

1 **H. B. 4502**

2  
3 (By Delegates Gearheart, Shott, Hamrick,  
4 Staggers, Howell, Ellington and Miller)  
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6 [Introduced February 13, 2014; referred to the  
7 Committee on the Judiciary.]  
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10 A BILL to amend and reenact section 1, article 8, chapter 64 of the  
11 Code of West Virginia, 1931, as amended, relating to  
12 reauthorizing with amendment the Commissioner of Highways  
13 legislative rule contained in title one hundred fifty-seven,  
14 series six of the code of state rules relating to use of state  
15 road rights-of-way and adjacent areas(157CSR6).

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

17 That section 1, article 8, chapter 64 of the Code of West  
18 Virginia, 1931, as amended, be amended and reenacted to read as  
19 follows:

20 **ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF TRANSPORTATION TO**  
21 **PROMULGATE LEGISLATIVE RULES.**

22 **§64-8-1. Commissioner of Highways.**

23 The legislative rule contained in title one hundred fifty-  
24 seven, series six, and filed in the State Register on April 6,

1 2011, authorized under the authority of section one, article  
2 twenty, chapter seventeen of this code, relating to the  
3 Commissioner of Highways (Use of State Road Rights-of-Way and  
4 Adjacent Areas, 157 CSR 6), is reauthorized with the following  
5 amendments:

6 On page one, subsection 2.4, by striking the word "are" and  
7 inserting in lieu thereof the following "may be";

8 On page one, subdivision 2.4.a., after the word "An" by  
9 striking the following: "off premise";

10 On page one, by striking all of subdivisions 2.4.b. and  
11 2.4.c.;

12 On page two, by striking all of subsection 2.20.;

13 On page four, by striking all of subsection 2.42.;

14 On page five, by striking all of subdivisions 2.50.d.2,  
15 2.50.d.4.C. and 2.50.d.4.D.;

16 On page six, by striking all of subdivision 2.50.d.7.;

17 On page six, by striking all of subdivisions 2.50.f.1.,  
18 2.50.f.2. and 2.50.f.3.;

19 On page six, by striking all of subdivision 2.50.g.;

20 On page seven, by striking all of subdivisions 2.50.j.2. and  
21 2.50.j.3.;

22 On page seven, by striking all of subdivision 2.51.a.;

23 On page seven, by striking all of subdivisions 2.51.b.5. and  
24 2.51.b.6.;

1 On page seven, by striking all of subdivision 2.51.b.9.;

2 On page thirteen, subdivision 7.4.c., after the word  
3 "advertising", by striking the word "sign" and inserting in lieu  
4 thereof the word "structure";

5 On page fourteen, by striking all of subdivision 7.4.c.2;

6 On page fourteen, subdivision 7.4.c.4., after the words  
7 "unlawfully removed" by inserting the following: "by the applicant  
8 or at the applicant's direction or with the express consent of the  
9 applicant";

10 On page fourteen, subdivision 7.4.c.7. after the following:  
11 "up to", by striking the following: "ninety (90)" and inserting in  
12 lieu thereof the following: "sixty (60)";

13 On page fourteen, subdivision 7.4.c.7. after the following:  
14 "of the", by striking the following: "ninety (90)" and inserting in  
15 lieu thereof the following: "sixty (60)";

16 On page fifteen, subdivision 7.4.c.7. after the word "exceed",  
17 by striking the following: "sixty (60)" and inserting in lieu  
18 thereof the following: "thirty (30)";

19 On page fifteen, subdivision 7.4.c.7. after the following:  
20 "within the", by striking the following: "ninety (90)" and  
21 inserting in lieu thereof the following: "sixty (60)";

22 On page fifteen, subdivision 7.4.d. after the following:  
23 "regard to", by striking the following: "signs" and inserting in  
24 lieu thereof the following: "sign structure";

1           On page sixteen, subdivision 7.4.k. after the following: "sign  
2 structure", by striking the following: "and a sign face";

3           On page seventeen, subdivision 7.8.b.1., by striking the word  
4 "advertisements" and inserting in lieu thereof the following: "sign  
5 faces";

6           On page seventeen, subdivision 7.8.b.2. after the word "to",  
7 by striking the word "three" and inserting in lieu thereof the  
8 following: "six";

9           On page seventeen, subdivision 7.8.b.3. after the word "to",  
10 by striking the word "three" and inserting in lieu thereof the  
11 following: "six";

12           On page seventeen, by striking all of subdivision 7.8.b.6.B.;

13           On page eighteen, subdivision 7.8.c.1.A., after the word  
14 "least", by striking the following: "1000" and inserting in lieu  
15 thereof the following: "500";

16           On page eighteen, subdivision 7.8.c.1.B., after the word  
17 "within", by striking the following: "1000" and inserting in lieu  
18 thereof the following: "500";

19           On page eighteen, by striking all of subdivision 7.8.d.2.;

20           On page nineteen, section 7.8.e.1., by striking the following  
21 sentence: "For purposes of this section, the illumination of as  
22 advertising device containing a message center display does not  
23 constitute the use of a flashing, intermittent or moving light.";

24           On page nineteen, section 7.8.e.1., after the word "feet", by

1 striking the following: "at any focal point on any roadway or berm  
2 or any vehicular approach to any roadway" and inserting in lieu  
3 thereof the following: "on any roadway";

4 On page nineteen, by striking all of subdivisions 7.8.e.2. and  
5 7.8.e.3;

6 On page nineteen, by striking all of subdivision 7.8.e.9.;

7 On page twenty, by striking all of subdivision 7.9.c.4.B.;

8 On page twenty-two, by striking all of subdivision 7.14.b.;

9 On page twenty-three, by striking all of subdivision 7.14.e.;

10 On page twenty-three, by striking all of subdivision  
11 7.15.a.3.;

12 On page twenty-four, by striking all of subdivision 7.15.b.4.  
13 and inserting in lieu thereof the following:

14 "7.15.b.4. A nonconforming sign which is destroyed by an Act  
15 of God , a catastrophic occurrence, vandalism or tortuous act may  
16 be rebuilt by the sign owner under the permit within twelve months  
17 after the destruction of the original sign. The debris from the  
18 destroyed sign shall be removed by the sign owner within a  
19 reasonable time after its destruction, or thereafter, by the  
20 Division at the sign owner's expense, after giving the sign owner  
21 written notice to remove the debris within thirty days after  
22 receipt of the notice.";

23 On page twenty-five, by striking all of subdivisions  
24 7.15.d.2., 7.15.d.2.A and 7.15.d.2.B;

1       On page twenty-five, by striking all of subdivision  
2 7.15.d.4.A.,

3       On page twenty-five by striking all of subdivision  
4 7.15.d.4.D.,

5       On page twenty-five, by striking all of subdivision  
6 7.15.d.4.G..

NOTE: The purpose of this bill is to reauthorize the legislative rule filed in the State Register on April 6, 2011, authorized under the authority of W. Va. Code §17-20-1, relating to the Commissioner of Highways (Use of State Road Rights-of-Ways and adjacent areas, 157CSR6), with several amendments.

This section is new; therefore, strike-throughs and underscoring have been omitted.