

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 262

BY SENATOR BLAIR

[Introduced February 13, 2017;

referred to Committee on Transportation and
Infrastructure; and then to the Committee on the
Judiciary]

1 A BILL to amend and reenact §17-19-1 of the Code of West Virginia, 1931, as amended, relating
 2 to allowing signs drawing attention to a candidate for public office be permitted on right-
 3 of-way of a public road or highway during specified period; and increasing criminal
 4 penalties for allowing signs to remain in right-of-way outside permissible period.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 19. GENERAL CRIMINAL PROVISIONS.

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

1 No person shall paint, mark, post, tack, nail, or otherwise affix any sign, advertisement,
 2 notice, picture, drawing, emblem, poster, printing, or writing, other than those placed and
 3 maintained in pursuance of law, on or to any stone, rock, tree, fence, stump, post, pole, building,
 4 or other structure, which is in or upon the right-of-way of any public road or highway, including the
 5 road or highway itself, except that the commissioner may provide for suitable road signs, danger
 6 signals and other signs of informational nature. No such sign or other marking shall be suspended
 7 over the right-of-way of any public road or highway: ~~These prohibitions include, but are not limited~~
 8 ~~to, such devices which are intended to~~ Provided, That a sign which invite invites or draw draws
 9 attention of the public to the candidacy of any person for any public office shall be permitted upon
 10 the right-of-way of any public road or highway from two weeks prior to the first day of early voting
 11 to one week after the election. ~~and~~ Any such ~~device~~ sign which exists in violation of the provisions
 12 of this section shall constitute prima facie evidence that the person whose candidacy appears
 13 thereon violated this section: *Provided, however,* That the installation and/or maintenance of
 14 newspaper, postal or mailboxes shall not be prohibited or affected by this section.

15 Any person violating this section, whether as principal, agent, or employee, shall be guilty
 16 of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$25
 17 nor more than \$100; and such person shall be deemed guilty of a separate offense for each day

18 during any portion of which any violation of this section is committed or continued. Any person
19 violating this section by allowing a sign that draws the attention of the public to a candidate for
20 public office to remain in a right-of-way outside the permissible period, shall be guilty of a
21 misdemeanor and, upon conviction, shall be punished by a fine of not less than \$75 nor more
22 than \$300. Every such prohibited sign or other marking is hereby declared to be a public
23 nuisance. Upon receiving notice of any violation of this section, the commissioner shall cause the
24 prohibited sign or other marking to be removed within ten days and shall cause the appearance
25 of the property on which it was affixed to be restored, as near as may be practicable, to its
26 condition immediately before such violation occurred. The commissioner shall, in the name of the
27 state, recover from the persons who hereafter violate this section the amounts expended by the
28 state in removing the sign or other marking and in restoring the appearance of the property on
29 which it was affixed. Any amounts received as fines imposed pursuant to this section must be
30 deposited into the State Road Fund of the State Treasury.

31 The commissioner is empowered to remove any such prohibited sign or other marking in
32 place upon or over any road taken over by him or her for construction or maintenance.

NOTE: The purpose of this bill is to allow signs drawing attention to a candidate for public office on rights-of-way along public road or highway during a specified period, and increases the penalties for allowing those signs in rights-of-way outside permissible period.

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