

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2124**

**FISCAL  
NOTE**

By Delegate Statler

[Introduced February 12, 2025; referred  
to the Committee on Finance]

1 A BILL to amend and reenact §17-22-13 and §17-22-15 of Code of West Virginia, 1931, as  
2 amended, relating to exempting nonprofit organizations from the fee requirements for  
3 obtaining a license or permit for outdoor advertising.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 22. OUTDOOR ADVERTISING.**

**§17-22-13. Licenses required; application; expiration; exceptions; revocations; judicial review.**

1 (a) No person shall engage or continue in the business of outdoor advertising in this state  
2 without first obtaining a license for outdoor advertising from the commissioner; and no person shall  
3 construct, erect, operate, use, maintain, lease or sell any outdoor advertising sign, display or  
4 device in this state without first obtaining a license from the commissioner.

5 (b) The commissioner shall charge an annual license fee in the amount of \$125, payable in  
6 advance, for licensees obtaining up to 20 permits. Licensees, including subsidiaries and affiliates,  
7 obtaining 21 or more permits shall pay an annual fee of \$1,000, payable in advance.

8 (c) The commissioner shall not require a nonprofit organization to pay an annual license  
9 fee. Though no fee is required, a nonprofit organization seeking a license shall submit an  
10 application and provide all information required under subsection (d) of this section.

11 (d) Applications for licenses, or renewal of licenses, shall be made on forms furnished by  
12 the commissioner and shall contain any pertinent information required by the commissioner and  
13 shall be accompanied by the annual fee, if one is required. Licenses granted under this section  
14 expire on June 30 of each year and shall not be prorated. Applications for the renewal of licenses  
15 shall be made not less than 30 days prior to the date of expiration. Nothing in this section shall be  
16 construed to require any person to obtain a license who constructs, erects, operates, uses or  
17 maintains an on-premise sign, display or device solely on his or her own property at the location of  
18 the advertised business and within limitations established in rules authorized by §17-22-11 of this  
19 code and promulgated in accordance with state law.

(e) The Commissioner of Highways, in his or her discretion, may propose for promulgation an emergency rule as provided in §29A-3-1 *et seq.* of this code that clarifies, explains or implements limitations or restrictions on the construction, erection, operation, use and maintenance of outdoor advertising signs, displays and devices. With the prior written approval of the Commissioner of Highways, a county commission may enact and enforce outdoor advertising ordinances which place limitations or restrictions on outdoor advertising signs, displays or devices which are in addition to or more restrictive than the limitations or restrictions provided by the Commissioner of Highways in the emergency rule on this subject.

(f) The commissioner may, after 30 days' notice in writing to the licensee, make and enter an order revoking any license granted by him or her upon repayment of a proportionate part of the license fee, in any case where he or she finds that any material information required to be given in the application for the license is knowingly false or misleading or that the licensee has violated any of the provisions of this article, unless the licensee, before the expiration of said 30 days, corrects the false or misleading information and complies with the provisions of this article. The order shall be accompanied by findings of fact and conclusions of law upon which the order was made and entered. Any person adversely affected by an order made and entered by the commissioner is entitled to judicial review of the order. The judicial review shall be in the circuit court for the county in which the owner of the sign has his or her principal place of business in this state, or in the circuit court of Kanawha County if all parties agree. The judgment of the circuit court is final unless reversed, vacated or modified on appeal. ~~to the Supreme Court of Appeals of West Virginia.~~ Legal counsel and services for the commissioner in appeal proceedings in any circuit court and the Supreme Court of Appeals shall be provided by the Attorney General or his or her assistants, and in appeal proceedings in any circuit court by the prosecuting attorney of the county as well, all without additional compensation. The commissioner may employ special counsel to represent the commissioner in a particular proceeding.

**§17-22-15. Permit required for each sign, etc.; applications; exceptions; refusal of permits;**

**expiration and renewal; change of advertising copy; revocation; fee; judicial review.**

1 (a) Except as in this article otherwise provided, no person shall construct, erect, operate,  
2 use, maintain or cause or permit to be constructed, erected, operated, used or maintained any  
3 advertising sign, display or device without first obtaining a permit for the advertising sign, display  
4 or device from the commissioner and paying the annual fee for the advertising sign, display or  
5 device as provided in this section. The commissioner shall not issue a permit to any person who  
6 has not obtained the license provided for in §17-22-15 of this code.

