

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 377

6 By: Standridge

7 COMMITTEE SUBSTITUTE

8 An Act relating to highway advertising; amending 69  
9 O.S. 2011, Section 1275, as last amended by Section  
10 2, Chapter 350, O.S.L. 2016 (69 O.S. Supp. 2018,  
11 Section 1275), which relates to standards for signs;  
12 clarifying spacing prohibition; and providing an  
13 effective date.

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

15 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1275, as  
16 last amended by Section 2, Chapter 350, O.S.L. 2016 (69 O.S. Supp.  
17 2018, Section 1275), is amended to read as follows:

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

- 21 1. General. Signs shall not be erected or maintained which:
- 22 a. imitate or resemble any official traffic sign, signal  
23 or device, or
  - 24 b. are erected or maintained upon trees or painted or  
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; public 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 public playgrounds and cemeteries. Provided further,  
3 any 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 may be erected less than current  
5 state spacing distances from another such sign.  
6 Permits issued pursuant to this option shall be only  
7 for the purpose of providing a relocation site for a  
8 sign being taken by the state and shall not violate  
9 spacing regulations as stipulated in the Federal State  
10 Agreement. The Department shall also issue a  
11 relocation permit if a roadway for which a legally  
12 erected permitted sign adjacent thereto is realigned;  
13 provided, however, the applicant for such relocation  
14 permit shall surrender four legally issued permits on  
15 a road realigned and the applicant shall waive any  
16 claim for compensation against the Department upon  
17 issuance of a relocation permit based on highway  
18 realignment. Provided, when the Department issues a  
19 permit pursuant to this subsection to accommodate the  
20 relocation of a 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,

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 in the same  
13 county, a contiguous county thereto or other  
14 municipality in which the improved roadway  
15 travels through granting mutual benefit from  
16 improvements, which shall be visible from a  
17 roadway subject to the regulatory control of the  
18 Department, and

19 (3) all potential relocation sites must be in  
20 compliance with provisions set forth in the  
21 applicable Right-of-Way, Public Utility and  
22 Encroachment Agreement or Agreements.

23 Provided further, the square footage of display face  
24 on the relocated sign shall not exceed the square

1           footage of display face of the acquired sign. The  
2           relocated sign shall maintain the same legal status  
3           and ability to upgrade as existed prior to relocation;  
4           provided it complies with all other permitting  
5           requirements set forth by the Transportation  
6           Commission and no other permits shall be required and  
7           any county or municipal authority in which a  
8           relocation permit has been issued shall promptly  
9           provide the required 9-1-1 address or other  
10          information necessary for the delivery of utility  
11          service to a relocated sign. The Transportation  
12          Commission shall have the authority to promulgate  
13          rules necessary to implement the use of the permit  
14          option provided for in this subsection.

15          e. Notwithstanding any other provision of law, the  
16          Department of Transportation shall, after determining  
17          the need to acquire property upon which outdoor  
18          advertising structures are located, have the authority  
19          to negotiate directly with the owner of the outdoor  
20          advertising structure the terms for maintaining such  
21          structures in their current position or for the  
22          relocation of such structures. Such negotiations may  
23          begin prior to the Department's initiation of formal  
24          condemnation proceedings and shall be completed prior



1 to a jury award in a condemnation proceeding. The  
2 Department of Transportation retains its right to  
3 require the removal of the sign structure improvement  
4 effective as of the payment by the Department in the  
5 amount awarded by the court-appointed commissioners  
6 pursuant to applicable law. Nothing in this section  
7 shall be construed to prevent the owner of the land  
8 from pursuing a claim of interest in any lease  
9 existing between the landowner and the outdoor  
10 advertising structure owner, or to prevent the outdoor  
11 advertising structure owner from pursuing a claim for  
12 fair market value of the owner's interest if  
13 negotiations with the Department for a lease or  
14 structure relocation arrangement are not successful;

15 4. Lighting.

- 16 a. Signs shall not be erected which contain, include, or  
17 are illuminated by any flashing, intermittent,  
18 revolving or moving light, except on-premise signs and  
19 those giving public service information such as, but  
20 not limited to, time, date, temperature, weather or  
21 news. Steadily burning lights in configuration of  
22 letters or pictures are not prohibited.
- 23 b. Signs shall not be erected or maintained which are not  
24 effectively shielded to prevent beams or rays of light

1 from being directed at any portion of the traveled way  
2 of any interstate or primary highway and are of such  
3 intensity or brilliance as to cause glare or to impair  
4 the vision of the driver of any motor vehicle.

5 c. Signs shall not be erected or maintained which shall  
6 be so illuminated that they obscure any official  
7 traffic sign, device, or signal, or imitate or may be  
8 confused with any such official traffic sign, device  
9 or signal.

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

20 5. Vegetation Management.

21 a. For the purpose of minimizing costs to the Department  
22 for the removal, cutting, or trimming of trees or  
23 vegetation on a public right-of-way to make visible or  
24 ensure future visibility of the facing of a permitted

1 outdoor advertising sign, the Department is authorized  
2 to establish a process for an outdoor advertising  
3 permit holder to conduct vegetation management  
4 activities within a specific area surrounding the  
5 permit holders' outdoor advertising device.

- 6 b. The Department shall promulgate rules prescribing the  
7 scope of such vegetation management activities and any  
8 requirements it deems necessary to monitor such  
9 activities.

10 SECTION 2. This act shall become effective November 1, 2019.

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12 57-1-2021 JD 2/26/2019 4:05:40 PM  
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