

Senate Bill No. 364

(By Senator Beach)

[Introduced January 16, 2014; referred to the Committee on
Transportation and Infrastructure; and then to the Committee on
the Judiciary.]

A BILL to amend and reenact §17-19-1 of the Code of West Virginia,
1931, as amended, relating to roads and highways; signs
prohibited on the right-of-way of public roads or highways;
and providing that signs for candidacy for public office are
not prohibited.

Be it enacted by the Legislature of West Virginia:

That §17-19-1 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 19. GENERAL CRIMINAL PROVISIONS.

§17-19-1. Prohibited signs, etc.; removal at owner's expense.

No person ~~shall~~ may paint, mark, post, tack, nail, or
otherwise affix any sign, advertisement, notice, picture, drawing,
emblem, poster, printing, or writing, other than those placed and

1 maintained in pursuance of law, on or to any stone, rock, tree,
2 fence, stump, post, pole, building, or other structure, which is in
3 or upon the right-of-way of any public road or highway, including
4 the road or highway itself, except that the commissioner may
5 provide for suitable road signs, danger signals and other signs of
6 informational nature. No such sign or other marking ~~shall~~ may be
7 suspended over the right-of-way of any public road or highway.
8 ~~These prohibitions include, but are not limited to, such devices~~
9 ~~which are intended to invite or draw attention of the public to the~~
10 ~~candidacy of any person for any public office; and any such device~~
11 ~~which exists in violation of the provisions of this section shall~~
12 ~~constitute prima facie evidence that the person whose candidacy~~
13 ~~appears thereon violated this section: Provided, That devices which~~
14 are intended to invite or draw attention of the public to the
15 candidacy of any person for any public office are not prohibited or
16 affected by this section: *Provided, however,* That the installation
17 and/or maintenance of newspaper, postal or mailboxes ~~shall~~ may not
18 be prohibited or affected by this section.

19 Any person violating this section, whether as principal,
20 agent, or employee, ~~shall be~~ is guilty of a misdemeanor and, upon
21 conviction thereof, shall be punished by a fine of not less than
22 \$25 nor more than \$100; and ~~such~~ that person ~~shall be deemed~~ is
23 guilty of a separate offense for each day during any portion of
24 which any violation of this section is committed or continued.

1 Every such prohibited sign or other marking is hereby declared to
2 be a public nuisance. Upon receiving notice of any violation of
3 this section, the commissioner shall cause the prohibited sign or
4 other marking to be removed within ten days and shall cause the
5 appearance of the property on which it was affixed to be restored,
6 as near as may be practicable, to its condition immediately before
7 such violation occurred. The commissioner shall, in the name of
8 the state, recover from the persons who hereafter violate this
9 section the amounts expended by the state in removing the sign or
10 other marking and in restoring the appearance of the property on
11 which it was affixed.

12 The commissioner ~~is empowered to~~ may remove any such
13 prohibited sign or other marking in place upon or over any road
14 taken over by him or her for construction or maintenance.

NOTE: The purpose of this bill is to provide that signs for
candidacy for public office are not prohibited roads and highways
rights-of-way.

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