



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

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

13 (d) "Unzoned commercial or industrial areas" means those areas  
14 which are not zoned by state or local law, regulation or ordinance,  
15 and on which there is located one or more permanent structures  
16 devoted to a commercial or industrial activity or on which a  
17 commercial or industrial activity is actually conducted, whether or  
18 not a permanent structure is located thereon, and the area along the  
19 highway extending outward six hundred (600) feet from and beyond the  
20 edge of such activity on both sides of the highway. Provided  
21 however, the unzoned area shall not include land on the opposite  
22 side of an interstate or dual-laned limited access primary highway  
23 from the commercial or industrial activity establishing the unzoned  
24 commercial or industrial area or land on the opposite side of other

1 federal-aid primary highways, which land is deemed scenic by an  
2 appropriate agency of the state.

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

11 (1) Within three hundred (300) feet of any building used  
12 primarily as a residence, unless the owner of the  
13 building consents in writing to allow the sign to  
14 exist; or

15 (2) Within five hundred (500) feet of any of the  
16 following: public park, garden, recreation area or  
17 forest preserve, church, school and officially  
18 designated historical battlefield. All spacing  
19 considerations are determined by whether or not they  
20 exist within the adjacent or control area.

21 (e) "Commercial and industrial activities" means those  
22 activities, clearly visible from the main traveled way, generally  
23 recognized as commercial or industrial by zoning authorities in this  
24

1 state, except that none of the following shall be considered  
2 commercial or industrial:

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

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

18 (g) "Informational signs" means signs containing directions or  
19 information about public places owned or operated by federal, state  
20 or local governments or their agencies, publicly or privately owned  
21 natural phenomena, historic, cultural, educational and religious  
22 sites, and areas of natural scenic beauty or naturally suited for  
23 outdoor recreation, deemed to be in the interest of the traveling  
24 public.

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

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

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

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

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

18 (m) "Adjacent area" or "control area" means the area which is  
19 adjacent to and within six hundred sixty (660) feet of the nearest  
20 edge of the right-of-way on any interstate or primary highway within  
21 urban areas, which six hundred sixty-foot distance shall be measured  
22 horizontally along a line perpendicular to, or ninety (90) degrees  
23 to, the centerline of the highway. Outside of urban areas, adjacent  
24

1 area or control area means the area which is visible from the main  
2 traveled way on any interstate or primary highway.

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

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

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

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

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

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

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

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

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

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

4 (v) "Urban area" means an urbanized area or, in the case of an  
5 urbanized area encompassing more than one state, that part of the  
6 urbanized area in each such state, or an urban place as designated  
7 by the Bureau of the Census having a population of five thousand  
8 (5,000) or more and not within any urbanized area, within boundaries  
9 to be fixed by responsible state and local officials in cooperation  
10 with each other, subject to approval by the Secretary of  
11 Transportation. Such boundaries shall, as a minimum, encompass the  
12 entire urban place designated by the Bureau of the Census.

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

1 SECTION 2. AMENDATORY 69 O.S. 2011, Section 1275, as  
2 last amended by Section 2, Chapter 379, O.S.L. 2015 (69 O.S. Supp.  
3 2015, Section 1275), is amended to read as follows:

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

- 7 1. General. Signs shall not be erected or maintained which:
  - 8 a. imitate or resemble any official traffic sign, signal
  - 9 or device, or
  - 10 b. are erected or maintained upon trees or painted or
  - 11 drawn upon rocks or other natural features;

- 12 2. Size.
  - 13 a. Signs shall not be erected which exceed one thousand
  - 14 two hundred (1,200) square feet in area, per facing,
  - 15 including border and trim, nor shall signs be erected
  - 16 which exceed twenty-five (25) feet in height nor sixty
  - 17 (60) feet in length, excluding apron, supports and
  - 18 other structural members.
  - 19 b. The maximum size limitations shall apply to each sign
  - 20 facing. Two signs not exceeding six hundred (600)
  - 21 square feet each may be erected in a facing, side by
  - 22 side or "doubledecker". Back-to-back and/or V-type
  - 23 signs will be permitted, and shall be treated as one
  - 24 structure with one thousand two hundred (1,200) square



1 feet permitted for each, if the sign structures or  
2 facings are physically contiguous, or connected by the  
3 same structure or cross bracing, or located not more  
4 than fifteen (15) feet apart at their nearest point  
5 nor more than thirty (30) feet apart at their widest  
6 point in the case of back-to-back or V-type signs.  
7 However, nothing in this section shall be construed to  
8 allow tri-faced signs;

9 3. Spacing.

