

SHB 1767 - H AMD 297

By Representative Orcutt

NOT CONSIDERED

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

3 "Sec. 1. RCW 47.42.080 and 2010 c 8 s 10016 are each amended to  
4 read as follows:

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

14 (2) Except as otherwise provided in this subsection, if the  
15 permittee or owner, as the case may be, fails to comply with the  
16 chapter or remove any such sign within fifteen days after being  
17 notified to remove the sign, he or she is guilty of a misdemeanor. In  
18 addition to the penalties imposed by law upon conviction, an order may  
19 be entered compelling removal of the sign. Each day the sign is  
20 maintained constitutes a separate offense. In lieu of the mandatory  
21 misdemeanor required under this subsection, the department may assess  
22 a civil penalty of one hundred dollars per day until the sign is  
23 brought into compliance with this chapter or removed. The department  
24 may waive any subsequent day's civil penalty amount in the following  
25 circumstances:

26 (a) The sign is discovered while the owner is out of town; or

27 (b) Weather or ground conditions exist that make sign removal  
28 prohibitive.

29 (3) If the permittee or the owner of the property upon which it is  
30 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) 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) Any sign erected or maintained on state highway right-of-way  
14 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. 2.** 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. 3.** 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: Removes the requirement that WSDOT establish an annual fee  
for type 4 and 5 sign permits; allows WSDOT to enforce a civil penalty

of \$100 per day for illegal signs in lieu of the mandatory misdemeanor in RCW 47.42.080; and provides certain conditions in which WSDOT may waive any subsequent day's civil penalty.

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