

1 **SENATE FLOOR VERSION**

2 February 24, 2015

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 165

By: Loveless of the Senate

and

Joyner of the House

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8  
9 An Act relating to outdoor advertising; amending 69  
10 O.S. 2011, Section 1273, as amended by Section 1,  
Chapter 269, O.S.L. 2013 (69 O.S. Supp. 2014, Section  
11 1273) which relates to definitions for signs;  
12 modifying certain definition; amending 69 O.S. 2011,  
Section 1275, as amended by Section 13, Chapter 372,  
13 O.S.L. 2013 (69 O.S. Supp. 2014, Section 1275) which  
relates to standards for signs; modifying minimum  
14 distance between certain signs; and providing an  
15 effective date.

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

17 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1273, as  
18 last amended by Section 1, Chapter 269, O.S.L. 2014 (69 O.S. Supp.  
19 2014, Section 1273), is amended to read as follows:

20 Section 1273. As used in this act:

21 (a) "Sign", "outdoor advertising" or "outdoor advertising  
22 device" means any outdoor sign, display, device, notice, figure,  
23 painting, drawing, message, placard, poster, billboard or other  
24 thing which is designed, intended or used to advertise or inform,

1 but shall not include surface markers showing the location or route  
2 of underground utility facilities or pipelines or public telephone  
3 coin stations installed for emergency use.

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

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

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

1 side of an interstate or dual-laned limited access primary highway  
2 from the commercial or industrial activity establishing the unzoned  
3 commercial or industrial area or land on the opposite side of other  
4 federal-aid primary highways, which land is deemed scenic by an  
5 appropriate agency of the state.

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

14 (1) Within three hundred (300) feet of any building used  
15 primarily as a residence, unless the owner of the  
16 building consents in writing to the particular  
17 commercial use or uses to be made of such lands;

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

22 ~~(3) Beyond six hundred sixty (660) feet from the nearest~~  
23 ~~edge of the right-of-way.~~

24

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

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

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

21 (g) "Informational signs" means signs containing directions or  
22 information about public places owned or operated by federal, state  
23 or local governments or their agencies, publicly or privately owned  
24 natural phenomena, historic, cultural, educational and religious

1 sites, and areas of natural scenic beauty or naturally suited for  
2 outdoor recreation, deemed to be in the interest of the traveling  
3 public.

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

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

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

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

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

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

1 to, the centerline of the highway. Outside of urban areas, adjacent  
2 area or control area means the area which is visible from the main  
3 traveled way on any interstate or primary highway.

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

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

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

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

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

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

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

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

24

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

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

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

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

22 SECTION 2. AMENDATORY 69 O.S. 2011, Section 1275, as  
23 last amended by Section 13, Chapter 372, O.S.L. 2013 (69 O.S. Supp.  
24 2014, Section 1275), is amended to read as follows:

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

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

5 a. imitate or resemble any official traffic sign, signal  
6 or device, or

7 b. are erected or maintained upon trees or painted or  
8 drawn upon rocks or other natural features;

9 2. Size.

10 a. Signs shall not be erected which exceed one thousand  
11 two hundred (1,200) square feet in area, per facing,  
12 including border and trim, nor shall signs be erected  
13 which exceed twenty-five (25) feet in height nor sixty  
14 (60) feet in length, excluding apron, supports and  
15 other structural members.

16 b. The maximum size limitations shall apply to each sign  
17 facing. Two signs not exceeding six hundred (600)  
18 square feet each may be erected in a facing, side by  
19 side or "doubledecker". Back-to-back and/or V-type  
20 signs will be permitted, and shall be treated as one  
21 structure with one thousand two hundred (1,200) square  
22 feet permitted for each, if the sign structures or  
23 facings are physically contiguous, or connected by the  
24 same structure or cross bracing, or located not more



1 than fifteen (15) feet apart at their nearest point  
2 nor more than thirty (30) feet apart at their widest  
3 point in the case of back-to-back or V-type signs.  
4 However, nothing in this section shall be construed to  
5 allow tri-faced signs;

6 3. Spacing.

7 a. Signs shall conform to all applicable building codes  
8 and ordinances of the municipality, county or state,  
9 whichever has jurisdiction as set forth in Section  
10 1272 of this title, except as provided for in  
11 subparagraph d of this paragraph.

12 b. Signs shall not be erected or maintained in such a  
13 manner as to obscure or otherwise physically interfere  
14 with an official traffic sign, signal or device or to  
15 obstruct or physically interfere with the driver's  
16 view of approaching, merging or intersecting traffic.

