

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3062

By: Rosecrants

AS INTRODUCED

An Act relating to schools; allowing school district board of education to sell advertising space on school buses; limiting content of advertisements; establishing advertisers as independent contractors; specifying remedies for breaches of advertising contracts; requiring certain terms in advertising contracts; providing for school board discretion in disposition of advertising revenue; limiting size and placement of advertising; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-121 of Title 70, unless there is created a duplication in numbering, reads as follows:

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

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

1 A school bus contractor may enter into a contract for the sale of
2 advertising space on the exterior sides and interior of school buses
3 owned by the contractor, subject to the limitations provided in this
4 section.

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

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

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

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

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

3 B. If an advertiser fails to comply with the bid specifications
4 and contract for advertisements, the advertiser shall be considered
5 in breach of contract and the local board of education may, in its
6 discretion, cancel the advertisement contract or pursue enforcement
7 of the advertiser's performance bond. Advertising space shall not
8 be used or resold by the advertiser for the promotion, either
9 directly or indirectly, of any business, organization, or enterprise
10 other than those specified in the original contract for
11 advertisement. The advertiser shall protect, defend, and hold
12 harmless the board of education from any lawsuits or actions of any
13 nature and description brought against it as a result of the
14 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 board of education shall file and maintain a copy of
19 the contract for a period of five (5) years from the expiration date
20 of the contract.

21 D. If the board of education contracts for the sale of
22 advertising space on the exterior sides or interior of school buses,
23 any revenue generated by the sale shall be used to support programs
24 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 9-123 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, or ventilation areas of the rear
8 engine or air-conditioning systems.

9 B. A commercial advertiser that contracts with a school
10 district board of education for the use of advertisement space shall
11 pay the cost of affixing a decal for the advertisements on the bus
12 and the cost of removing a decal after the term of the contract has
13 expired.

14 C. Advertisements shall not be displayed on the front of the
15 school bus. The locations for commercial advertisements on the
16 exterior portion of a school bus shall be limited to the following:

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

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

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

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

18 SECTION 4. This act shall become effective November 1, 2024.

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