

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 2809

By: Rosecrants

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6 AS INTRODUCED

7 An Act relating to schools; allowing local boards of  
8 education to sell advertising space on school buses;  
9 limiting content of advertisements; defining  
10 advertisers as independent contractors; specifying  
11 remedies for breaches of advertising contracts;  
12 requiring certain terms in advertising contracts;  
13 providing for school board discretion in disposition  
14 of advertising revenue; limiting size and placement  
15 of advertising; providing for codification; and  
16 providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 9-120 of Title 70, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. The right to sell advertising space on school buses shall be  
22 within the sole discretion of the local board of education.

23 B. The board of education of any school district may enter into  
24 a contract for the sale of advertising space on the exterior sides  
and interior of school buses owned or leased by the school district.

A school bus contractor may enter into a contract for the sale of

1 advertising space on the exterior sides and interior of school buses  
2 owned by the contractor, subject to the limitations set forth in  
3 this section.

4 C. No advertisement shall involve obscenity, sexual material,  
5 gambling, tobacco, alcohol, pharmaceuticals, drugs, vaping,  
6 political campaigns or content, religion, or general content that is  
7 determined by the local board of education to be harmful or  
8 inappropriate for school buses.

9 D. The local board of education shall have the authority to  
10 reject any advertising that it deems to be inappropriate or not in  
11 the best interest of the board of education, the school district, or  
12 the students.

13 E. A school district shall be permitted to solicit offers from  
14 commercial advertisers for the use of space on the school buses that  
15 service its school district. The school district may enter into a  
16 lease agreement with a commercial advertiser for the use of any  
17 designated advertising space on a school bus that services the  
18 school district.

19 SECTION 2. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 9-121 of Title 70, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. Any advertiser who contracts with a local board of education  
23 to purchase advertising space on a school bus shall be considered an  
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1 independent contractor and shall not be deemed an agent, servant,  
2 employee or representative of the board of education.

3 B. If an advertiser fails to provide service in accordance with  
4 the bid specifications and contract for advertisements, the  
5 advertiser shall be considered in breach of contract and the local  
6 board of education may, in its discretion, cancel the advertisement  
7 contract or pursue enforcement of the advertiser's performance bond.  
8 No advertising space shall be used or resold by the advertiser for  
9 the promotion, either directly or indirectly, of any businesses,  
10 organizations, or enterprises other than those specified in the  
11 original contract for advertisement. The advertiser shall protect,  
12 defend, and hold harmless the board of education from any lawsuits  
13 or actions of any nature and description brought against it as a  
14 result of the advertisement.

15 C. The contract shall include the time schedule permitted for  
16 placement and removal of the advertisement, the term of the  
17 agreement, the rental amount, and the signatures of authorized  
18 parties. The local board of education shall file and maintain a  
19 copy of the contract for a period of five (5) years from the  
20 expiration date of the advertisement contract.

21 D. If the board of education enters into a contract for the  
22 sale of advertising space on the exterior sides or interior of  
23 school buses, any revenue generated by the sale shall be used to  
24 support any programs and services the board may deem appropriate.

1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 9-122 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. All school bus advertisements shall be affixed by decal on  
5 the bus in a manner that does not interfere with federal, state or  
6 local requirements for school bus markings, lights, signs, emergency  
7 exits, service doors, windows, and ventilation areas of the rear  
8 engine or air-conditioning systems.

9 B. A commercial advertiser that contracts with a local board of  
10 education for the use of the space for advertisements shall be  
11 required to pay the cost of affixing a decal for the advertisements  
12 on the bus and shall pay for its removal after the term of the  
13 contract has expired.

14 C. No advertisements shall be displayed on the front of the  
15 school bus.

16 D. The locations for commercial advertisements on the exterior  
17 portion of a school bus shall be limited to the following:

18 1. At least twenty-four (24) inches from the front or rear of  
19 the bus;

20 2. At least six (6) inches below the horizontal DOT C2  
21 reflective sheeting baseline, service or emergency exits, doors, or  
22 windows; and

23 3. At least six (6) inches away from any wheel-well opening,  
24 required lettering, or bus body reflectors.

1 E. The size of commercial advertisements on the exterior  
2 portion of a school bus shall be limited to the following:

3 1. Seventy-five (75) inches wide by eighteen (18) inches high  
4 or smaller; and

5 2. Any advertisements above the window drip rail leading toward  
6 the roof of the bus shall be thirty (30) inches wide by twelve (12)  
7 inches high or smaller.

8 F. The amount of space that shall be permitted for commercial  
9 advertisements on the interior portion of a school bus shall be  
10 limited to the area above the side windows and shall be twenty-four  
11 (24) inches wide by twelve (12) inches high or smaller. No  
12 advertisement on the interior of a bus shall interfere with federal,  
13 state, or local requirements for school bus markings for lights,  
14 signs, emergency exits, service doors, or windows. No advertisement  
15 shall be displayed on the front or rear of the interior of a school  
16 bus. Advertisements on the interior of a school bus shall be  
17 limited to health and safety related messages.

18 SECTION 4. This act shall become effective November 1, 2020.

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20 57-2-9115 AB 01/07/20

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