17 c. Signs visible from a nonfreeway primary highway shall  
18 not be erected within the limits of an incorporated  
19 municipality less than one hundred (100) feet on the  
20 opposite side of the highway and three hundred (300)  
21 feet on the same side of the highway, and outside the  
22 limits of an incorporated municipality less than three  
23 hundred (300) feet, from another such sign, other than  
24 signs described in subsections (a), (b) and (c) of

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

1 of the following which are adjacent to any interstate  
2 or federal-aid primary highway: public parks; public  
3 forests; playgrounds; or cemeteries. Provided,  
4 however, the Transportation Commission shall  
5 promulgate rules pursuant to the Administrative  
6 Procedures Act governing the measurement methodology  
7 to be prospectively utilized by the Department when  
8 determining spacing between outdoor advertising signs,  
9 displays and devices and public parks, public forests,  
10 playgrounds and cemeteries. Provided further, any  
11 measurement methodology heretofore utilized by the  
12 Department, including but not limited to the straight-  
13 line method, shall be accepted by the Department  
14 without prejudice. Provided further, the Department  
15 shall be prohibited from altering a permit  
16 classification or revoking any outdoor advertising  
17 license, which was properly obtained at the time of  
18 issuance, based upon a change of internal agency  
19 policy, agency interpretation of law or promulgation  
20 of rules. Provided further, a sign location that was  
21 permitted in compliance with the spacing requirements  
22 of this section in effect prior to the effective date  
23 of this act, but which does not comply with the  
24 spacing requirements of this section as amended after

1 the effective date of this act, shall maintain its  
2 current legal status; provided it complies with all  
3 other permitting requirements as set forth by the  
4 Transportation Commission.

5 d. For the purpose of providing a method and opportunity  
6 to minimize the cost of acquiring legally erected  
7 outdoor advertising signs, the Director of the  
8 Department of Transportation shall have the option to  
9 approve the issuance of permits for outdoor  
10 advertising signs visible from a roadway subject to  
11 the regulatory control of the Department of  
12 Transportation which ~~are to~~ may be erected less than  
13 ~~one thousand (1,000) feet~~ current spacing distances  
14 from another such sign. Permits issued pursuant to  
15 this option shall be only for the purpose of providing  
16 a relocation site for a sign being taken by the state  
17 and shall not violate federal spacing regulations.

18 Provided, when the Department issues a permit pursuant  
19 to this subsection to accommodate the relocation of a  
20 structure:

21 (1) if the structure to be removed is visible from a  
22 roadway subject to the regulatory control of the  
23 Department inside an incorporated area, the  
24 relocation site shall be inside the same

1 incorporated area and shall be visible from a  
2 roadway subject to the regulatory control of the  
3 Department, and

4 (2) if there are not suitable relocation sites  
5 meeting the provisions of division 1 of this  
6 subparagraph and the structure to be removed is  
7 visible from a roadway subject to the regulatory  
8 control of the Department, notwithstanding the  
9 provisions of division 1 of this subparagraph,  
10 the Department may issue a permit for a  
11 relocation site outside of the incorporated area,  
12 provided the relocation site is either in a  
13 contiguous county thereto or the same  
14 Transportation Commission District, which shall  
15 be visible from a roadway subject to the  
16 regulatory control of the Department.

17 Provided further, the square footage of display face  
18 on the relocated sign shall not exceed the square  
19 footage of display face of the taken sign. The  
20 relocated sign shall maintain the same legal status as  
21 existed prior to relocation; provided it complies with  
22 all other permitting requirements set forth by the  
23 Transportation Commission and no other permits shall  
24 be required. The Transportation Commission shall have

1 the authority to promulgate rules necessary to  
2 implement the use of the permit option provided for in  
3 this subsection and to request the cooperation of  
4 municipalities where local permits are required.

- 5 e. Notwithstanding any other provision of law, the  
6 Department of Transportation shall, after determining  
7 the need to acquire property upon which outdoor  
8 advertising structures are located, have the authority  
9 to negotiate directly with the owner of the outdoor  
10 advertising structure the terms for maintaining such  
11 structures in their current position or for the  
12 relocation of such structures. Such negotiations may  
13 begin prior to the Department's initiation of formal  
14 condemnation proceedings and shall be completed prior  
15 to a jury award in a condemnation proceeding. The  
16 Department of Transportation retains its right to  
17 require the removal of the sign structure improvement  
18 effective as of the payment by the Department in the  
19 amount awarded by the court-appointed commissioners  
20 pursuant to applicable law. Nothing in this section  
21 shall be construed to prevent the owner of the land  
22 from pursuing a claim of interest in any lease  
23 existing between the landowner and the outdoor  
24 advertising structure owner, or to prevent the outdoor

1 advertising structure owner from pursuing a claim for  
2 fair market value of the owner's interest if  
3 negotiations with the Department for a lease or  
4 structure relocation arrangement are not successful;

5 4. Lighting.

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

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

19 c. Signs shall not be erected or maintained which shall  
20 be so illuminated that they obscure any official  
21 traffic sign, device, or signal, or imitate or may be  
22 confused with any such official traffic sign, device  
23 or signal.

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

11 5. Vegetation Management.

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

21 b. The Department shall promulgate rules prescribing the  
22 scope of such vegetation management activities and any  
23 requirements it deems necessary to monitor such  
24 activities.



1 SECTION 3. This act shall become effective November 1, 2015.

2 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION  
3 February 24, 2015 - DO PASS AS AMENDED  
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