

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 3104**

BY DELEGATE GEARHEART

[Introduced March 12, 2021; Referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact §17-22-4 of the Code of West Virginia, 1931, as amended, relating  
2 to the removal of specific statutory restrictions on outdoor advertisement.

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

**ARTICLE 22. OUTDOOR ADVERTISING.**

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

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

4 (1) No advertising sign shall may be erected or maintained which involves rapid motion or  
5 rotation of the structure or ~~any a~~ part thereof. ~~Provided, That an~~ An advertising sign that ~~does~~  
6 ~~involve~~ involves motion or rotation which is not rapid to effect changeable messages ~~shall be is~~  
7 permitted in accordance with legislative rules to be proposed by the Division of Highways of the  
8 Department of Transportation in accordance with ~~the provisions of~~ §29A-3-1 *et seq.* of this code;

9 (2) No advertising display or device shall use the word “stop” or “danger” or present or  
10 imply the need or requirement of stopping or the existence of danger;

11 (3) No advertising sign, display or device shall may be a copy or imitate a traffic sign or  
12 other official sign;

13 (4) No advertising display or device shall may attempt or purport to direct traffic;

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

17 (6) No advertising display or device shall may be illuminated by any rapid flashing,  
18 intermittent light or lights;

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

21 (8) No advertising sign, display or device shall may hinder the clear, unobstructed view of

22 approaching or merging traffic or obscure from view any traffic sign or other official sign; and

23 (9) No advertising sign, display or device shall be so located as to obscure may be located  
24 where it obscures the view of any connecting road or intersection.

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

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

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

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

40 ~~(14) No more than one sign structure is permitted at a location~~

NOTE: The purpose of this bill is to eliminate specific statutory restrictions on outdoor advertisement.

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