

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2553

By: Wright of the House

and

Barrington of the Senate

7
8
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to outdoor advertising; amending 69
11 O.S. 2011, Sections 1273 and 1275, as last amended by
12 Sections 1 and 2, Chapter 379, O.S.L. 2015 (69 O.S.
13 Supp. 2015, Sections 1273 and 1275), which relate to
14 highway advertising controls; clarifying language;
15 modifying definition; modifying requirements for
16 certain relocation permits; requiring certain
17 relocation site compliances; requiring certain
18 addresses be provided; and providing an effective
19 date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1273, as
22 last amended by Section 1, Chapter 379, O.S.L. 2015 (69 O.S. Supp.
23 2015, Section 1273), is amended to read as follows:

24 Section 1273. As used in this act:

(a) "Sign", "outdoor advertising" or "outdoor advertising
device" means any outdoor sign, display, device, notice, figure,

1 painting, drawing, message, placard, poster, billboard or other
2 thing which is designed, intended or used to advertise or inform,
3 but shall not include surface markers showing the location or route
4 of underground utility facilities or pipelines or public telephone
5 coin stations installed for emergency use.

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

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

18 (d) "Unzoned commercial or industrial areas" means those areas
19 which are not zoned by state or local law, regulation or ordinance,
20 and on which there is located one or more permanent structures
21 devoted to a commercial or industrial activity or on which a
22 commercial or industrial activity is actually conducted, whether or
23 not a permanent structure is located thereon, and the area along the
24 highway extending outward six hundred (600) feet from and beyond the

1 edge of such activity on both sides of the highway. Provided
2 however, the unzoned area shall not include land on the opposite
3 side of an interstate or dual-laned limited access primary highway
4 from the commercial or industrial activity establishing the unzoned
5 commercial or industrial area or land on the opposite side of other
6 federal-aid primary highways, which land is deemed scenic by an
7 appropriate agency of the state.

8 All measurements shall be from the outer edges of the regularly
9 used buildings, parking lots, storage or processing areas of the
10 commercial or industrial activities, not from the property lines of
11 the activities, and shall be along or parallel to the edge of
12 pavement of the highway. Such an area shall not include any area
13 which is beyond six hundred sixty (660) feet from the nearest edge
14 of the right-of-way. In unzoned commercial or industrial areas
15 signs shall not be located:

16 (1) Within three hundred (300) feet of any building used
17 primarily as a residence, unless the owner of the
18 building consents in writing to allow the sign to
19 exist; or

20 (2) Within five hundred (500) feet of any of the
21 following: public park, garden, recreation area or
22 forest preserve, church, school and officially
23 designated historical battlefield.

24

1 All spacing considerations are determined by whether or not
2 they exist within the adjacent or control area.

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

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

18 (f) "Official signs" means signs and notices erected and
19 maintained by public officers or public agencies within their
20 territorial jurisdiction and pursuant to and in accordance with
21 direction or authorization contained in federal or state law for the
22 purposes of carrying out an official duty or responsibility.

23 (g) "Informational signs" means signs containing directions or
24 information about public places owned or operated by federal, state

1 or local governments or their agencies, publicly or privately owned
2 natural phenomena, historic, cultural, educational and religious
3 sites, and areas of natural scenic beauty or naturally suited for
4 outdoor recreation, deemed to be in the interest of the traveling
5 public.

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

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

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

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

19 (l) "Centerline of the highway" means a line equidistant from
20 the edges of the median separating the main traveled ways of a
21 divided highway, or the centerline of the main traveled way of a
22 nondivided highway.

23 (m) "Adjacent area" or "control area" means the area which is
24 adjacent to and within six hundred sixty (660) feet of the nearest

1 edge of the right-of-way on any interstate or primary highway within
2 urban areas, which six hundred sixty-foot distance shall be measured
3 horizontally along a line perpendicular to, or ninety (90) degrees
4 to, the centerline of the highway. Outside of urban areas, adjacent
5 area or control area means the area which is visible from the main
6 traveled way on any interstate or primary highway.

7 (n) "Business area" means any part of a control area which is:

8 (1) Within six hundred sixty (660) feet of the nearest
9 edge of the right-of-way and zoned for business,

10 industrial or commercial activities under the
11 authority of any state zoning law, or city or county
12 zoning ordinance of this state; or

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

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

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

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

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

24

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

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

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

9 (v) "Urban area" means an urbanized area or, in the case of an
10 urbanized area encompassing more than one state, that part of the
11 urbanized area in each such state, or an urban place as designated
12 by the Bureau of the Census having a population of five thousand
13 (5,000) or more and not within any urbanized area, within boundaries
14 to be fixed by responsible state and local officials in cooperation
15 with each other, subject to approval by the Secretary of
16 Transportation. Such boundaries shall, as a minimum, encompass the
17 entire urban place designated by the Bureau of the Census.

