

Chapter 468-66 WAC
HIGHWAY ADVERTISING CONTROL ACT

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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468-66-055 National scenic byway demonstration project. [Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-055, filed 5/27/94, effective 6/27/94.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.

468-66-060 Signs along scenic, primary, and interstate systems. [Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-060, filed 5/27/94, effective 6/27/94. Statutory Authority: Chapter 47.42 RCW. WSR 85-17-012 (Order 96), § 468-66-060, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-060, filed 12/20/78. Formerly WAC 252-40-050.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.

468-66-070 On-premise signs (Type 3). [Statutory Authority: Chapter 34.05 RCW and RCW 47.42.060. WSR 99-24-083 (Order 195), § 468-66-070, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 47.42.060. WSR 80-05-055 (Order 55), § 468-66-070, filed 4/18/80. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-070, filed 12/20/78. Formerly WAC 252-40-055.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.

468-66-080 Number of signs and spacing requirements along interstate system. [Statutory Authority: Chapter 47.42 RCW. WSR 96-03-031 (Order 161), § 468-66-080, filed 1/9/96, effective 2/9/96. Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-080, filed 5/27/94, effective 6/27/94. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-080, filed 12/20/78. Formerly WAC 252-40-070.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.

468-66-090 Preference of applicants for Type 4, Type 5, and Type 8 sites. [Statutory Authority: Chapter 47.42 RCW. WSR 92-09-043 (Order 130), § 468-66-090, filed 4/10/92, effective 5/11/92; WSR 85-17-012 (Order 96), § 468-66-090, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-090, filed 12/20/78. Formerly WAC 252-40-080.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.

468-66-100 Advertising copy. [Statutory Authority: Chapter 47.42 RCW. WSR 87-01-055 (Order 107), § 468-66-100, filed 12/16/86; WSR 85-17-012 (Order 96), § 468-66-100, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-100, filed 12/20/78. Formerly WAC 252-40-090.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.

468-66-110 Signs within commercial and industrial areas of primary system. [Statutory Authority: Chapter 34.05 RCW and RCW 47.42.060. WSR 99-24-083 (Order 195), § 468-66-110, filed 11/30/99, effective 12/31/99. Statutory Authority: Chapter 47.42 RCW. WSR 85-17-012 (Order 96), § 468-66-110, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-110, filed 12/20/78. Formerly WAC 252-40-095.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.

468-66-120 Signs erected prior to June 1, 1971 in commercial and industrial areas along the primary system. [Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-120, filed 12/20/78. Formerly WAC 252-40-097.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.

468-66-130 Signs to be removed. [Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-130, filed 5/27/94, effective 6/27/94. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-130, filed 12/20/78. Formerly WAC 252-40-098.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.

468-66-140 Permits. [Statutory Authority: Chapter 34.05 RCW and RCW 47.42.060. WSR 99-24-083 (Order 195), § 468-66-140, filed 11/30/99, effective 12/31/99. Statutory Authority: Chapter 47.42 RCW. WSR 92-09-043 (Order 130), § 468-66-140, filed 4/10/92, effective 5/11/92. Statutory Authority: RCW 47.42.060. WSR 88-22-002 (Order 116), § 468-66-140, filed

10/20/88. Statutory Authority: Chapter 47.42 RCW. WSR 87-01-055 (Order 107), § 468-66-140, filed 12/16/86; WSR 85-17-012 (Order 96), § 468-66-140, filed 8/12/85. Statutory Authority: RCW 47.42.060. WSR 80-04-095 (Order 52), § 468-66-140, filed 4/1/80. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-140, filed 12/20/78. Formerly WAC 252-40-100.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.

468-66-150 Penalties. [Statutory Authority: Chapter 47.42 RCW. WSR 97-17-010 (Order 170), § 468-66-150, filed 8/7/97, effective 9/7/97. Statutory Authority: RCW 47.42.060. WSR 86-01-063 (Order 99), § 468-66-150, filed 12/17/85. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-150, filed 12/20/78. Formerly WAC 252-40-110.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.

468-66-175 Highway fatality markers. [Statutory Authority: RCW 47.42.060. WSR 88-22-002 (Order 116), § 468-66-175, filed 10/20/88.] Repealed by WSR 94-12-049 (Order 144), filed 5/27/94, effective 6/27/94. Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5).

WAC 468-66-010 Definitions. The following terms when used in this chapter shall have the following meanings:

(1) "Abandoned" means a sign for which neither sign owner nor land owner claim any responsibility.

(2) "Act" means the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.

(3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

(4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code; or, if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence. Residences are buildings used as homes, located in areas where individuals and families typically reside. Residence buildings no longer used as homes may be considered commercial or industrial activities, if used for commercial or industrial purposes and located in areas having either mixed or primarily commercial and industrial development.

If any commercial or industrial activity that has been used in defining or delineating an unzoned commercial or industrial area ceases to operate for a period of six continuous months resulting in fewer than three commercial or industrial activities remaining within that area, the unzoned area is deemed to no longer exist. Any signs located within the former unzoned area are declared nonconforming.