- 10 a. Signs shall conform to all applicable building codes  
11 and ordinances of the municipality, county or state,  
12 whichever has jurisdiction as set forth in Section  
13 1272 of this title, except as provided for in  
14 subparagraph d of this paragraph.
- 15 b. Signs shall not be erected or maintained in such a  
16 manner as to obscure or otherwise physically interfere  
17 with an official traffic sign, signal or device or to  
18 obstruct or physically interfere with the driver's  
19 view of approaching, merging or intersecting traffic.
- 20 c. Signs visible from a nonfreeway primary highway shall  
21 not be erected within the limits of an incorporated  
22 municipality less than one hundred (100) feet on the  
23 opposite side of the highway and three hundred (300)  
24 feet on the same side of the highway, and outside the

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

1 beginning or ending of pavement widening at the exit  
2 from or entrance to the main-traveled way. Signs may  
3 not be located within five hundred (500) feet of any  
4 of the following which are adjacent to any interstate  
5 or federal-aid primary highway: public parks; public  
6 forests; playgrounds; or cemeteries. Provided,  
7 however, the Transportation Commission shall  
8 promulgate rules pursuant to the Administrative  
9 Procedures Act governing the measurement methodology  
10 to be prospectively utilized by the Department when  
11 determining spacing between outdoor advertising signs,  
12 displays and devices and public parks, public forests,  
13 playgrounds and cemeteries. Provided further, any  
14 measurement methodology heretofore utilized by the  
15 Department, including but not limited to the straight-  
16 line method, shall be accepted by the Department  
17 without prejudice. Provided further, the Department  
18 shall be prohibited from altering a permit  
19 classification or revoking any outdoor advertising  
20 license, which was properly obtained at the time of  
21 issuance, based upon a change of internal agency  
22 policy, agency interpretation of law or promulgation  
23 of rules. Provided further, a sign location that was  
24 permitted in compliance with the spacing requirements

1 of this section in effect prior to the effective date  
2 of this act, but which does not comply with the  
3 spacing requirements of this section as amended after  
4 the effective date of this act, shall maintain its  
5 current legal status; provided it complies with all  
6 other permitting requirements as set forth by the  
7 Transportation Commission.

- 8 d. For the purpose of providing a method and opportunity  
9 to minimize the cost of acquiring legally erected  
10 outdoor advertising signs, the Director of the  
11 Department of Transportation shall have the option to  
12 approve the issuance of permits for outdoor  
13 advertising signs visible from a roadway subject to  
14 the regulatory control of the Department of  
15 Transportation which may be erected less than current  
16 state spacing distances from another such sign.  
17 Permits issued pursuant to this option shall be only  
18 for the purpose of providing a relocation site for a  
19 sign being taken by the state and shall not violate  
20 spacing regulations as stipulated in the Federal State  
21 Agreement. The Department shall also issue a  
22 relocation permit if a roadway for which a legally  
23 erected permitted sign adjacent thereto is realigned;  
24 provided, however, the applicant for such relocation

1 permit shall surrender four legally issued permits on  
2 a road realigned and the applicant shall waive any  
3 claim for compensation against the Department upon  
4 issuance of a relocation permit based on highway  
5 realignment. Provided, when the Department issues a  
6 permit pursuant to this subsection to accommodate the  
7 relocation of a structure:

8 (1) if the structure to be removed is visible from a  
9 roadway subject to the regulatory control of the  
10 Department inside an incorporated area, the  
11 relocation site shall be inside the same  
12 incorporated area and shall be visible from a  
13 roadway subject to the regulatory control of the  
14 Department, ~~and~~

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

1                   Transportation Commission District, which shall  
2                   be visible from a roadway subject to the  
3                   regulatory control of the Department, and  
4                   (3) all potential relocation sites that comply with  
5                   all applicable federal, state, county or  
6                   municipal codes or regulations must be exhausted  
7                   before a relocation permit can be issued for a  
8                   location not in compliance with all applicable  
9                   restrictions on outdoor advertising signs set  
10                   forth in a municipal or county code or ordinance.

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

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

1 4. Lighting.

2 a. Signs shall not be erected which contain, include, or  
3 are illuminated by any flashing, intermittent,  
4 revolving or moving light, except on-premise signs and  
5 those giving public service information such as, but  
6 not limited to, time, date, temperature, weather or  
7 news. Steadily burning lights in configuration of  
8 letters or pictures are not prohibited.

9 b. Signs shall not be erected or maintained which are not  
10 effectively shielded to prevent beams or rays of light  
11 from being directed at any portion of the traveled way  
12 of any interstate or primary highway and are of such  
13 intensity or brilliance as to cause glare or to impair  
14 the vision of the driver of any motor vehicle.

15 c. Signs shall not be erected or maintained which shall  
16 be so illuminated that they obscure any official  
17 traffic sign, device, or signal, or imitate or may be  
18 confused with any such official traffic sign, device  
19 or signal.

20 d. Provided, however, nothing in this section shall be  
21 construed to prohibit the erection or maintenance of  
22 signs which include the steady illumination of sign  
23 faces, panels or slats that rotate to different  
24 messages in a fixed position, commonly known as tri-



1 vision faces or multiple message signs; provided, the  
2 rotation of one sign face to another is no more  
3 frequent than every eight (8) seconds and the actual  
4 rotation process is accomplished in four (4) seconds  
5 or less; and

6 5. Vegetation Management.

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

16 b. The Department shall promulgate rules prescribing the  
17 scope of such vegetation management activities and any  
18 requirements it deems necessary to monitor such  
19 activities.

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

21  
22 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/16/2016 -  
23 DO PASS.  
24