

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2553

By: Wright of the House

and

Barrington of the Senate

7 [ outdoor advertising - adding certain requirement  
8 for certain relocation permits - effective date ]

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AMENDMENT NO. 1. Page 1, strike the enacting clause

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Passed the Senate the 14th day of April, 2016.

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\_\_\_\_\_  
Presiding Officer of the Senate

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Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

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2016.

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Presiding Officer of the House  
of Representatives

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1 ENGROSSED HOUSE  
2 BILL NO. 2553

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6  
7 [ outdoor advertising - adding certain requirement for certain relocation  
8 permits - effective date ]  
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10  
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1273, as last amended by  
13 Section 1, Chapter 379, O.S.L. 2015 (69 O.S. Supp. 2015, Section 1273), is amended to read  
14 as follows:

15 Section 1273. As used in this act:

16 (a) "Sign", "outdoor advertising" or "outdoor advertising device" means any outdoor  
17 sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or  
18 other thing which is designed, intended or used to advertise or inform, but shall not include  
19 surface markers showing the location or route of underground utility facilities or pipelines or  
20 public telephone coin stations installed for emergency use.

21 (b) "Main traveled way" means the traveled way of a highway on which through traffic is  
22 carried. In the case of a divided highway, the traveled way of each of the separated  
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1 roadways for traffic in opposite directions is a main traveled way. It does not include such  
2 facilities as frontage roads, turning roadways or parking areas.

3 (c) "To erect" and its variants means to construct, build, raise, assemble, place, affix,  
4 attach, create, paint, draw or in any other way bring into being or establish. But these shall  
5 not include any of the foregoing activities when performed as incident to the change of  
6 advertising message or customary maintenance of the sign structure.

7 (d) "Unzoned commercial or industrial areas" means those areas which are not zoned  
8 by state or local law, regulation or ordinance, and on which there is located one or more  
9 permanent structures devoted to a commercial or industrial activity or on which a commercial  
10 or industrial activity is actually conducted, whether or not a permanent structure is located  
11 thereon, and the area along the highway extending outward six hundred (600) feet from and  
12 beyond the edge of such activity on both sides of the highway. Provided however, the  
13 unzoned area shall not include land on the opposite side of an interstate or dual-laned limited  
14 access primary highway from the commercial or industrial activity establishing the unzoned  
15 commercial or industrial area or land on the opposite side of other federal-aid primary  
16 highways, which land is deemed scenic by an appropriate agency of the state.

17 All measurements shall be from the outer edges of the regularly used buildings, parking  
18 lots, storage or processing areas of the commercial or industrial activities, not from the  
19 property lines of the activities, and shall be along or parallel to the edge of pavement of the  
20 highway. Such an area shall not include any area which is beyond six hundred sixty (660)  
21 feet from the nearest edge of the right-of-way. In unzoned commercial or industrial areas  
22 signs shall not be located:  
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- 1 (1) Within three hundred (300) feet of any building used primarily as a  
2 residence, unless the owner of the building consents in writing to allow the  
3 sign to exist; or
- 4 (2) Within five hundred (500) feet of any of the following: public park, garden,  
5 recreation area or forest preserve, church, school and officially designated  
6 historical battlefield. All spacing considerations are determined by  
7 whether or not they exist within the adjacent or control area.

8 (e) "Commercial and industrial activities" means those activities, clearly visible from the  
9 main traveled way, generally recognized as commercial or industrial by zoning authorities in  
10 this state, except that none of the following shall be considered commercial or industrial:

- 11 (1) Agricultural, forestry, ranching, grazing, farming and related activities,  
12 including, but not limited to, wayside fresh produce stands;
- 13 (2) Outdoor advertising structures;
- 14 (3) Transient or temporary activities;
- 15 (4) Activities more than six hundred sixty (660) feet from the nearest edge of  
16 the right-of-way;
- 17 (5) Activities conducted in a building principally used as a residence; and
- 18 (6) Railroad tracks and minor sidings.

19 (f) "Official signs" means signs and notices erected and maintained by public officers or  
20 public agencies within their territorial jurisdiction and pursuant to and in accordance with  
21 direction or authorization contained in federal or state law for the purposes of carrying out an  
22 official duty or responsibility.  
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1 (g) "Informational signs" means signs containing directions or information about public  
2 places owned or operated by federal, state or local governments or their agencies, publicly or  
3 privately owned natural phenomena, historic, cultural, educational and religious sites, and  
4 areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the  
5 interest of the traveling public.

6 (h) "On-premise activities signs" means signs advertising activities conducted upon the  
7 property on which the signs are located.

8 (i) "~~On-premise sale~~ On-premise sale or lease signs" means signs advertising the sale  
9 or lease of property on which they are located.

