

SENATE BILL REPORT

SB 5298

As Reported by Senate Committee On:
Transportation, February 8, 2011

Title: An act relating to authorizing the use of digital outdoor advertising signs to expand the state's emergency messaging capabilities.

Brief Description: Authorizing the use of digital outdoor advertising signs to expand the state's emergency messaging capabilities.

Sponsors: Senators White, Ericksen, Carrell, Shin, Ranker, Hill and Conway.

Brief History:

Committee Activity: Transportation: 2/02/11, 2/08/11 [DPS, DNP].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5298 be substituted therefor, and the substitute bill do pass.

Signed by Senators White, Vice Chair; King, Ranking Minority Member; Fain, Assistant Ranking Minority Member; Delvin, Ericksen, Hill, Hobbs, Litzow, Ranker and Swecker.

Minority Report: Do not pass.

Signed by Senators Haugen, Chair; Nelson and Shin.

Staff: Hayley Gamble (786-7452)

Background: The installation and maintenance of signs along state highways are governed by the Highway Advertising Control Act, also know as the Scenic Vistas Act under RCW 47.42. The Scenic Vistas Act limits signs and billboards on highways advertising off-site commercial activity to installation in industrial or commercial areas only. Additionally, a permit is required from the Department of Transportation (DOT) for installation of signs advertising off-site activities. Certain size, lighting, and spacing requirements also apply. Signs with moving parts or lighting which is considered to be flashing, intermittent, or moving are also prohibited. Under current law, the prohibition on intermittent lighting is considered a prohibition on digital signs and no digital signs advertizing off-site activities are currently permitted by DOT.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Several other states have set up coordinated programs between sign owners and law enforcement agencies that allow for emergency information, such as AMBER alerts, to be displayed on commercial electronic signs billboards.

Trivision signs (signs that rotate mechanically to display a different message) advertising off-site activities are allowable under federal law along non-interstate highways only. Trivision signs must rotate no more frequently than every eight seconds, and the rotation process must be accomplished in four seconds or less.

Summary of Bill (Recommended Substitute): Owners of digital outdoor advertising signs visible to state highways and only within incorporated cities and towns must coordinate with law enforcement and emergency management authorities to display emergency alerts, when appropriate. Contracts must be on a voluntary basis and may not include compensation. Digital advertising signs are allowable within incorporated cities and towns visible to state highways in commercial or industrial areas as long as they only contain static messages. A static message may not include changes in lighting or the appearance of movement.

Before any digital outdoor advertising signs are installed, DOT must adopt rules relating to the brightness of digital signs and to allow for the change of copy. Rules must be adopted by December 31, 2011.

Nothing in this act is to be construed as preempting any local restrictions relating to outdoor advertising signs.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute): Digital outdoor advertising signs are allowable visible to state highways only within incorporated cities and towns. Rules must be adopted by DOT relating to brightness, size, and change of copy, by December 31, 2011, before any digital signs may be installed. Nothing in this act is to be construed as preempting any local restrictions relating to outdoor advertising signs.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: The bill removes artificial barriers to advertising. Technology has evolved and this bill will help stimulate the advertising industry. This legislation does not allow moving images on signs. Time is of the essence when it comes to broadcasting AMBER alerts, and this is a great tool to have out on the roadways.

OTHER: Using digital billboards is a fast option for communicating information with the public in emergency situations.

Persons Testifying: PRO: Olivia Lippens, Clear Channel; Myrle Carner, Crime Stoppers of Puget Sound; Ed Troyer, Crime Stoppers of Tacoma.

OTHER: Stephanie Schro, American Red Cross.