- (5) "Department" means the Washington state department of transportation.
- (6) "Destroyed" means a nonconforming sign shall be considered destroyed if more than fifty percent of the sign structure components are dislocated or damaged to the extent that the sign face has fallen to the ground.
- (7) "Discontinued" means a sign shall be considered discontinued if, after receiving notice from the department of absence of advertising content for ninety days, the permit holder fails to put advertising content on the sign within ninety days of the notice. The department may extend the ninety-day compliance time to a maximum of one year, if the sign owner provides documentation of unique circumstances creating involuntary discontinuance and preventing the sign owner from placing advertising content on the sign.
- (8) "Electronic sign" means an on-premise advertising sign having a signboard display that can be changed by an electrical, electronic, or computerized process.
- (9) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a limited access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.
- (10) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.
- (11) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a limited access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.
- (12) "Interstate system" means any state highway that is or becomes part of the national system of interstate and defense highways as described in section 103(e) of Title 23, United States Code.
- (13) "Legible" means capable of being read without visual aid by a person of normal visual acuity.
- (14) "Limited access highway" means a state highway, or a portion of a state highway, along which the department has acquired access rights as provided by chapter 47.52 RCW. A state highway, or a portion of a state highway, along which the department has not acquired access rights as provided by chapter 47.52 RCW is termed herein as a "nonlimited access highway."
- (15) "Maintain" means to allow to exist.
- (16) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.
- (17) "National scenic byway" means any state highway designated as part of the national scenic byway system authorized by the 1991 Intermodal Surface Transportation Efficiency Act.
- (18) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

(19) "Primary system" means any state highway which is part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code, in existence on June 1, 1991, as enacted in the 1991 Intermodal Surface Transportation Efficiency Act, and any highway which is not on such system but which is on the national highway system.

(20) "Public service information" means a message on an electronic sign that provides the time, date, temperature, weather, or information about nonprofit activities sponsored by civic or charitable organizations.

(21) "Scenic system" means:

(a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;

(b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated in RCW 47.42.140 by the legislature as a part of the scenic system; or

(c) Any national scenic byway or state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature in chapter 47.39 RCW as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway as determined by the department.

(22) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway. The term includes the sign face(s), and the sign structure unless the sign is painted on a building, and applies to portable, temporary, and permanent installations. Signs are further defined by the provisions following:

(a) A single-faced sign may display only one advertised business activity or other activity that may be of interest to motorists.

(b) A double-faced (flanking or side-by-side) sign may only be patterned so that not more than two single-faced signs on one sign structure are visible to traffic approaching from one direction of travel.

(c) A V-type and back-to-back sign displays messages to opposing directions of travel from one sign structure. A V-type and back-to-back sign may only be patterned so that not more than one single-faced sign or double-faced (flanking or side-by-side) sign is visible to traffic approaching from each of the opposing directions of travel.

(d) A nonconforming sign means a sign that was lawfully erected but does not comply with provisions of state law or state regulations passed at a later date, or later fail to comply with the state law or state regulations due to changed conditions.

(e) Illegal signs are those erected or maintained in violation of state law or local law or ordinance.

(f) Pursuant to RCW 47.42.020(8) and 47.36.030(3), the term "sign" does not include signs, banners, or decorations that are devoid of commercial advertising and installed over a state highway to promote a local agency sponsored event.

(g) A "rental income" sign is a permitted Type 4/5 sign actively involved in the business of outdoor advertising. Rental income signs offer advertising display space in exchange for rental fees paid to

the sign owner or operator. The term includes signs during periods of vacancy. Pursuant to RCW 47.42.120, permits for rental income signs are subject to an annual renewal fee of one hundred fifty dollars per permit.

(23) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(24) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(25) "Tri-vision sign" means a sign having a series of three-sided rotating slats arranged side by side, either horizontally or vertically, which are rotated by an electric-mechanical process, capable of displaying a total of three separate and distinct messages, one message at a time.

(26) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(27) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(28) "Visible development area" means a five hundred-foot area along a scenic system state highway, that is zoned for predominantly commercial or industrial uses by the governing county, having three or more commercial or industrial activities within the five hundred-foot area that are visible to traffic in both directions. The consideration of commercial or industrial activities, and measurements that establish the area shall conform with RCW 47.42.020(9).

[Statutory Authority: RCW 47.42.120. WSR 14-22-055, § 468-66-010, filed 10/30/14, effective 11/30/14. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-010, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW. WSR 97-17-010 (Order 170), § 468-66-010, filed 8/7/97, effective 9/7/97; WSR 96-13-007, § 468-66-010, filed 6/6/96, effective 7/7/96. Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-010, filed 5/27/94, effective 6/27/94. Statutory Authority: Chapter 47.42 RCW. WSR 92-09-043 (Order 130), § 468-66-010, filed 4/10/92, effective 5/11/92. Statutory Authority: RCW 47.42.060. WSR 88-22-002 (Order 116), § 468-66-010, filed 10/20/88; WSR 86-01-063 (Order 99), § 468-66-010, filed 12/17/85. Statutory Authority: Chapter 47.42 RCW. WSR 85-17-012 (Order 96), § 468-66-010, filed 8/12/85. Statutory Authority: RCW 47.42.060. WSR 85-03-031 (Order 94), § 468-66-010, filed 1/10/85; WSR 80-06-057 (Order 56), § 468-66-010, filed 5/19/80. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution 13), § 468-66-010, filed 12/20/78. Formerly WAC 252-40-010.]