7 (b) A separate application for a permit shall be made for each separate advertising sign,  
8 display or device, on a form furnished by the commissioner. ~~the~~ The application shall be signed by  
9 the applicant or his or her representative duly authorized in writing to act for him or her and shall  
10 describe and set forth the size, shape and the nature of the proposed advertising sign, display or  
11 device and its actual or proposed location with sufficient accuracy to enable the commissioner to  
12 locate and identify it. Every application for a changeable message sign shall be accompanied by a  
13 fee of \$500, which shall be retained by the commissioner if the permit is issued. Every application  
14 for all other signs shall be accompanied by a fee of \$20 for each advertising sign, display or device,  
15 which shall be retained by the commissioner if the permit is issued. In addition, a nonrefundable  
16 inspection fee of \$75 shall be charged for each proposed location along interstate and federal-aid  
17 primary highways. A nonrefundable inspection fee of \$25 shall be charged for each proposed  
18 location along all other public roads. An annual permit renewal fee, not to exceed \$60 per permit,  
19 shall be charged for renewal of each changeable message sign. Permit renewal fees for all other  
20 signs shall be established by legislative rule not to exceed \$25 per permit annually. Each portion of  
21 an advertising sign upon which a display is posted or exhibited constitutes a separate advertising  
22 sign for purposes of this section. If the permit is refused, the commissioner shall make and enter  
23 an order to that effect and shall cause a copy of the order to be served on the applicant by certified  
24 mail, return receipt requested, and shall refund one-half the fee to the applicant. The order shall be  
25 accompanied by findings of fact and conclusions of law upon which the order was made and

entered. Each application shall be accompanied by an affidavit of the applicant or his or her agent that the owner or other person in control or possession of the real property upon which the advertising sign, display or device is to be constructed, erected, operated, used or maintained has consented to having the advertising sign, display or device on his or her property. Application shall be made in like manner for a permit to operate, use or maintain any existing advertising sign, display or device. Permits issued under this section expire on June 30 of each year and shall not be prorated and may be renewed upon the payment of a renewal fee as provided in this section. No application is required for a renewal of a permit.

(c) Notwithstanding the language in subsection (b), the commissioner shall not require a nonprofit organization pay a permit fee, inspection fee, or renewal fee. A nonprofit organization is still required to furnish all applications and information required by the commissioner for the permitting process.

~~(e)~~ (d) For all signs other than changeable message signs, if more than one side of an advertising sign is used for advertising, a permit application or renewal fee for each side is required. One permit application or renewal fee shall be charged for each changeable message sign. Advertisements sculptured in the round shall be treated as using three sides.

~~(d)~~ (e) The holder of a permit, during the term of the permit, has the right to change the advertising copy of the structure or sign for which it was issued without payment of any additional fee.

~~(e)~~ (f) The commissioner may, after 30 days' notice in writing to the permittee, make and enter an order revoking any permit issued by him or her under this section upon repayment of a proportionate part of the fee in any case where it shall appear to the commissioner that the application for the permit contains knowingly false or misleading information or that the permittee has violated any of the provisions of this article, unless the permittee shall, before the expiration of the 30 days, correct the false or misleading information and comply with the provisions of this article. The order shall be accompanied by findings of fact and conclusions of law upon which the

52 order was made and entered. If the construction, erection, operation, use or maintenance of any  
53 advertising sign, display or device for which a permit is issued by the commissioner and the permit  
54 fee has been paid as provided for in this section is prevented by any zoning board, commission or  
55 other public agency which also has jurisdiction over the proposed advertising sign, display or  
56 device, or its site, the fee for the advertising sign, display or device shall be returned by the  
57 commissioner and the permit revoked. But one-half the fee shall be considered to have accrued  
58 upon the erection of an advertising sign or structure or the display of advertising material followed  
59 by any inspection by the commissioner or his or her representatives.

60 (f) (g) Any person adversely affected by an order made and entered by the commissioner  
61 refusing to grant or revoking a permit is entitled to judicial review of the order. The judicial review  
62 shall be: (1) In the county in which the person applying for the permit has his or her principal place  
63 of business in this state; or (2) in the circuit court for the county in which the sign for which the  
64 permit is sought is to be located; or (3) in the circuit court of Kanawha County if all parties agree.  
65 The judgment of the circuit court is final unless reversed, vacated or modified on appeal to the  
66 Supreme Court of Appeals of West Virginia. Legal counsel and services for the commissioner in  
67 appeal proceedings in any circuit court and the Supreme Court of Appeals shall be provided by the  
68 Attorney General or his or her assistants, and in appeal proceedings in any circuit court by the  
69 prosecuting attorney of the county as well, all without additional compensation. The commissioner  
70 may employ special counsel to represent the commissioner in a particular proceeding.

NOTE: The purpose of this bill is to exempt nonprofit organizations from paying fees for outdoor advertising.

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