18 (w) "Relocation permit" means a permit issued pursuant to the
19 provisions of subparagraph (d) of paragraph (3) of Section 1275 of
20 this title. A relocation permit shall have precedence over any
21 municipal or county restriction that interferes with the intended
22 purpose of providing a method and opportunity to minimize the cost
23 of acquiring legally erected outdoor advertising signs by the
24 Department, unless, for those municipalities with a population in

1 excess of five hundred thousand (500,000) based on the most recent
2 census data, it is otherwise stipulated in the applicable Right of
3 Way, Public Utility and Encroachment Agreement or Agreements and
4 agreed upon by all signatory authorities. Any owner of a registered
5 sign to be acquired shall be offered an opportunity to comment on
6 said agreement prior to execution. This section shall not prohibit
7 a registered sign owner from seeking just compensation through a
8 legal proceeding.

9 SECTION 2. AMENDATORY 69 O.S. 2011, Section 1275, as
10 last amended by Section 2, Chapter 379, O.S.L. 2015 (69 O.S. Supp.
11 2015, Section 1275), is amended to read as follows:

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

15 1. General. Signs shall not be erected or maintained which:

16 a. imitate or resemble any official traffic sign, signal
17 or device, or

18 b. are erected or maintained upon trees or painted or
19 drawn upon rocks or other natural features;

20 2. Size.

21 a. Signs shall not be erected which exceed one thousand
22 two hundred (1,200) square feet in area, per facing,
23 including border and trim, nor shall signs be erected
24 which exceed twenty-five (25) feet in height nor sixty

1 (60) feet in length, excluding apron, supports and
2 other structural members.

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

17 3. Spacing.

18 a. Signs shall conform to all applicable building codes
19 and ordinances of the municipality, county or state,
20 whichever has jurisdiction as set forth in Section
21 1272 of this title, except as provided for in
22 subparagraph d of this paragraph.

23 b. Signs shall not be erected or maintained in such a
24 manner as to obscure or otherwise physically interfere

1 with an official traffic sign, signal or device or to
2 obstruct or physically interfere with the driver's
3 view of approaching, merging or intersecting traffic.

4 c. Signs visible from a nonfreeway primary highway shall
5 not be erected within the limits of an incorporated
6 municipality less than one hundred (100) feet on the
7 opposite side of the highway and three hundred (300)
8 feet on the same side of the highway, and outside the
9 limits of an incorporated municipality less than three
10 hundred (300) feet, from another such sign, other than
11 signs described in subsections (a), (b) and (c) of
12 Section 1274 of this title, unless separated by a
13 building or other obstruction in such a manner that
14 only one display located within the minimum spacing
15 distances set forth herein is visible from the highway
16 at any one time; provided, however, that this shall
17 not prevent the erection of double-faced, back-to-
18 back, or V-type signs with a maximum of two signs per
19 facing, as permitted by paragraph 2 of this section.
20 Signs visible and intended to be read from interstate
21 and freeway primary facilities shall not be erected
22 less than one thousand (1,000) feet from another such
23 sign on the same side of such facilities, other than
24 signs described in subsections (a), (b) and (c) of

1 Section 1274 of this title. Outside incorporated
2 municipalities, signs visible and intended to be read
3 from interstate and freeway primary facilities shall
4 not be erected adjacent to or within five hundred
5 (500) feet of an interchange, intersection at grade,
6 or rest area, on the same side of such facilities such
7 distance to be measured along the interstate highway
8 or freeway from the sign to the nearest point of the
9 beginning or ending of pavement widening at the exit
10 from or entrance to the main-traveled way. Signs may
11 not be located within five hundred (500) feet of any
12 of the following which are adjacent to any interstate
13 or federal-aid primary highway: public parks; public
14 forests; playgrounds; or cemeteries. Provided,
15 however, the Transportation Commission shall
16 promulgate rules pursuant to the Administrative
17 Procedures Act governing the measurement methodology
18 to be prospectively utilized by the Department when
19 determining spacing between outdoor advertising signs,
20 displays and devices and public parks, public forests,
21 playgrounds and cemeteries. Provided further, any
22 measurement methodology heretofore utilized by the
23 Department, including but not limited to the straight-
24 line method, shall be accepted by the Department

1 without prejudice. Provided further, the Department
2 shall be prohibited from altering a permit
3 classification or revoking any outdoor advertising
4 license, which was properly obtained at the time of
5 issuance, based upon a change of internal agency
6 policy, agency interpretation of law or promulgation
7 of rules. Provided further, a sign location that was
8 permitted in compliance with the spacing requirements
9 of this section in effect prior to the effective date
10 of this act, but which does not comply with the
11 spacing requirements of this section as amended after
12 the effective date of this act, shall maintain its
13 current legal status; provided it complies with all
14 other permitting requirements as set forth by the
15 Transportation Commission.

- 16 d. For the purpose of providing a method and opportunity
17 to minimize the cost of acquiring legally erected
18 outdoor advertising signs, the Director of the
19 Department of Transportation shall have the option to
20 approve the issuance of permits for outdoor
21 advertising signs visible from a roadway subject to
22 the regulatory control of the Department of
23 Transportation which may be erected less than current
24 state spacing distances from another such sign.