WAC 468-66-020 Restrictions on signs. (1) Except as permitted by the act and these regulations, no person shall erect or maintain a sign which is visible from the main-traveled way of the interstate system, the primary system, or the scenic system. Signs visible to other types of state highways are not restricted by the Scenic Vistas Act or these regulations, but are subject to local ordinances.

(2) In case a highway or a section of highway is a part of both the primary system and the scenic system, only those signs permitted along the scenic system may be erected or maintained.

[Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-020, filed 1/4/06, effective 2/4/06. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-020, filed 12/20/78. Formerly WAC 252-40-015.]

WAC 468-66-030 General provisions. (1) Notwithstanding any other provision of the act or these regulations, no signs visible from the main-traveled way of the interstate system, primary system, or scenic system which have any of the following characteristics shall be erected or maintained:

(a) Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the location of such activities.

(b) Illegal, destroyed, abandoned, or discontinued signs.

(c) Signs that are not clean and in good repair.

(d) Signs that are not securely affixed to a substantial structure.

(e) Signs which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.

(f) Signs which prevent the driver of a vehicle from having a clear and unobstructed view of at-grade intersections, approaching or merging traffic, official traffic control signs, or other traffic control devices.

(g)(i) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, except public service information signs, Type 3 on-premise signs along a primary system highway within an incorporated city or town or commercial or industrial area, or electronic on-premise signs operating in compliance with WAC 468-66-050.

(ii) Signs which have lights that change intensity or color, lasers, strobe lights, or other lights with stroboscopic effect.

(h) Signs which use any lighting in any way unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(i) Signs which move or have any animated or moving parts, except revolving public service information signs, Type 3 on-premise signs along a primary system highway within an incorporated city or town or commercial or industrial area, or tri-vision signs operating in compliance with WAC 468-66-030(2).

(j) Signs which are erected or maintained upon trees, power poles or painted or drawn upon rocks or other natural features.

(2) Tri-vision signs may be used as Type 3, Type 4, or Type 5 signs, with the provisions following:

(a) Visible to interstate highways, tri-vision signs may only be used as Type 3 signs.

(b) Rotation of one sign face to another sign face is no more frequent than every eight seconds and the actual rotation process shall be accomplished in four seconds or less.

(c) Tri-vision signs shall contain a default mechanism that will stop the sign in one position should a malfunction occur.

(d) Maximum size limitations shall independently apply to each sign face, including framework and border.

(e) Tri-vision signs are subject to all other applicable provisions of chapter 47.42 RCW and chapter 468-66 WAC.

[Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-030, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 34.05 RCW and RCW 47.42.060. WSR 99-24-083 (Order 195), § 468-66-030, filed 11/30/99, effective 12/31/99. Statutory Authority: Chapter 47.42 RCW. WSR 97-17-010 (Order 170), § 468-66-030, filed 8/7/97, effective 9/7/97; WSR 85-17-012 (Order 96), § 468-66-030, filed 8/12/85. Statutory Authority: RCW 47.42.060. WSR 85-03-031 (Order 94), § 468-66-030, filed 1/10/85; WSR 80-04-095 (Order 52), § 468-66-030, filed 4/1/80. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution 13), § 468-66-030, filed 12/20/78. Formerly WAC 252-40-020.]

WAC 468-66-050 Sign classifications and specific provisions.

Signs shall be classified and restricted to the provisions following:

(1) Type 1 - Directional or other official signs and notices. Directional or other official signs and notices may be erected and maintained on private property or public property, other than state highway right of way, for the purposes of carrying out an official duty or responsibility. The signs may only be installed by public offices or public agencies within their territorial or zoning jurisdiction and shall follow federal, state, or local law.

(a) Type 1(a) - Directional sign. A directional sign may only be installed in accordance with the provisions following:

(i) Publicly or privately owned places - Directional signs for publicly or privately owned places that feature natural phenomena; historical, cultural, scientific, or educational opportunities; areas of scenic beauty, or outdoor recreation areas:

- Publicly owned places - Directional signs for public places owned or operated by federal, state, or local government, or their agencies;

- Privately owned places - Directional signs for nonprofit privately owned places that feature scenic attractions. The attractions must be nationally or regionally known, or of outstanding interest to travelers.

(ii) A sign message shall be limited to identification of the activity or attraction and directional information. Directional information is limited to that which helps the motorist locate the activity, such as providing mileage to the activity, highway route or exit numbers.

(iii) Descriptive words, phrases, and photographic or pictorial representations of the activity or attraction are prohibited.

(iv) Type 1(a) signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports.

