

the construction of, and the size, color and overall design of, the advance warning signs, markers, and marker bases or monuments.

The commission may adopt any other rules and regulations necessary for carrying out the provisions of this chapter.

SEC. 5. There is added to chapter 95, Laws of 1949 and to chapter 27.52 RCW a new section to read as follows:

It shall be the duty of the director of highways (1) to provide near each archaeological or historical site marker, parking facilities for at least two automobiles; (2) to keep in repair all advance warning signs and markers; and (3) to keep such signs and markers free from vegetation which may obscure them from view.

Director of highway's duties respecting signs and markers.

Passed the Senate February 23, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 10, 1961.

CHAPTER 96.

[Sub. H. B. 198.]

HIGHWAYS—OUTDOOR ADVERTISING.

AN ACT relating to regulation of outdoor advertising upon lands adjacent to certain state highways; providing for the establishment of scenic areas; authorizing adoption of regulations and execution of agreements with federal government relating thereto; providing for the issuance of permits and collection of fees therefor; defining a public nuisance and authorizing abatement thereof; defining crimes and providing penalties for violation thereof; authorizing a study and report to the legislature and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The control of signs in areas adjacent to state highways of this state is hereby declared

Highway advertising control act of 1961.

**Legislative
declaration.**

to be necessary to promote the public health, safety, welfare, convenience and enjoyment of public travel, to protect the public investment in the interstate system and other state highways, and to attract visitors to this state by conserving the natural beauty of areas adjacent to the interstate system, and of scenic areas adjacent to state highways upon which they travel in great numbers, and to insure that information in the specific interest of the traveling public is presented safely and effectively.

Definitions.

SEC. 2. When used in this act the term:

(1) "Commission" means the Washington state highway commission;

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish;

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code;

(4) "Maintain" means to allow to exist;

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals;

(6) "Protected area" means all land adjoining or adjacent to the interstate system and within six hundred sixty feet of the edge of the right of way.

(7) "Scenic area" means all land adjoining or adjacent to any state highway and within six hundred sixty feet of the edge of the right of way within any public park, federal forest area, public beach, or public recreation area, national monument and any state highway or portion thereof outside the boundaries presently existing on the effective date of this act of any incorporated city or town designated by the legislature as a scenic area.

(8) "Sign" means any outdoor sign, display,

device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(9) "State highway" means any primary or secondary state highway.

SEC. 3. Except as permitted under this act, no person shall erect or maintain a sign within a protected area or scenic area. In case of an area which is both a protected area and a scenic area, only those signs permitted in a scenic area shall be erected or maintained.

Permissible signs.

SEC. 4. It is declared to be the policy of the state that only the following four types of signs shall be erected or maintained in a protected area:

Types of signs for protected areas.

(1) Directional or other official signs or notices that are required or authorized by law;

(2) Signs advertising the sale or lease of the property upon which they are located;

(3) Signs, not inconsistent with the policy of this act and the national policy set forth in section 131 of title 23, United States Code and the national standards promulgated thereunder by the secretary of commerce, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

(4) Signs, not inconsistent with the policy of this act and the national policy set forth in section 131 of title 23, United States Code and the regulations promulgated thereunder by the secretary of commerce, designed to give information in the specific interest of the traveling public.

Only signs of type 1 and 2 and those type 3 signs which advertise activities conducted on the property where the signs are located shall be erected or maintained in a scenic area.

Information signs authorized.

SEC. 5. Information signs may be erected and maintained by the state, any county, city, or town.

Regulations for erection of signs.

SEC. 6. The commission shall prescribe regulations for the erection and maintenance of signs permitted by this act within protected areas and scenic areas, and other regulations for the administration of this act consistent with the policy of this act and the national policy set forth in section 131, title 23, United States Code and the regulations promulgated thereunder by the secretary of commerce. Proceedings for review of any action taken by the commission pursuant to this act shall be instituted by filing a petition only in the superior court of Thurston county.

Venue to review action.

Other prohibitions not affected.

SEC. 7. Nothing in this act shall be construed to permit a person to erect or maintain any sign that is otherwise prohibited by statute or by the resolution or ordinance of any county, city, or town of the state of Washington.

Signs as public nuisance—Procedure to abate.

SEC. 8. (1) Any sign erected or maintained contrary to the provisions of this act or regulations promulgated hereunder shall be a public nuisance and the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by registered mail at his last known address, that it constitutes a public nuisance and must comply with the act or be removed.

(2) If the permittee or owner, as the case may be, shall fail to comply with the act or remove any such sign within fifteen days after being notified to remove such sign he shall be guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction an order may be entered compelling removal of the sign. Each day such sign shall be maintained shall constitute a separate offense.

(3) If the permittee or the owner of the property upon which it is located, as the case may be, shall not be found or refuses receipt of the notice, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for so doing.

SEC. 9. If any person is convicted of a violation of this act, or any regulation promulgated hereunder, the commission may revoke any permit issued to that person under this act.

Revocation
of permit
upon
violation.

SEC. 10. (1) No sign lawfully erected in a protected area prior to the effective date of this act, but which does not comply with the provisions of this act or any regulations promulgated hereunder, shall be maintained by any person after three years from the effective date of this act.

Existing signs,
limitation on
maintenance.

(2) No sign lawfully erected in a scenic area prior to the effective date of the designation of such area as a scenic area shall be maintained by any person after three years from the effective date of the designation of any such area as a scenic area.

SEC. 11. The commission is authorized to enter into agreements (and such supplementary agreements as may be necessary) consistent with this act, with the secretary of commerce authorized under section 131(b) of title 23, United States Code, in order that the state may become eligible for increased federal aid as provided for in section 131 of title 23, United States Code.