1 Permits issued pursuant to this option shall be only
2 for the purpose of providing a relocation site for a
3 sign being taken by the state and shall not violate
4 spacing regulations as stipulated in the Federal State
5 Agreement. The Department shall also issue a
6 relocation permit if a roadway for which a legally
7 erected permitted sign adjacent thereto is realigned;
8 provided, however, the applicant for such relocation
9 permit shall surrender four legally issued permits on
10 a road realigned and the applicant shall waive any
11 claim for compensation against the Department upon
12 issuance of a relocation permit based on highway
13 realignment. Provided, when the Department issues a
14 permit pursuant to this subsection to accommodate the
15 relocation of a structure:

- 16 (1) if the structure to be removed is visible from a
17 roadway subject to the regulatory control of the
18 Department inside an incorporated area, the
19 relocation site shall be inside the same
20 incorporated area and shall be visible from a
21 roadway subject to the regulatory control of the
22 Department, ~~and~~
23 (2) if there are not suitable relocation sites
24 meeting the provisions of division 1 of this

1 subparagraph and the structure to be removed is
2 visible from a roadway subject to the regulatory
3 control of the Department, notwithstanding the
4 provisions of division 1 of this subparagraph,
5 the Department may issue a permit for a
6 relocation site outside of the incorporated area,
7 provided the relocation site is ~~either~~ in the
8 same county, a contiguous county thereto or ~~the~~
9 ~~same Transportation Commission District~~ other
10 municipality in which the improved roadway
11 travels through granting mutual benefit from
12 improvements, which shall be visible from a
13 roadway subject to the regulatory control of the
14 Department, and

15 (3) all potential relocation sites must be in
16 compliance with provisions set forth in the
17 applicable Right of Way, Public Utility and
18 Encroachment Agreement or Agreements.

19 Provided further, the square footage of display face
20 on the relocated sign shall not exceed the square
21 footage of display face of the ~~taken~~ acquired sign.
22 The relocated sign shall maintain the same legal
23 status and ability to upgrade as existed prior to
24 relocation; provided it complies with all other

1 permitting requirements set forth by the
2 Transportation Commission and no other permits shall
3 be required and any county or municipal authority in
4 which a relocation permit has been issued shall
5 promptly provide the required 911 address or other
6 information necessary for the delivery of utility
7 service to a relocated sign. The Transportation
8 Commission shall have the authority to promulgate
9 rules necessary to implement the use of the permit
10 option provided for in this subsection ~~and to request~~
11 ~~the cooperation of municipalities where local~~
12 ~~structure permits are required.~~

13 e. Notwithstanding any other provision of law, the
14 Department of Transportation shall, after determining
15 the need to acquire property upon which outdoor
16 advertising structures are located, have the authority
17 to negotiate directly with the owner of the outdoor
18 advertising structure the terms for maintaining such
19 structures in their current position or for the
20 relocation of such structures. Such negotiations may
21 begin prior to the Department's initiation of formal
22 condemnation proceedings and shall be completed prior
23 to a jury award in a condemnation proceeding. The
24 Department of Transportation retains its right to

1 require the removal of the sign structure improvement
2 effective as of the payment by the Department in the
3 amount awarded by the court-appointed commissioners
4 pursuant to applicable law. Nothing in this section
5 shall be construed to prevent the owner of the land
6 from pursuing a claim of interest in any lease
7 existing between the landowner and the outdoor
8 advertising structure owner, or to prevent the outdoor
9 advertising structure owner from pursuing a claim for
10 fair market value of the owner's interest if
11 negotiations with the Department for a lease or
12 structure relocation arrangement are not successful;

13 4. Lighting.

14 a. Signs shall not be erected which contain, include, or
15 are illuminated by any flashing, intermittent,
16 revolving or moving light, except on-premise signs and
17 those giving public service information such as, but
18 not limited to, time, date, temperature, weather or
19 news. Steadily burning lights in configuration of
20 letters or pictures are not prohibited.

21 b. Signs shall not be erected or maintained which are not
22 effectively shielded to prevent beams or rays of light
23 from being directed at any portion of the traveled way
24 of any interstate or primary highway and are of such

1 intensity or brilliance as to cause glare or to impair
2 the vision of the driver of any motor vehicle.

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

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

18 5. Vegetation Management.

19 a. For the purpose of minimizing costs to the Department
20 for the removal, cutting, or trimming of trees or
21 vegetation on a public right-of-way to make visible or
22 ensure future visibility of the facing of a permitted
23 outdoor advertising sign, the Department is authorized
24 to establish a process for an outdoor advertising

1 permit holder to conduct vegetation management
2 activities within a specific area surrounding the
3 permit holders' outdoor advertising device.

- 4 b. The Department shall promulgate rules prescribing the
5 scope of such vegetation management activities and any
6 requirements it deems necessary to monitor such
7 activities.

8 SECTION 3. This act shall become effective November 1, 2016.

9
10 55-2-10114 JM 05/18/16
11
12
13
14
15
16
17
18
19
20
21
22
23
24