(v) The department must approve the proposed installation location.

(vi) Along the interstate system and other limited access highways having grade separations (interchanges), a sign shall not be located within two thousand feet of an interchange or rest area, meas-

ured from the ramp physical gore, or within two thousand feet of a parkland or scenic area.

(vii) Type 1(a) signs shall not be spaced closer than one mile apart.

(viii) Visible to a state route approaching an activity or attraction, a maximum of three signs per direction of travel are allowed for each activity or attraction.

(ix) Type 1(a) signs located along the interstate system shall be within seventy-five air miles of the activity or attraction.

(x) Type 1(a) signs located along the primary and scenic systems shall be within fifty air miles of the activity or attraction.

(b) Type 1(b) - Official sign. An official sign may be installed subject to the provisions following:

(i) Type 1(b) signs may only be erected and maintained by public offices or public agencies.

(ii) Type 1(b) signs may only be located within the governing jurisdiction of the public office or public agency.

(iii) Type 1(b) signs shall follow federal, state, or local law.

(iv) Type 1(b) sign message content is limited to providing information that furthers an official duty or responsibility.

(v) Type 1(b) signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports.

(vi) Type 1(b) signs may be historical markers authorized by federal, state, and local law.

(vii) Type 1(b) signs are not regulated by the act with regard to visibility to highways, zoning requirements, number of signs, or spacing.

(c) Type 1(c) - Service activity sign. A service activity sign may be installed subject to the provisions following:

(i) Type 1(c) signs shall contain only the name of a nonprofit organization, its address, and the time of its meeting or service.

(ii) Type 1(c) signs shall not exceed eight square feet in area.

(iii) Type 1(c) signs are not regulated by the act with regard to visibility to highways, zoning requirements, number of signs, or spacing.

(2) Type 2 - For sale or lease sign. A Type 2 sign may only advertise the sale or lease of the parcel of real property upon which the sign is located. The name of the owner of the property offered for sale or lease, or the owner's agent and phone number shall not be displayed more conspicuously than the words "for sale" or "for lease." No other message may be displayed on the sign.

(a) Type 2 signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports.

(b) Not more than one Type 2 sign may be installed that is visible to traffic proceeding in any one direction on an interstate, primary, or scenic system highway.

(c) The act does not regulate Type 2 signs with regard to zoning requirements or spacing.

(3) Type 3 - On-premise signs.

(a) Type 3(a) - On-premise sign. A Type 3(a) on-premise sign may only advertise an activity conducted on the property upon which the sign is located.

(i) A Type 3(a) on-premise sign shall be limited to advertising the business or the owner, or the products or services offered on the property. A sign consisting mainly of a brand name, trade name, prod-

uct or service incidental to the main products or services offered on the property, or a sign bringing rental income to the property, is not an on-premise sign.

(ii) A Type 3(a) on-premise sign more than fifty feet from the advertised activity may not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports. The act does not regulate the size of Type 3(a) on-premise signs located within fifty feet of the advertised activity.

(iii) A Type 3(a) on-premise sign located at a shopping center, mall, or business combination is not authorized more than fifty feet from the individual activity it advertises, unless it is installed together with a Type 3(b) business complex on-premise sign as described in (b)(i) of this subsection.

(b) Type 3(b) - Business complex on-premise sign. A Type 3(b) business complex on-premise sign may display the name of a shopping center, mall, or business combination.

(i) Where a business complex erects a Type 3(b) on-premise sign, the sign structure may display additional individual business signs identifying each of the businesses conducted on the premises. A Type 3(b) on-premise sign structure may also have attached a display area, such as a manually changeable copy panel, reader board, or electronically changeable message center, for advertising on-premise activities and/or presenting public service information.

(ii) Type 3(b) on-premise signs are not regulated by the act with regard to size. Any Type 3(a) on-premise sign and any display area, installed together with a Type 3(b) on-premise sign, may not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim.

(c) Type 3(c) - Future site on-premise sign. A Type 3(c) future site on-premise sign may only display the name of a business activity, or other activity of interest to motorists, planned for the property upon which the sign is located and the anticipated opening date of such activity.

(i) The owner, or owner's representative, shall by letter notify the department at least thirty days prior to the installation of the proposed Type 3(c) future site on-premise sign. Said notice shall include the location, sign message, and installation date.

(ii) Type 3(c) future site on-premise signs may remain until the business activity is operational, but shall not exceed one year from the planned installation date. The sign must be removed at the end of one year after the planned installation date if the business activity is not yet operational.

(iii) Type 3(c) future site on-premise signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area.

(d) Type 3(d) - Temporary political campaign sign. A Type 3(d) temporary political campaign sign may express a property owner's endorsement of a political candidate or ballot issue.

(i) Type 3(d) temporary political campaign signs are limited to a maximum size of thirty-two square feet.

(ii) Type 3(d) temporary political campaign signs must be removed within ten days after an election. After primary elections, temporary political campaign signs endorsing a successful candidate may remain up to ten days after the succeeding general election.

