
HOUSE BILL 1323

State of Washington

56th Legislature

1999 Regular Session

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

Read first time 01/21/1999. Referred to Committee on Transportation.

1 AN ACT Relating to the Scenic Vistas Act; amending RCW 47.42.080,
2 47.42.090, 47.42.120, 47.42.130, and 47.42.911; adding new sections to
3 chapter 47.42 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 47.42.080 and 1985 c 376 s 6 are each amended to read
6 as follows:

7 (1) Any sign erected or maintained contrary to the provisions of
8 this chapter or rules adopted (~~((hereunder))~~) under it that is designed
9 to be viewed from the interstate system, the primary system, or the
10 scenic system is a public nuisance and is in violation of the Scenic
11 Vistas Act, and the department(~~((, the chief of the Washington state~~
12 ~~patrol, the county sheriff, or the chief of police of any city or~~
13 ~~town))~~) shall notify the (~~((permittee or, if there is no permittee,))~~)
14 sign owner or the owner of the property on which the sign is located,
15 or both, by certified mail at his or her last known address, that it
16 constitutes a public nuisance by violating the Scenic Vistas Act and
17 must comply with (~~((the))~~) this chapter or be removed, or the person
18 notified is subject to a civil penalty under subsection (2) of this
19 section.

1 (2) If the (~~permittee or owner, as the case may be,~~) sign owner
2 or the owner of the property on which the sign is located fails to
3 either comply with ((the)) this chapter or remove any such sign within
4 fifteen days after being notified ((to remove the sign he is guilty of
5 a misdemeanor. In addition to the penalties imposed by law upon
6 conviction, an order may be entered compelling removal of the sign.))
7 in accordance with subsection (1) of this section, the sign owner or
8 the property owner has maintained a public nuisance and committed a
9 violation of the Scenic Vistas Act. Beginning the sixteenth day after
10 being notified to either comply with this chapter or remove the sign,
11 the sign owner or the property owner is subject to a civil penalty of
12 one hundred dollars for that day and for each day thereafter, up to a
13 maximum of thirty days, that the sign is maintained ((constitutes a
14 separate offense)). The department shall impose the civil penalty by
15 a written notice, either by certified mail with return receipt
16 requested or by personal service, to the sign owner or the property
17 owner. The notice must describe the violation, the dates of violation,
18 the dollar amount of penalty due, the date due, and shall order that
19 the sign either be made to comply with this chapter or be immediately
20 removed.

21 (3) Penalties imposed under this section become due and payable
22 thirty days after receipt of the notice imposing them unless an appeal
23 is filed. Whenever an appeal of a penalty is filed, as provided for in
24 section 3 of this act, the penalty becomes due and payable upon
25 completion of all review proceedings and upon issuance of a final
26 decision confirming the penalty in whole or in part. If the amount of
27 penalty owed the department is not paid within thirty days after it
28 becomes due and payable, the attorney general, upon request of the
29 department, shall bring an action in Thurston county in the name of the
30 state to recover the penalty. Civil penalties collected under this
31 section must be deposited into the motor vehicle fund.

32 (4) If the (~~permittee~~) sign owner or the owner of the property
33 upon which (~~it~~) the sign is located(~~(, as the case may be,)~~) is not
34 found or refuses receipt of the notice, the department(~~(, the chief of~~
35 ~~the Washington state patrol, the county sheriff, or the chief of police~~
36 ~~of any city or town)) shall post the sign and property upon which it is~~
37 located with a notice that the sign constitutes a public nuisance and
38 must either be made to comply with this chapter or be removed. If the
39 sign is not brought into compliance or removed within fifteen days

1 after such posting, the department(~~(, the chief of the Washington state~~
2 ~~patrol, the county sheriff, or the chief of police of any city or~~
3 ~~town)) shall abate the nuisance and destroy the sign, and for that~~
4 ~~purpose may enter upon private property without incurring liability for~~
5 ~~doing so.~~

6 ~~((4))~~ (5) Nothing in this section may be construed to affect the
7 provisions contained in RCW 47.42.102 requiring the payment of
8 compensation upon the removal of any signs compensable under state law.

9 ~~((5) Any sign erected or maintained on state highway right of way~~
10 ~~contrary to this chapter or rules adopted under it is a public~~
11 ~~nuisance, and the department is authorized to remove any such sign~~
12 ~~without notice.))~~

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.42 RCW
14 to read as follows:

15 (1) A sign, except an official traffic control sign installed by a
16 public agency, erected or maintained on a public right of way adjacent
17 to a state highway, a county road, or a city or town street, and funded
18 wholly or in part with state funds, is considered to be litter and a
19 public nuisance.

