

H. B. 2875

(By Delegates Martin, Caputo, Ferro and D. Poling)
(By Request of the Department of Transportation)
[Introduced January 26, 2011; referred to the
Committee on Roads and Transportation then the
Judiciary.]

A BILL to amend and reenact §17-22-4 of the Code of West Virginia,
1931, as amended, relating to outdoor advertising signs
containing numerical displays composed of lights or movable
components that change no more often than once every twenty-
four hours.

Be it enacted by the Legislature of West Virginia:

That §17-22-4 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 22. OUTDOOR ADVERTISING.

§17-22-4. General restrictions as to outdoor advertising.

The following restrictions shall apply to all advertising
signs, displays and devices erected and maintained adjacent to any
roads within the state road system, including federal-aid
interstate and primary roads.

(1) ~~No~~ An advertising sign ~~shall~~ may not be erected or
maintained which involves rapid motion or rotation of the structure
or any part thereof: *Provided*, That an advertising sign that does

1 involve motion or rotation which is not rapid to effect changeable
2 messages shall be permitted in accordance with legislative rules to
3 be proposed by the Division of Highways of the Department of
4 Transportation in accordance with the provisions of article three,
5 chapter twenty-nine-a of this code;

6 (2) No advertising display or device shall use the word "stop"
7 or "danger" or present or imply the need or requirement of stopping
8 or the existence of danger;

9 (3) No advertising sign, display or device shall be a copy or
10 imitate a traffic sign or other official sign;

11 (4) No advertising display or device shall attempt or purport
12 to direct traffic;

13 (5) No advertising sign shall contain lighting which is not
14 shielded and any lighting shall be of such low intensity as not to
15 cause glare or impair the vision of the operator of any motor
16 vehicle;

17 (6) No advertising display or device shall be illuminated by
18 any rapid flashing, intermittent light or lights. Signs, displays
19 or devices otherwise in compliance with this article and rules
20 promulgated by authority of this article which contain numerical
21 displays in the form of light emitting diodes or other lights or
22 movable components that change no more often than once every
23 twenty-four hours are not deemed to violate the provisions of this
24 article;

25 (7) No advertising display or device shall be painted, affixed
26 or attached to any natural feature;

1 (8) No advertising sign, display or device shall hinder the
2 clear, unobstructed view of approaching or merging traffic or
3 obscure from view any traffic sign or other official sign;

4 (9) No advertising sign, display or device shall be so located
5 as to obscure the view of any connecting road or intersection;

6 (10) No advertising sign, display or device shall be erected,
7 outside of any municipality, within five hundred feet of any
8 church, school, cemetery, public park, public reservation, public
9 playground or state or national forest except markers for
10 underground utility facilities;

11 (11) No advertising sign, the permit for which has been
12 applied for subsequent to December 31, 2003, that is composed of
13 stacked sign faces, one on top of the other, on the same structure,
14 facing the same direction, each having more than three hundred
15 square feet is permitted;

16 (12) No advertising device which is composed of separate sign
17 faces in a side by side formation, on the same structure, facing
18 the same direction, each having an area of more than three hundred
19 square feet is permitted;

20 (13) No advertising device, the permit for which has been
21 applied for subsequent to December 31, 2003, which contains a sign
22 facing a single direction may have an area greater than six hundred
23 seventy-two square feet: *Provided*, That cutouts and extensions
24 which expand the area may be allowed to the extent the area is
25 expanded by no more than thirty percent of its original permitted
26 configuration;

1 (14) No more than one sign structure is permitted at a
2 location.

NOTE: The purpose of this bill is to allow outdoor advertising signs to contain numerical content that changes no more often than once every twenty-four hours.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.