10 (j) "Interstate highway" means any highway at any time officially designated a part of  
11 the National System of Interstate and Defense Highways by the Department and approved by  
12 the appropriate authority of the federal government.

13 (k) "Primary highway" means the Federal-aid Primary System in existence on June 1,  
14 1991, and any highway which is not on that system but is on the National Highway System.

15 (l) "Centerline of the highway" means a line equidistant from the edges of the median  
16 separating the main traveled ways of a divided highway, or the centerline of the main traveled  
17 way of a nondivided highway.

18 (m) "Adjacent area" or "control area" means the area which is adjacent to and within six  
19 hundred sixty (660) feet of the nearest edge of the right-of-way on any interstate or primary  
20 highway within urban areas, which six hundred sixty-foot distance shall be measured  
21 horizontally along a line perpendicular to, or ninety (90) degrees to, the centerline of the  
22 highway. Outside of urban areas, adjacent area or control area means the area which is  
23 visible from the main traveled way on any interstate or primary highway.  
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1 (n) "Business area" means any part of a control area which is:

2 (1) Within six hundred sixty (660) feet of the nearest edge of the right-of-way  
3 and zoned for business, industrial or commercial activities under the  
4 authority of any state zoning law, or city or county zoning ordinance of this  
5 state; or

6 (2) Not so zoned, but which constitutes an unzoned commercial or industrial  
7 area as herein defined.

8 (o) "Department" means the Department of Transportation of the State of Oklahoma.

9 (p) "Maintain" means to hold or keep in a state of efficiency or validity, to support or  
10 sustain, by cleaning or repairing the sign or changing the message on its face.

11 (q) "Visible" means capable of being seen without visual aid by a person of normal  
12 visual acuity.

13 (r) "License" means the privilege to do business in the State of Oklahoma having been  
14 granted by an official agency.

15 (s) "Permit" means the privilege to erect a sign or signs in an individual location within  
16 the State of Oklahoma having been granted by an official agency.

17 (t) "License fee" means the monetary consideration paid for the privilege of doing  
18 business in the State of Oklahoma.

19 (u) "Permit fee" means the monetary consideration paid for the privilege of erecting a  
20 sign or signs in a specific location within the State of Oklahoma.

21 (v) "Urban area" means an urbanized area or, in the case of an urbanized area  
22 encompassing more than one state, that part of the urbanized area in each such state, or an  
23 urban place as designated by the Bureau of the Census having a population of five thousand  
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1 (5,000) or more and not within any urbanized area, within boundaries to be fixed by  
2 responsible state and local officials in cooperation with each other, subject to approval by the  
3 Secretary of Transportation. Such boundaries shall, as a minimum, encompass the entire  
4 urban place designated by the Bureau of the Census.

5 (w) "Relocation permit" means a permit issued pursuant to the provisions of  
6 subparagraph (d) of paragraph (3) of Section 1275 of this title. A relocation permit shall have  
7 precedence over any municipal or county restriction that interferes with the intended purpose  
8 of providing a method and opportunity to minimize the cost of acquiring legally erected  
9 outdoor advertising signs by the Department, provided that all potential relocation sites which  
10 comply with all applicable federal, state, county or municipal codes or regulations must be  
11 exhausted before a relocation permit can be issued for a location not in compliance with all  
12 applicable restrictions on outdoor advertising signs set forth in a municipal or county code or  
13 ordinance.

14 SECTION 2. AMENDATORY 69 O.S. 2011, Section 1275, as last amended by  
15 Section 2, Chapter 379, O.S.L. 2015 (69 O.S. Supp. 2015, Section 1275), is amended to read  
16 as follows:

17 Section 1275. After April 15, 1968, signs which are to be erected in a business area  
18 shall comply with the following standards:

- 19 1. General. Signs shall not be erected or maintained which:
- 20 a. imitate or resemble any official traffic sign, signal or device, or
  - 21 b. are erected or maintained upon trees or painted or drawn upon rocks or
  - 22 other natural features;
- 23 2. Size.
- 24

- 1 a. Signs shall not be erected which exceed one thousand two hundred  
2 (1,200) square feet in area, per facing, including border and trim, nor shall  
3 signs be erected which exceed twenty-five (25) feet in height nor sixty (60)  
4 feet in length, excluding apron, supports and other structural members.
- 5 b. The maximum size limitations shall apply to each sign facing. Two signs  
6 not exceeding six hundred (600) square feet each may be erected in a  
7 facing, side by side or "doubledecked". Back-to-back and/or V-type signs  
8 will be permitted, and shall be treated as one structure with one thousand  
9 two hundred (1,200) square feet permitted for each, if the sign structures  
10 or facings are physically contiguous, or connected by the same structure  
11 or cross bracing, or located not more than fifteen (15) feet apart at their  
12 nearest point nor more than thirty (30) feet apart at their widest point in the  
13 case of back-to-back or V-type signs. However, nothing in this section  
14 shall be construed to allow tri-faced signs;

15 3. Spacing.