20 (2) The department, for highways under its jurisdiction, a county,
21 for roads under its jurisdiction, and a city or town, for streets under
22 its jurisdiction, may remove any such sign without notice.

23 (3) A monetary penalty may be assessed in lieu of sign removal by
24 public agencies. A person who installs a sign on a public right of
25 way, as specified in subsection (1) of this section, has committed a
26 violation of the Scenic Vistas Act and is subject to a civil penalty of
27 one hundred dollars per day, up to a maximum of thirty days, for each
28 day that the sign is maintained. The agency having jurisdiction over
29 the public right of way where the sign is installed may impose a civil
30 penalty by written notice, either by certified mail with return receipt
31 requested, or by personal service. The notice must describe the
32 violation, the dollar amount of the penalty due, the date due, and
33 order that the sign be immediately removed.

34 (4) Penalties imposed under subsection (3) of this section are due
35 and payable thirty days after receipt of the notice imposing them.
36 Funds collected by a public agency from these civil penalties must be
37 spent in the agency's maintenance or landscaping budget for roadway
38 beautification purposes.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.42 RCW
2 to read as follows:

3 Persons incurring a civil penalty imposed by the department may
4 appeal the penalty to the secretary of transportation or a designee
5 within thirty days of receipt of the notice of penalty. Appeals to
6 decisions by the secretary of transportation or a designee are
7 contested cases under chapter 34.05 RCW.

8 **Sec. 4.** RCW 47.42.090 and 1984 c 7 s 228 are each amended to read
9 as follows:

10 (~~If any person is convicted of a violation of this chapter, or any~~
11 ~~rule adopted hereunder,~~) The department may revoke ((any)), without
12 further process or liability, a permit issued ((to that person)) under
13 this chapter to a person who has incurred a civil penalty for a
14 violation of this chapter or a rule adopted under it, and who fails to
15 comply with this chapter or remove a sign in accordance with RCW
16 47.42.080(2).

17 **Sec. 5.** RCW 47.42.120 and 1984 c 7 s 232 are each amended to read
18 as follows:

19 Notwithstanding any other provisions of this chapter, no sign
20 except a sign of type 1 or 2 or those type 3 signs that advertise
21 activities conducted upon the properties where the signs are located,
22 may be erected or maintained without a permit issued by the department.
23 Application for a permit shall be made to the department on forms
24 furnished by it. The forms shall contain a statement that the owner or
25 lessee of the land in question has consented thereto. The application
26 shall be accompanied by a fee (~~of ten dollars~~) established by
27 department rule to be deposited with the state treasurer to the credit
28 of the motor vehicle fund. Permits shall be for the remainder of the
29 calendar year in which they are issued, and ((shall be renewed annually
30 upon payment of this fee for the new year without the filing of a new
31 application.)) accompanying fees shall not be prorated for fractions of
32 the year. Permits must be renewed annually through a certification
33 process established by department rule. Advertising copy may be
34 changed at any time without the payment of an additional fee.
35 Assignment of permits in good standing is effective only upon receipt
36 of written notice of assignment by the department. A permit may be
37 revoked after hearing if the department finds that any statement made

1 in the application or annual certification process was false or
2 misleading, or that the sign covered is not in good general condition
3 and in a reasonable state of repair, or is otherwise in violation of
4 this chapter, if the false or misleading information has not been
5 corrected and the sign has not been brought into compliance with this
6 chapter or rules adopted under it within thirty days after written
7 notification.

8 **Sec. 6.** RCW 47.42.130 and 1984 c 7 s 233 are each amended to read
9 as follows:

10 Every permit issued by the department shall be assigned a separate
11 identification number, and each permittee shall fasten to each sign a
12 weatherproof label, not larger than ((~~six~~)) sixteen square inches, that
13 shall be furnished by the department and on which shall be plainly
14 visible the permit number. The permittee shall also place his or her
15 name in a conspicuous position on the front or back of each sign. The
16 failure of a sign to have such a label affixed to it is prima facie
17 evidence that it is not in compliance with the provisions of this
18 chapter.

19 **Sec. 7.** RCW 47.42.911 and 1971 ex.s. c 62 s 19 are each amended to
20 read as follows:

21 This ((~~act~~)) chapter may be cited as the "Scenic Vistas Act ((~~of~~
22 1971))."

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