(e) Not more than one Type 3(a) or 3(b) sign, visible to traffic proceeding in any one direction on an interstate system highway; on a

primary system highway outside an incorporated city or town or commercial or industrial area; or on a scenic system highway, may be permitted more than fifty feet from the advertised activity. Not more than one Type 3(c) sign may be installed visible to traffic proceeding in any one direction on an interstate system highway; on a primary system highway outside an incorporated city or town or commercial or industrial area; or on a scenic system highway. The act does not regulate Type 3(d) signs with regard to the number of signs installed, visibility from highways, zoning requirements, or spacing.

(i) For Type 3(a) on-premise signs, the fifty-foot distance from the advertised activity shall be measured from the sign to the nearest portion of that building, storage, or other structure or processing area, which is the most regularly used and essential to the conduct of the advertised activity as determined solely by the department.

(ii) For Type 3(b) on-premise signs, the fifty-foot distance from the advertised activity may be measured in the same manner as for Type 3(a) on-premise signs, or may be measured fifty feet from the nearest portion of a combined parking area.

(f) A Type 3(a) or 3(b) on-premise sign more than fifty feet from the advertised activity shall not be erected or maintained at a greater distance from the advertised activity than one of the options following, as applicable, selected by the owner of the business being advertised:

(i) One hundred fifty feet measured along the edge of the protected highway from the nearest edge of the main entrance to the activity advertised;

(ii) One hundred fifty feet from any outside wall of the main building of the advertised activity; or

(iii) Fifty feet from any outside edge of a regularly used parking lot maintained by, and contiguous to, the advertised activity.

(g) Electronic signs may be used only as Type 3 on-premise signs and/or to present public service information, as follows:

(i) Advertising messages on electronic signboards may contain words, phrases, sentences, symbols, trademarks, and logos. A single message or a message segment must have a static display time of at least two seconds after moving onto the signboard, with all segments of the total message to be displayed within ten seconds. A one-segment message may remain static on the signboard with no duration limit.

(ii) Displays may travel horizontally or scroll vertically onto electronic signboards, but must hold in a static position for two seconds after completing the travel or scroll.

(iii) Displays shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the signboard.

(iv) Electronic signs requiring more than four seconds to change from one single message display to another shall be turned off during the change interval.

(v) No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed 8,000 nits or equivalent candelas during daylight hours, or 1,000 nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted as directed by the department.

(h) The act does not regulate Type 3(a), 3(b), 3(c), and 3(d) on-premise signs located along primary system highways inside an incorporated city or town or a commercial or industrial area.

(4) Type 4 - Off-premise signs; and

(5) Type 5 - Off-premise signs. Type 4 off-premise signs are distinguishable from Type 5 off-premise signs only by message content. Type 4 off-premise sign messages are those that do not qualify as Type 5 sign messages described in (b) of this subsection.

(a) A Type 4 sign shall be located within twelve air miles of the advertised activity. A Type 4 sign that displays any trade name which refers to or identifies any service rendered or product sold, used, or otherwise handled more than twelve air miles from such sign shall not be permitted unless the name of the advertised activity, which is within twelve air miles of such sign, is displayed as conspicuously as such trade name.

(b) A Type 5 sign displays a message of specific interest to the traveling public. On Type 5 signs, only information about public places operated by federal, state, or local governments, natural phenomena, historic sites, areas of natural scenic beauty or outdoor recreation, and places for lodging, camping, eating, and vehicle service and repair is deemed to be in the specific interest of the traveling public. A trade name is authorized on a Type 5 sign only if it identifies or represents a place of specific interest to the traveling public; or identifies vehicle service, equipment, parts, accessories, fuels, oils, or lubricants being offered for sale at such place. The display of any other trade name is not permitted on Type 5 signs.

(c) Type 4 and Type 5 signs are restricted in size to the following:

(i) Visible to interstate highways, signs may not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area including border and trim but excluding supports.

(ii) Visible to primary highways, the maximum area for any one sign, except as provided in (c)(iii) of this subsection, shall be six hundred seventy-two square feet with a twenty-five-foot maximum height and a fifty-foot maximum length, including the border and trim but excluding the base or apron, supports, and structural members. Cut-outs and extensions may add up to twenty percent of additional sign area.

(iii) Each sign face of a double-faced (flanking and side-by-side) sign may not exceed three hundred twenty-five square feet.

(d) The spacing of Type 4 and Type 5 signs along interstate highways and visible to traffic traveling in one direction shall be restricted as follows:

(i) Type 4 and Type 5 signs visible to traffic approaching an intersection of the main-traveled way of an interstate highway and an exit roadway may not exceed the number following:

Distance from intersection	Number of signs
0 - 2 miles.	0
2 - 5 miles.	6
More than 5 miles.	Average of one sign per mile

The specified distances shall be measured to the nearest point of intersection of the traveled way of the exit roadway and the main-traveled way of the interstate highway.

(ii) Not more than two such signs may be permitted within any mile distance and no such signs may be permitted less than one thousand feet apart.

(iii) Type 1, 2, and 3 signs shall not be considered in determining compliance with the above spacing requirements.

