vistas Act also has a section on public nuisance signs, including a removal notification and penalty procedure for failure to remove a sign. Public nuisance signs are defined as signs that are installed on private property without a permit, or are on public right of way without a permit.

Current law requires the owner of a public nuisance sign to be notified by the Department of Transportation, the Washington State Patrol, the county sheriff, or chief of police of any city or town. If the owner of the public nuisance sign cannot be personally contacted, the property owner on which the public nuisance sign resides is required to receive a certified mail notice of the public nuisance at the property owner's last known address.

Failure to remove the sign 15 days after receiving notification of the public nuisance is considered to be a misdemeanor. A misdemeanor offense can be a maximum of \$1,000 and/or 90 days in jail per occurrence and each day the sign remains is considered a separate offense.

A 1997 Federal Highway Administration and the State Auditor's office program review found illegal sign abatement to be a weak link in the Department of Transportation's sign program.

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**Summary of Bill:**

The Scenic Vistas Act is modified. The permitting process that requires an initial \$10 and an annual \$10 renewal fee is replaced with a single, one time fee. The Department of Transportation will determine the one time fee by administrative rule. The department will also replace the annual renewal fee with an annual certification process.

The administration process and the penalty for public nuisance signs is changed. The Department of Transportation is authorized to directly contact the owner of a public nuisance sign. The Washington State Patrol, the county sheriff, or chief of police of any city or town is no longer a partner in the notification process.

Failure to remove the sign 15 days after receiving notification from the Department of Transportation results in a civil penalty of \$100 per day. The civil penalty applies on the 16th day, and has a maximum of 30 days.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill allows the Department of Transportation to replace the initial \$10 renewal fee that was established in 1961 with a single fee and an annual certification process. This bill also helps the department address the State Auditor's office and Federal Highway Administration's findings that illegal sign abatement is a weak link in the sign program. The Washington State Outdoor Advertising Association was a partner in the development of this legislation.

**Testimony Against:** None.

**Testified:** Lloyd Ensley, Washington State Department of Transportation.