Intergovern-
mental
agreements
authorized.

Permits
for signs—
Fees—Re-
vocation of
permit,
grounds.

SEC. 12. Notwithstanding any other provisions of this act, no sign except a sign of type 1 or 2 or those type 3 signs which advertise activities conducted upon the properties where such signs are located, shall be erected or maintained without a permit issued by the commission. Application for permit shall be made to the commission on forms furnished by it, which forms shall contain a statement that the owner or occupant of the land in question has consented thereto and shall be accompanied by a fee to be deposited with the state treasurer to the credit of the motor vehicle fund in accordance with the following schedule: (1) Fifty cents per sign if advertising area does not exceed fifty square feet; (2) Two dollars per sign if advertising area exceeds fifty square feet. Permits shall be for the calendar year and shall be renewed annually upon payment of said fee for the new year without the filing of a new application. Fees shall not be prorated for fractions of the year. Advertising copy may be changed at any time without the payment of additional fee. Assignment of permits in good standing shall be effective only upon receipt of written notice of assignment by the highway commission. A permit may be revoked after hearing if the commission finds that any statement made in the application therefor was false or misleading, or that the sign covered thereby is not in good general condition and in a reasonable state of repair, or is otherwise in violation of this act, provided that such false or misleading information has not been corrected and that the sign has not been brought into compliance with this act within thirty days after written notification thereof.

Identification
number, name,
on sign.

SEC. 13. Every permit issued by the commission shall be assigned a separate identification number, and it shall be the duty of each permittee to fasten to each sign a weatherproof label, not larger than six

square inches, which shall be furnished by the commission and on which shall be plainly visible the said permit number. The permittee shall also place his name in a conspicuous position on the front or back of each sign. The failure of a sign to have affixed thereto such a label shall be prima facie evidence that the same is not in compliance with the provisions of this act.

Absence of label as evidence.

SEC. 14. The following portions of state highways are designated as scenic areas: (1) Primary state highway No. 1, or the Pacific highway, beginning at the limits of Larabee state park (north line of section 36, township 37 north, range 2 east), thence in a southerly direction to the Blanchard overcrossing (Bridge No. $\frac{1CD}{104}$).

Scenic areas designated.

(2) Primary state highway No. 2, or the Sunset highway, beginning at the westerly intersection of secondary state highway No. 2D (interchange $\frac{2}{626}$), thence in an easterly direction by way of North Bend, Snoqualmie pass, CleElum, Blewett pass to a junction with primary state highway No. 15 in the vicinity of Peshastin.

(3) Primary state highway No. 15, the Stevens pass highway, beginning at Woods creek bridge (bridge $\frac{15}{216}$) at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with primary state highway No. 2 in the vicinity of Peshastin.

(4) Primary state highway No. 5, the National park highway, beginning at the Scatter creek bridge (bridge $\frac{5}{303}$) approximately six miles east of Enumclaw, and proceeding by way of Chinook pass to the west city limits of the town of Naches. Also

beginning at the junction of secondary state highway No. 5E east of the town of South Prairie, thence in a southerly direction to the northwest entrance to Mount Rainier national park; also beginning at a junction with secondary state highway No. 5H south of Spanaway, thence in a southerly direction by way of Elbe, thence in an easterly direction to the southwest entrance to Mount Rainier national park; also beginning at a junction with primary state highway No. 5 at Cayuse junction in the vicinity west of Chinook pass, thence in a southerly direction to a junction with primary state highway No. 5 at the Ohanapecosh junction in the vicinity west of White pass; and also beginning at a junction with primary state highway No. 5 at Kosmos, thence in an easterly direction across White pass to the Oak Flat junction with primary state highway No. 5 northwest of Yakima.

Committee to study regulation of outdoor advertising upon highways—Report on.

SEC. 15. The joint fact finding committee on highways, streets and bridges is authorized and directed to study the application of the federal standards to the regulation of outdoor advertising upon the interstate highways within the state of Washington and criteria for the establishment of additional scenic areas upon any state highway upon which outdoor advertising shall be regulated, and report to the 1963 legislature thereon.

Severability.

SEC. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Short title.

SEC. 17. This act shall be known and may be cited as the Highway Advertising Control Act of 1961.

Emergency.

SEC. 18. This act is necessary for the immediate preservation of the public peace, health, and safety,

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 28, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 11, 1961.

CHAPTER 97.

[S. B. 344.]

NOTE: THIS LAW WAS REPEALED BY CHAPTER 27, LAWS OF 1961, EXTRAORDINARY SESSION

CIVIL ACTIONS—EXEMPLARY DAMAGES FOR INTENTIONAL INJURY TO PERSON OR CHARACTER.

AN ACT relating to civil actions and damages.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Any person who commits an intentional injury or tort upon or causes an intentional injury or tort to be committed upon the person or character of another is liable for exemplary damages for the sake of example and by way of punishment as the trier of fact may determine, in addition to any other common law or statutory liabilities.

Note: See also section 6, chapter 27, Laws of 1961 extraordinary session.

SEC. 2. Section 1 does not affect any rights accrued or liabilities incurred prior to the effective date of this act.

Note: See also section 6, chapter 27, Laws of 1961 extraordinary session.

Sec. 3. *It is against the public policy of this state to insure against any liability incurred as a result of this act.* } vetoed.

Passed the Senate February 25, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 11, 1961, with the exception of Section 3, which was vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

"The main purpose of Senate Bill No. 344 is to award exemplary damages to persons having been injured to their body or character through an intentional injury on the part of a tortfeasor.