(iv) Type 4 and Type 5 signs may not be permitted adjacent to interstate highway right of way within the limits of an interchange, including its entrance or exit roadways.

(v) Type 4 and Type 5 signs visible to interstate highway traffic, which has passed an entrance roadway, may not be permitted within one thousand feet of the point where the entrance roadway intersects with the interstate highway. The distance shall be measured from the intersection point farthest from the preceding interchange.

(vi) Not more than one Type 4 or Type 5 sign, advertising activities conducted as a single enterprise or giving information about a single place, may be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one interstate highway.

(e) The spacing of Type 4 and Type 5 signs visible to primary highways shall be restricted as follows:

(i) On limited access highways, no two signs may be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of a grade separated interchange, a safety rest area, or an information center, or within one thousand feet of an at-grade intersection. Not more than a total of five sign structures may be permitted per mile, including both sides of the highway. Double-faced (flanking or side-by-side) signs are prohibited.

(ii) On nonlimited access highways inside the boundaries of incorporated cities or towns, not more than a total of four sign structures, including both sides of the highway, may be permitted within a space of six hundred sixty feet or between platted intersecting streets or highways. There shall also be a minimum of one hundred feet between sign structures, including both sides of the highway.

(iii) On nonlimited access highways outside the boundaries of incorporated cities or towns, the minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(iv) Back-to-back signs and V-type signs shall be considered one sign structure.

(f) The minimum space between sign structures located on the same side of the highway shall be measured between two points along the nearest edge of pavement. The measurement points are established at the origin of lines extending perpendicular from the edge of pavement to the apparent centers of the sign structures.

(g) The minimum space between sign structures located on opposite sides of the highway shall be measured in the applicable manner following:

(i) Along tangent sections, sign spacing is measured between two points along the edge of pavement in the increasing milepost direction of travel. One measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located in the increasing direction of travel. The second measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located in the decreasing direction of travel.

(ii) Along horizontal curve sections, sign spacing is measured between two points on the edge of pavement along the arc on the inside

of the curve. One measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located along the highway in the increasing milepost direction of travel. The second measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located along the highway in the decreasing milepost direction of travel.

(h) Type 1, 2, 3, 7, and 8 signs shall not be considered in determining compliance with the above spacing requirements.

(i) Type 4 and Type 5 signs may be permitted within commercial and industrial areas adjacent to interstate and primary highways, provided that spacing is available as specified in (d) and (e) of this subsection.

(j) Type 4 and Type 5 signs are not permitted visible to the scenic system.

(k) Pursuant to the 1991 Intermodal Surface Transportation Efficiency Act, a National Scenic Byway Demonstration Project is established on State Route 101, from the Astoria/Megler Bridge to Fowler Street in Raymond and from the junction with State Route 109 near Queets to the junction with State Route 5 near Olympia. No new Type 4 or Type 5 signs may be permitted within the limits of this project. Type 4 or Type 5 signs installed prior to July 25, 1993, may remain as nonconforming signs.

(6) Type 6 - Landmark signs.

(a) Type 6 signs shall have been lawfully in existence on October 22, 1965, and have historic or artistic significance, including signs on farm structures or natural surfaces.

(b) Historic or artistic significance shall be determined by the department and approved by the Federal Highway Administration.

(c) Within the limits of the National Scenic Byway Demonstration Project identified in (5)(h) of this subsection, Type 6 signs may remain as nonconforming signs.

(7) Type 7 - Public service signs located on school bus stop shelters. Type 7 signs may display safety slogans or messages, and identify the donor, sponsor, or contributor of a school bus stop shelter. No other message(s) may be displayed.

(a) Safety slogans or messages must occupy at least sixty percent of the sign area, and appear more predominant than the name of the donor, sponsor, or contributor.

(b) Type 7 signs may be located on school bus stop shelters only as authorized or approved by state law or regulation, or city or county ordinance or resolution, and may be installed visible to primary and scenic system highways.

(c) Type 7 signs may not exceed thirty-two square feet. A sign shall not protrude above the roofline or beyond the sides of the school bus stop shelter.

(d) Not more than one sign on each shelter may face in any one direction.

(e) The act does not regulate Type 7 signs with regard to zoning requirements or spacing between Type 7 signs and other types of signs.

(8) Type 8 - Temporary agricultural directional signs. Type 8 signs provide directional information to places of business having seasonal agricultural products for sale.

(a) Type 8 signs may display the business name, product(s) for sale, travel direction, and travel distance to the nearest mile from the state highway to the business.

(b) Type 8 signs may not exceed thirty-two square feet.

(c) There shall be at least three hundred feet spacing between Type 8 signs.

(d) Not more than two signs advertising a place of temporary agricultural business may be installed visible to traffic proceeding in one direction of travel on any one state route.

(e) Premises on which the seasonal agricultural products are sold must be within fifteen air miles of the state highway.

(f) Type 8 signs may be posted only during the period of time the seasonal agricultural product(s) is being sold.

