

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 214

By Senators Woodrum and Roberts

[Introduced January 13, 2023; referred to
the Committee on the Judiciary]

1 A BILL to amend and reenact §17-22-4 of the Code of West Virginia, 1931, as amended, relating to
 2 prohibiting certain advertising by adult entertainment and exotic entertainment venues on
 3 public billboards in West Virginia.

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 be erected or maintained which involves rapid motion or
 5 rotation of the structure or any part thereof: *Provided*, That an advertising sign that does involve
 6 motion or rotation which is not rapid to effect changeable messages shall be permitted in
 7 accordance with legislative rules to be proposed by the Division of Highways of the Department of
 8 Transportation in accordance with the provisions of article three, chapter twenty-nine-a of this
 9 code;

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

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

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

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

17 (6) No advertising display or device shall be illuminated by any rapid flashing, intermittent
 18 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 hinder the clear, unobstructed view of
22 approaching or merging traffic or obscure from view any traffic sign or other official sign;

23 (9) No advertising sign, display or device shall be so located as to obscure the view of any
24 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 than
37 six hundred seventy-two square feet: *Provided*, That cutouts and extensions which expand the
38 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.

41 (15) No advertising device that features an adult entertainment or exotic entertainment
42 venue, as defined in §7-1-3jj of this code, may feature images or likenesses of men or women, and
43 any reference to a state of undress (such as advertisements featuring the words "nudity" or
44 sexually explicit conduct) shall be prohibited.

NOTE: The purpose of this bill is to restrict certain advertising by adult venues on public billboards.

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