

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2619

By Delegate Pritt

[Introduced February 19, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §17-22-2 and §17-22-4 of the Code of West Virginia, 1931, as
2 amended; relating to prohibiting "lewd public content" from being advertised anywhere in
3 West Virginia.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22. OUTDOOR ADVERTISING.

§17-22-2.

Definitions.

1 As used in this article:

2 The word "sign" shall mean any structure erected for advertising purposes upon which any
3 poster, bill, printing, writing, drawing, painting, or advertising material of any kind or character
4 whatsoever, may be placed, posted, painted, tacked, nailed, glued or otherwise fastened, affixed
5 or displayed.

6 The word "display" shall mean any poster, bill, printing, writing, drawing, painting, or
7 advertising material of any kind or character whatsoever, designed and intended to draw the
8 attention of the public to any goods, merchandise, property, real or personal, business service,
9 entertainment or amusement, produced, bought, sold, conducted, furnished, or dealt in by any
10 person, which is placed, posted, painted, tacked, nailed, glued or otherwise affixed or fastened to
11 any advertising sign or structure, or otherwise displayed outdoors.

12 The word "device" shall mean any card, cloth, paper, metal or wooden advertising emblem
13 or sign of any kind or character, which is posted, stuck, glued, tacked, nailed, painted or otherwise
14 fastened or affixed to or upon any fence, post, tree or thing other than an advertising sign or
15 structure.

16 "Lewd public content" means any advertising content that features adult entertainment or
17 exotic entertainment venue, as defined in §7-1-3jj, images of men or women either in a state of
18 undress or referring to a state of undress, and/or including such words as "nudity" or any words
19 used to describe sexually explicit conduct.

20 "Person" shall include an individual, partnership, association, or corporation.

§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,

within five hundred feet of any church, school, cemetery, public park, public reservation, public playground or state or national forest except markers for underground utility facilities;

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

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

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

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

(15) No advertising device that features "lewd public content", as that term is defined in §17-22-2, shall be displayed anywhere in West Virginia.

NOTE: The purpose of this bill is to prohibit "lewd public content" from being advertised anywhere in West Virginia.

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