(g) Any necessary supplemental follow-through signs along city streets or county roads must be installed before the Type 8 signs may be installed visible to the state highway.

(h) The signs may be installed visible to primary system highways outside incorporated cities or towns, and scenic system highways.

(i) Type 8 signs may not be installed visible to interstate highways, including interstate highways that are also part of the scenic system, or visible to primary system highways within incorporated cities or towns.

(j) The act does not regulate Type 8 signs with regard to zoning requirements or spacing between Type 8 signs and other types of signs.

[Statutory Authority: RCW 47.42.120. WSR 14-22-055, § 468-66-050, filed 10/30/14, effective 11/30/14. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-050, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 34.05 RCW and RCW 47.42.060. WSR 99-24-083 (Order 195), § 468-66-050, filed 11/30/99, effective 12/31/99. Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-050, filed 5/27/94, effective 6/27/94. Statutory Authority: RCW 47.42.060. WSR 88-22-002 (Order 116), § 468-66-050, filed 10/20/88. Statutory Authority: Chapter 47.42 RCW. WSR 85-17-012 (Order 96), § 468-66-050, filed 8/12/85. Statutory Authority: RCW 47.42.060. WSR 80-05-055 (Order 55), § 468-66-050, filed 4/18/80. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-050, filed 12/20/78. Formerly WAC 252-40-040.]

WAC 468-66-200 Nonconforming signs. (1) Nonconforming signs may be maintained, except as provided in subsection (3) of this section, unless otherwise removed pursuant to chapter 47.42 RCW.

(2) A nonconforming sign may be sold or leased, or otherwise transferred without affecting its status, but its location may not be changed. A nonconforming sign removed as a result of a right of way taking or for any other reason may be relocated to a conforming location but cannot be reestablished at another nonconforming location.

(3) A nonconforming sign may not be maintained if:

(a) The sign face size is increased more than fifteen percent over the original sign face size as of May 10, 1971 (the effective date of the Scenic Vistas Act), or as of the effective date of Scenic Vistas Act control over a given route, whichever applies;

(b) There are substantial changes to the sign structure's original construction materials, such as upgrades from wooden to steel signposts; or

(c) It is abandoned, destroyed, discontinued, or relocated, except as provided under subsection (2) of this section.

(4) Nonconforming signs shall be considered for sign spacing requirements pursuant to WAC 468-66-050.

(5) Destroyed nonconforming signs may only be reerected, and only in kind, if destroyed due to vandalism or other criminal or tortious acts.

[Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-200, filed 1/4/06, effective 2/4/06.]

WAC 468-66-210 Permit issuance and maintenance. (1) No signs except Type 1, Type 2, or Type 3 signs, shall be erected or maintained adjacent and visible to interstate system, primary system, or scenic system highways without a permit issued by the department. A permit to erect and maintain a sign that complies with the requirements of this chapter and is adjacent and visible to an interstate system, primary system, or scenic system highway will be issued by the department in accordance with this section.

(2) Permit applications for Types 4, 5, 6, and 7 signs will be accepted only at the department's headquarters located in Olympia, Washington. Applications transmitted by mail shall be considered received as of the date delivered to the department, rather than the postmarked date of mailing.

(3) Application forms for Type 4, 5, 6, and 7 signs, titled Application - Outdoor Advertising Sign Permit, shall be certified by the sign owner under penalty of perjury under the laws of the state of Washington and contain the information following:

(a) The name and address of the sign owner, with a signed statement that says "I, the undersigned applicant, declare under penalty of perjury under the laws of the state of Washington that the information provided herein, concerning the location of sign, sign description, and property owner/lessee, is accurate and true. I also acknowledge that any discrepancy in such information discovered hereafter is cause for the department of transportation to revoke this sign permit; and further declare that, after permit revocation, I shall remove without compensation any sign erected under such permit." The signature block shall also contain space for the sign owner to list the location, city, county, and state, where the sign owner signs the application.

(b) The statement and signature of the owner of the property on which the sign is to be erected and maintained, which states that the property owner consents to the sign installation and maintenance. A complete and valid lease between the sign owner and the property owner may be accepted in lieu of the property owner's statement and signature.

(c) A statement or site map that describes or shows both the precise location of the proposed sign site and a readily identifiable stake or other marker placed in the ground at the site.

(d) A description of the proposed sign's size, shape, and directional orientation to an identified state route.

(e) A description of the advertising copy or message to be placed on the sign, if the sign is intended to be visible to the interstate system.

(f) Other information that the department may require.

(4) Applications for Type 4, 5, 6, and 7 signs shall be accompanied by a nonrefundable fee of one hundred fifty dollars for each sign structure.

(5) Type 4, 5, 6, and 7 sign permits shall be for the remainder of the calendar year in which they are issued; accompanying fees shall not be prorated for fractions of the year. Permits are renewed annually through the certification process following:

(a) Prior to January 1 of each year the department shall require, through the use of a permit renewal certification form, permit renewal certification from each permit holder.