- 16 a. Signs shall conform to all applicable building codes and ordinances of the  
17 municipality, county or state, whichever has jurisdiction as set forth in  
18 Section 1272 of this title, except as provided for in subparagraph d of this  
19 paragraph.
- 20 b. Signs shall not be erected or maintained in such a manner as to obscure  
21 or otherwise physically interfere with an official traffic sign, signal or device  
22 or to obstruct or physically interfere with the driver's view of approaching,  
23 merging or intersecting traffic.
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1 c. Signs visible from a nonfreeway primary highway shall not be erected  
2 within the limits of an incorporated municipality less than one hundred  
3 (100) feet on the opposite side of the highway and three hundred (300)  
4 feet on the same side of the highway, and outside the limits of an  
5 incorporated municipality less than three hundred (300) feet, from another  
6 such sign, other than signs described in subsections (a), (b) and (c) of  
7 Section 1274 of this title, unless separated by a building or other  
8 obstruction in such a manner that only one display located within the  
9 minimum spacing distances set forth herein is visible from the highway at  
10 any one time; provided, however, that this shall not prevent the erection of  
11 double-faced, back-to-back, or V-type signs with a maximum of two signs  
12 per facing, as permitted by paragraph 2 of this section. Signs visible and  
13 intended to be read from interstate and freeway primary facilities shall not  
14 be erected less than one thousand (1,000) feet from another such sign on  
15 the same side of such facilities, other than signs described in subsections  
16 (a), (b) and (c) of Section 1274 of this title. Outside incorporated  
17 municipalities, signs visible and intended to be read from interstate and  
18 freeway primary facilities shall not be erected adjacent to or within five  
19 hundred (500) feet of an interchange, intersection at grade, or rest area,  
20 on the same side of such facilities such distance to be measured along the  
21 interstate highway or freeway from the sign to the nearest point of the  
22 beginning or ending of pavement widening at the exit from or entrance to  
23 the main-traveled way. Signs may not be located within five hundred  
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1 (500) feet of any of the following which are adjacent to any interstate or  
2 federal-aid primary highway: public parks; public forests; playgrounds; or  
3 cemeteries. Provided, however, the Transportation Commission shall  
4 promulgate rules pursuant to the Administrative Procedures Act governing  
5 the measurement methodology to be prospectively utilized by the  
6 Department when determining spacing between outdoor advertising signs,  
7 displays and devices and public parks, public forests, playgrounds and  
8 cemeteries. Provided further, any measurement methodology heretofore  
9 utilized by the Department, including but not limited to the straight-line  
10 method, shall be accepted by the Department without prejudice. Provided  
11 further, the Department shall be prohibited from altering a permit  
12 classification or revoking any outdoor advertising license, which was  
13 properly obtained at the time of issuance, based upon a change of internal  
14 agency policy, agency interpretation of law or promulgation of rules.  
15 Provided further, a sign location that was permitted in compliance with the  
16 spacing requirements of this section in effect prior to the effective date of  
17 this act, but which does not comply with the spacing requirements of this  
18 section as amended after the effective date of this act, shall maintain its  
19 current legal status; provided it complies with all other permitting  
20 requirements as set forth by the Transportation Commission.

- 21 d. For the purpose of providing a method and opportunity to minimize the  
22 cost of acquiring legally erected outdoor advertising signs, the Director of  
23 the Department of Transportation shall have the option to approve the  
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1 issuance of permits for outdoor advertising signs visible from a roadway  
2 subject to the regulatory control of the Department of Transportation which  
3 may be erected less than current state spacing distances from another  
4 such sign. Permits issued pursuant to this option shall be only for the  
5 purpose of providing a relocation site for a sign being taken by the state  
6 and shall not violate spacing regulations as stipulated in the Federal State  
7 Agreement. The Department shall also issue a relocation permit if a  
8 roadway for which a legally erected permitted sign adjacent thereto is  
9 realigned; provided, however, the applicant for such relocation permit shall  
10 surrender four legally issued permits on a road realigned and the applicant  
11 shall waive any claim for compensation against the Department upon  
12 issuance of a relocation permit based on highway realignment. Provided,  
13 when the Department issues a permit pursuant to this subsection to  
14 accommodate the relocation of a structure:

- 15 (1) if the structure to be removed is visible from a roadway subject to  
16 the regulatory control of the Department inside an incorporated  
17 area, the relocation site shall be inside the same incorporated area  
18 and shall be visible from a roadway subject to the regulatory control  
19 of the Department, and  
20 (2) if there are not suitable relocation sites meeting the provisions of  
21 division 1 of this subparagraph and the structure to be removed is  
22 visible from a roadway subject to the regulatory control of the  
23 Department, notwithstanding the provisions of division 1 of this  
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1                    subparagraph, the Department may issue a permit for a relocation  
2                    site outside of the incorporated area, provided the relocation site is  
3                    either in a contiguous county thereto or the same Transportation  
4                    Commission District, which shall be visible from a roadway subject  
5                    to the regulatory control of the Department, and

6                    (3) all potential relocation sites that comply with all applicable federal,  
7                    state, county or municipal codes or regulations must be exhausted  
8                    before a relocation permit can be issued for a location not in  
9                    compliance with all applicable restrictions on outdoor advertising  
10                    signs set forth in a municipal or county code or ordinance.

11                    Provided further, the square footage of display face on the relocated sign  
12                    shall not exceed the square footage of display face of the taken sign. The  
13                    relocated sign shall maintain the same legal status as existed prior to  
14                    relocation; provided it complies with all other permitting requirements set  
15                    forth by the Transportation Commission and no other permits shall be  
16                    required. The Transportation Commission shall have the authority to  
17                    promulgate rules necessary to implement the use of the permit option  
18                    provided for in this subsection and to request the cooperation of  
19                    municipalities where local structure permits are required.

20                    e. Notwithstanding any other provision of law, the Department of  
21                    Transportation shall, after determining the need to acquire property upon  
22                    which outdoor advertising structures are located, have the authority to  
23                    negotiate directly with the owner of the outdoor advertising structure the  
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1 terms for maintaining such structures in their current position or for the  
2 relocation of such structures. Such negotiations may begin prior to the  
3 Department's initiation of formal condemnation proceedings and shall be  
4 completed prior to a jury award in a condemnation proceeding. The  
5 Department of Transportation retains its right to require the removal of the  
6 sign structure improvement effective as of the payment by the Department  
7 in the amount awarded by the court-appointed commissioners pursuant to  
8 applicable law. Nothing in this section shall be construed to prevent the  
9 owner of the land from pursuing a claim of interest in any lease existing  
10 between the landowner and the outdoor advertising structure owner, or to  
11 prevent the outdoor advertising structure owner from pursuing a claim for  
12 fair market value of the owner's interest if negotiations with the  
13 Department for a lease or structure relocation arrangement are not  
14 successful;

15 4. Lighting.

- 16 a. Signs shall not be erected which contain, include, or are illuminated by  
17 any flashing, intermittent, revolving or moving light, except on-premise  
18 signs and those giving public service information such as, but not limited  
19 to, time, date, temperature, weather or news. Steadily burning lights in  
20 configuration of letters or pictures are not prohibited.
- 21 b. Signs shall not be erected or maintained which are not effectively shielded  
22 to prevent beams or rays of light from being directed at any portion of the  
23 traveled way of any interstate or primary highway and are of such intensity  
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1 or brilliance as to cause glare or to impair the vision of the driver of any  
2 motor vehicle.

3 c. Signs shall not be erected or maintained which shall be so illuminated that  
4 they obscure any official traffic sign, device, or signal, or imitate or may be  
5 confused with any such official traffic sign, device or signal.

6 d. Provided, however, nothing in this section shall be construed to prohibit  
7 the erection or maintenance of signs which include the steady illumination  
8 of sign faces, panels or slats that rotate to different messages in a fixed  
9 position, commonly known as tri-vision faces or multiple message signs;  
10 provided, the rotation of one sign face to another is no more frequent than  
11 every eight (8) seconds and the actual rotation process is accomplished in  
12 four (4) seconds or less; and

13 5. Vegetation Management.

14 a. For the purpose of minimizing costs to the Department for the removal,  
15 cutting, or trimming of trees or vegetation on a public right-of-way to make  
16 visible or ensure future visibility of the facing of a permitted outdoor  
17 advertising sign, the Department is authorized to establish a process for  
18 an outdoor advertising permit holder to conduct vegetation management  
19 activities within a specific area surrounding the permit holders' outdoor  
20 advertising device.

21 b. The Department shall promulgate rules prescribing the scope of such  
22 vegetation management activities and any requirements it deems  
23 necessary to monitor such activities.  
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1 SECTION 3. This act shall become effective November 1, 2016.

2 Passed the House of Representatives the 7th day of March, 2016.

3  
4 \_\_\_\_\_  
5 Presiding Officer of the House  
6 of Representatives

7 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2016.

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9 \_\_\_\_\_  
10 Presiding Officer of the Senate