

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 165 By: Loveless of the Senate
3 and
4 Joyner of the House
5
6

7 [outdoor advertising - definitions for signs -
8 standards for signs - effective date]
9

10 AMENDMENT NO. 1. Page 1, line 9, strike the enacting clause

11 Passed the House of Representatives the 14th day of April, 2015.
12
13

14 _____
Presiding Officer of the House of
15 Representatives

16 Passed the Senate the ____ day of _____, 2015.
17
18

19 _____
Presiding Officer of the Senate
20
21
22
23
24

ENGROSSED SENATE
BILL NO. 165

By: Loveless of the Senate

and

Joyner of the House

[outdoor advertising - definitions for signs -
standards for signs - effective date]

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

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

Section 1273. As used in this act:

(a) "Sign", "outdoor advertising" or "outdoor advertising device" means any outdoor sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, but shall not include surface markers showing the location or route of underground utility facilities or pipelines or public telephone coin stations installed for emergency use.

(b) "Main traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include

1 such facilities as frontage roads, turning roadways or parking
2 areas.

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

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

23 All measurements shall be from the outer edges of the regularly
24 used buildings, parking lots, storage or processing areas of the

1 commercial or industrial activities, not from the property lines of
2 the activities, and shall be along or parallel to the edge of
3 pavement of the highway. Such an area shall not include any area
4 which is beyond six hundred sixty (660) feet from the nearest edge
5 of the right-of-way. In unzoned commercial or industrial areas,
6 signs shall not be located:

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

11 (2) Within five hundred (500) feet of any of the
12 following: public park, garden, recreation area or
13 forest preserve, church, school and officially
14 designated historical battlefield; ~~or~~

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

17 (e) "Commercial and industrial activities" means those
18 activities, clearly visible from the main traveled way, generally
19 recognized as commercial or industrial by zoning authorities in this
20 state, except that none of the following shall be considered
21 commercial or industrial:

22 (1) Agricultural, forestry, ranching, grazing, farming and
23 related activities, including, but not limited to,
24 wayside fresh produce stands;

- 1 (2) Outdoor advertising structures;
- 2 (3) Transient or temporary activities;
- 3 (4) Activities more than six hundred sixty (660) feet from
- 4 the nearest edge of the right-of-way;
- 5 (5) Activities conducted in a building principally used as
- 6 a residence; and
- 7 (6) Railroad tracks and minor sidings.

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

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

20 (h) "On-premise activities signs" means signs advertising
21 activities conducted upon the property on which the signs are
22 located.

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

1 (j) "Interstate highway" means any highway at any time
2 officially designated a part of the National System of Interstate
3 and Defense Highways by the Department and approved by the
4 appropriate authority of the federal government.

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

8 (l) "Centerline of the highway" means a line equidistant from
9 the edges of the median separating the main traveled ways of a
10 divided highway, or the centerline of the main traveled way of a
11 nondivided highway.

12 (m) "Adjacent area" or "control area" means the area which is
13 adjacent to and within six hundred sixty (660) feet of the nearest
14 edge of the right-of-way on any interstate or primary highway within
15 urban areas, which six hundred sixty-foot distance shall be measured
16 horizontally along a line perpendicular to, or ninety (90) degrees
17 to, the centerline of the highway. Outside of urban areas, adjacent
18 area or control area means the area which is visible from the main
19 traveled way on any interstate or primary highway.

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

21 (1) Within six hundred sixty (660) feet of the nearest
22 edge of the right-of-way and zoned for business,
23 industrial or commercial activities under the
24

1 authority of any state zoning law, or city or county
2 zoning ordinance of this state; or

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

5 (o) "Department" means the Department of Transportation of the
6 State of Oklahoma.

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

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

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

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

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

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

22 (v) "Urban area" means an urbanized area or, in the case of an
23 urbanized area encompassing more than one state, that part of the
24 urbanized area in each such state, or an urban place as designated

1 by the Bureau of the Census having a population of five thousand
2 (5,000) or more and not within any urbanized area, within boundaries
3 to be fixed by responsible state and local officials in cooperation
4 with each other, subject to approval by the Secretary of
5 Transportation. Such boundaries shall, as a minimum, encompass the
6 entire urban place designated by the Bureau of the Census.

7 (w) "Relocation permit" means a permit issued pursuant to the
8 provisions of subparagraph (d) of paragraph (3) of Section 1275 of
9 this title. A relocation permit shall have precedence over any
10 municipal or county restriction that interferes with the intended
11 purpose of providing a method and opportunity to minimize the cost
12 of acquiring legally erected outdoor advertising signs by the
13 Department.

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

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

- 20 1. General. Signs shall not be erected or maintained which:
- 21 a. imitate or resemble any official traffic sign, signal
22 or device, or
 - 23 b. are erected or maintained upon trees or painted or
24 drawn upon rocks or other natural features;

1 2. Size.

