

1 **SENATE FLOOR VERSION**

2 February 26, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 377

6 By: Standridge

7 [highway advertising - standards for signs - spacing
8 prohibition - effective date]
9

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

11 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1275, as
12 last amended by Section 2, Chapter 350, O.S.L. 2016 (69 O.S. Supp.
13 2018, Section 1275), is amended to read as follows:

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

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

18 a. imitate or resemble any official traffic sign, signal
19 or device, or

20 b. are erected or maintained upon trees or painted or
21 drawn upon rocks or other natural features;

22 2. Size.

23 a. Signs shall not be erected which exceed one thousand
24 two hundred (1,200) square feet in area, per facing,

1 including border and trim, nor shall signs be erected
2 which exceed twenty-five (25) feet in height nor sixty
3 (60) feet in length, excluding apron, supports and
4 other structural members.

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

19 3. Spacing.

20 a. Signs shall conform to all applicable building codes
21 and ordinances of the municipality, county or state,
22 whichever has jurisdiction as set forth in Section
23 1272 of this title, except as provided for in
24 subparagraph d of this paragraph.

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

6 c. Signs visible from a nonfreeway primary highway shall
7 not be erected within the limits of an incorporated
8 municipality less than one hundred (100) feet on the
9 opposite side of the highway and three hundred (300)
10 feet on the same side of the highway, and outside the
11 limits of an incorporated municipality less than three
12 hundred (300) feet, from another such sign, other than
13 signs described in subsections (a), (b) and (c) of
14 Section 1274 of this title, unless separated by a
15 building or other obstruction in such a manner that
16 only one display located within the minimum spacing
17 distances set forth herein is visible from the highway
18 at any one time; provided, however, that this shall
19 not prevent the erection of double-faced, back-to-
20 back, or V-type signs with a maximum of two signs per
21 facing, as permitted by paragraph 2 of this section.
22 Signs visible and intended to be read from interstate
23 and freeway primary facilities shall not be erected
24 less than one thousand (1,000) feet from another such

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

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

18 d. For the purpose of providing a method and opportunity
19 to minimize the cost of acquiring legally erected
20 outdoor advertising signs, the Director of the
21 Department of Transportation shall have the option to
22 approve the issuance of permits for outdoor
23 advertising signs visible from a roadway subject to
24 the regulatory control of the Department of

1 Transportation which may be erected less than current
2 state spacing distances from another such sign.
3 Permits issued pursuant to this option shall be only
4 for the purpose of providing a relocation site for a
5 sign being taken by the state and shall not violate
6 spacing regulations as stipulated in the Federal State
7 Agreement. The Department shall also issue a
8 relocation permit if a roadway for which a legally
9 erected permitted sign adjacent thereto is realigned;
10 provided, however, the applicant for such relocation
11 permit shall surrender four legally issued permits on
12 a road realigned and the applicant shall waive any
13 claim for compensation against the Department upon
14 issuance of a relocation permit based on highway
15 realignment. Provided, when the Department issues a
16 permit pursuant to this subsection to accommodate the
17 relocation of a structure:

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

1 (2) if there are not suitable relocation sites
2 meeting the provisions of division 1 of this
3 subparagraph and the structure to be removed is
4 visible from a roadway subject to the regulatory
5 control of the Department, notwithstanding the
6 provisions of division 1 of this subparagraph,
7 the Department may issue a permit for a
8 relocation site outside of the incorporated area,
9 provided the relocation site is in the same
10 county, a contiguous county thereto or other
11 municipality in which the improved roadway
12 travels through granting mutual benefit from
13 improvements, which shall be visible from a
14 roadway subject to the regulatory control of the
15 Department, and

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

20 Provided further, the square footage of display face
21 on the relocated sign shall not exceed the square
22 footage of display face of the acquired sign. The
23 relocated sign shall maintain the same legal status
24 and ability to upgrade as existed prior to relocation;

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

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

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

12 4. Lighting.

13 a. Signs shall not be erected which contain, include, or
14 are illuminated by any flashing, intermittent,
15 revolving or moving light, except on-premise signs and
16 those giving public service information such as, but
17 not limited to, time, date, temperature, weather or
18 news. Steadily burning lights in configuration of
19 letters or pictures are not prohibited.

20 b. Signs shall not be erected or maintained which are not
21 effectively shielded to prevent beams or rays of light
22 from being directed at any portion of the traveled way
23 of any interstate or primary highway and are of such
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1 intensity or brilliance as to cause glare or to impair
2 the vision of the driver of any motor vehicle.

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

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

18 5. Vegetation Management.

19 a. For the purpose of minimizing costs to the Department
20 for the removal, cutting, or trimming of trees or
21 vegetation on a public right-of-way to make visible or
22 ensure future visibility of the facing of a permitted
23 outdoor advertising sign, the Department is authorized
24 to establish a process for an outdoor advertising

1 permit holder to conduct vegetation management
2 activities within a specific area surrounding the
3 permit holders' outdoor advertising device.

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION
10 February 26, 2019 - DO PASS AS AMENDED

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