(i) To renew a permit, the permit holder or the permit holder's representative shall recertify by signature under penalty of perjury under the laws of the state of Washington that all information on the permit is accurate and that the permit holder desires to retain the permit in good standing for the upcoming calendar year.

(ii) Type 4 and 5 rental income signs shall be charged an annual renewal fee of one hundred fifty dollars per permit.

(iii) The completed permit renewal certification shall be returned to the department not later than December 31.

(b) If the department does not receive the required permit renewal certification and any required permit renewal fees by December 31, the permit will automatically terminate, the sign will become an illegal sign, and the department will initiate proceedings as authorized by RCW 47.42.080 to remove the illegal sign. The department shall cause the permit renewal certification form to contain this information.

(6) Changes in size, shape, or position of a permitted sign shall be reported to the department in Olympia at least ten days before a change is to be made. In the case of Type 4 and Type 5 signs permitted along the interstate system, changes in copy shall be reported to the department in Olympia at least ten days before a change is to be made to assure compliance with WAC 468-66-050 (5)(d)(vi).

(7) The department shall be notified when permits in good standing are assigned to another sign owner.

(8) If a permitted sign is intended for relocation, the sign owner must submit a new permit application.

(9)(a) Pursuant to RCW 47.42.130, for every permit issued the department shall also issue a tag that has the department-assigned permit number stamped on its face.

(b) The permittee shall fasten the tag to the sign so it is plainly visible to the highway.

(c) The department will replace a lost or otherwise missing tag after the sign owner pays a replacement fee of thirty dollars.

(10) For Type 8 signs, permit application forms, titled Permit Application - Temporary Agricultural Directional Sign, accompanied by a fee of fifty dollars for each sign face must be submitted to the department's headquarters located in Olympia, Washington. Submittals must include the same information required by subsection (3)(a) through (f) of this section for Types 4, 5, 6, and 7 signs, and:

(a) An exact description of the location of the temporary agricultural business activity;

(b) A description of the proposed sign copy;

(c) Identification of the products sold;

(d) Expected weeks/months of sales; and

(e) The Uniform Business Identifier number assigned by the Washington state department of licensing.

After the department approves the application, the permit becomes valid. The sign may be erected at the beginning of the sale season and shall be removed at the end of the sale season. The permit shall be valid for five consecutive years from the date of application appro-

val. A new permit application must be submitted and approved by the department prior to erecting a sign at a location where the five-year permit has expired.

(11) Where the number of applications for available Types 4, 5, 6, and 7 sign sites exceeds the number of available sites, permits shall be awarded on the basis of first received by date and time at the department's headquarters office in Olympia. In the case of a tie between applicants, and upon notification thereof by the department, the department shall determine by lot which applicant shall receive the permit.

(12) A permit issued under this chapter does not relieve the permittee from the duty to comply with all local ordinances or resolutions pertaining to signs and sign structures.

(13) In the event the department has initiated permit revocation proceedings under WAC 468-66-220, the department shall not accept new permit applications for the sign location at issue until such proceedings are concluded and any required signs removed.

[Statutory Authority: RCW 47.42.120. WSR 14-22-055, § 468-66-210, filed 10/30/14, effective 11/30/14. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-210, filed 1/4/06, effective 2/4/06.]

WAC 468-66-220 Permit revocation, remaining signs illegal. (1)

Pursuant to RCW 47.42.120, after hearing the department may revoke a permit without refund for any of the reasons following:

(a) For making any false or misleading statement on an application for a new permit or during the annual permit renewal certification process, whether or not the statement is material to or relied upon by the department in issuing or renewing the permit; and when such false or misleading statement remains uncorrected after the expiration of thirty days following written notice thereof.

(b) For allowing a sign to remain in a condition of disrepair or unreasonable state of repair after the expiration of thirty days following written notification thereof.

(c) For maintaining a sign, for which a permit has been issued, in violation of any provision of the act or these regulations after the expiration of thirty days following written notice thereof.

(d) For any convictions of a violation of the act or any of these regulations, any permit held by the convicted person may be revoked after the expiration of thirty days following written notice thereof whether or not such violation is related to the sign for which the permit is revoked.

(e) For allowing a sign to remain after it has become abandoned, destroyed or discontinued, as defined in WAC 468-66-010, following written notice thereof. For abandoned or destroyed signs, the department will revoke the permit after the expiration of thirty days following written notice thereof. For discontinued signs, the department will cease permit revocation proceedings if the sign owner places advertising content on the sign within ninety days following written notice thereof.

(2)(a) Any written notice referenced in subsection (1) of this section shall be sent by first class mail, postage prepaid, to the permittee at their last known address on file with the department; and the permittee's receipt of said notice shall be deemed the third day after mailing.

(b) If the permittee does not comply with the written notice within thirty days, the department shall conduct a hearing, revoke the permit, and send written notice of the permit revocation to the permittee. Upon permit revocation the sign will become an illegal sign, and the department will initiate proceedings as authorized by RCW 47.42.080 to remove the illegal sign. Review of the department's action shall be in compliance with RCW 47.42.060.

[Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-220, filed 1/4/06, effective 2/4/06.]