2 a. Signs shall not be erected which exceed one thousand
3 two hundred (1,200) square feet in area, per facing,
4 including border and trim, nor shall signs be erected
5 which exceed twenty-five (25) feet in height nor sixty
6 (60) feet in length, excluding apron, supports and
7 other structural members.

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

22 3. Spacing.

23 a. Signs shall conform to all applicable building codes
24 and ordinances of the municipality, county or state,

1 whichever has jurisdiction as set forth in Section
2 1272 of this title, except as provided for in
3 subparagraph d of this paragraph.

4 b. Signs shall not be erected or maintained in such a
5 manner as to obscure or otherwise physically interfere
6 with an official traffic sign, signal or device or to
7 obstruct or physically interfere with the driver's
8 view of approaching, merging or intersecting traffic.

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

1 Signs visible and intended to be read from interstate
2 and freeway primary facilities shall not be erected
3 less than one thousand (1,000) feet from another such
4 sign on the same side of such facilities, other than
5 signs described in subsections (a), (b) and (c) of
6 Section 1274 of this title. Outside incorporated
7 municipalities, signs visible and intended to be read
8 from interstate and freeway primary facilities shall
9 not be erected adjacent to or within five hundred
10 (500) feet of an interchange, intersection at grade,
11 or rest area, on the same side of such facilities such
12 distance to be measured along the interstate highway
13 or freeway from the sign to the nearest point of the
14 beginning or ending of pavement widening at the exit
15 from or entrance to the main-traveled way. Signs may
16 not be located within five hundred (500) feet of any
17 of the following which are adjacent to any interstate
18 or federal-aid primary highway: public parks; public
19 forests; playgrounds; or cemeteries. Provided,
20 however, the Transportation Commission shall
21 promulgate rules pursuant to the Administrative
22 Procedures Act governing the measurement methodology
23 to be prospectively utilized by the Department when
24 determining spacing between outdoor advertising signs,

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

- 21 d. For the purpose of providing a method and opportunity
22 to minimize the cost of acquiring legally erected
23 outdoor advertising signs, the Director of the
24 Department of Transportation shall have the option to

1 approve the issuance of permits for outdoor
2 advertising signs visible from a roadway subject to
3 the regulatory control of the Department of
4 Transportation which ~~are to~~ may be erected less than
5 ~~one thousand (1,000) feet~~ current spacing distances
6 from another such sign. Permits issued pursuant to
7 this option shall be only for the purpose of providing
8 a relocation site for a sign being taken by the state
9 and shall not violate federal spacing regulations.

10 Provided, when the Department issues a permit pursuant
11 to this subsection to accommodate the relocation of a
12 structure:

13 (1) if the structure to be removed is visible from a
14 roadway subject to the regulatory control of the
15 Department inside an incorporated area, the
16 relocation site shall be inside the same
17 incorporated area and shall be visible from a
18 roadway subject to the regulatory control of the
19 Department, and

20 (2) if there are not suitable relocation sites
21 meeting the provisions of division 1 of this
22 subparagraph and the structure to be removed is
23 visible from a roadway subject to the regulatory
24 control of the Department, notwithstanding the

1 provisions of division 1 of this subparagraph,
2 the Department may issue a permit for a
3 relocation site outside of the incorporated area,
4 provided the relocation site is either in a
5 contiguous county thereto or the same
6 Transportation Commission District, which shall
7 be visible from a roadway subject to the
8 regulatory control of the Department.

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

21 e. Notwithstanding any other provision of law, the
22 Department of Transportation shall, after determining
23 the need to acquire property upon which outdoor
24 advertising structures are located, have the authority

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

21 4. Lighting.

- 22 a. Signs shall not be erected which contain, include, or
23 are illuminated by any flashing, intermittent,
24 revolving or moving light, except on-premise signs and

1 those giving public service information such as, but
2 not limited to, time, date, temperature, weather or
3 news. Steadily burning lights in configuration of
4 letters or pictures are not prohibited.

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

11 c. Signs shall not be erected or maintained which shall
12 be so illuminated that they obscure any official
13 traffic sign, device, or signal, or imitate or may be
14 confused with any such official traffic sign, device
15 or signal.

16 d. Provided, however, nothing in this section shall be
17 construed to prohibit the erection or maintenance of
18 signs which include the steady illumination of sign
19 faces, panels or slats that rotate to different
20 messages in a fixed position, commonly known as tri-
21 vision faces or multiple message signs; provided, the
22 rotation of one sign face to another is no more
23 frequent than every eight (8) seconds and the actual
24

1 rotation process is accomplished in four (4) seconds
2 or less; and

3 5. Vegetation Management.

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

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

17 SECTION 3. This act shall become effective November 1, 2015.
18
19
20
21
22
23
24

1 Passed the Senate the 11th day of March, 2015.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2015.

7
8 _____
9 Presiding Officer of the House
10 of Representatives