

SHORT TITLE: Outdoor advertising; removal of billboards by
Department of Transportation must be to satisfaction of property
owner; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 315

By: Long (Lewis)

AS INTRODUCED

An Act relating to highways; amending 69 O.S. 1991, Section 1280, which relates to acquisition of outdoor advertising and property rights by the Department of Transportation; requiring Department of Transportation to satisfy landowners when removing certain outdoor advertising; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 1280, is amended to read as follows:

Section 1280. (a) Outdoor advertising and property rights pertaining thereto may be acquired by the Department under agreement between the Department, the owner of the outdoor advertising and the owner of the land upon which the outdoor advertising is located if the outdoor advertising is lawfully in existence on the effective date of this act and located within areas prohibited to advertising by this act. Such compensation must be based on fair market value.

(b) Outdoor advertising is a trade fixture and owners shall be awarded just and fair compensation for its taking.

(c) If the Department and the owners are unable to agree upon the amount of compensation to be paid by the Department, the Department may acquire by condemnation such outdoor advertising and

property rights pertaining thereto. This right of eminent domain or condemnation shall be exercised in the manner provided by law.

(d) Any outdoor advertising authorized under Sections 1274 and 1275 of this title which does not conform with standards contained in regulations set forth in this act, except as provided in Section 1278 of this title, and any outdoor advertising prohibited by this act and not subject to compensation under other terms of this act shall, after the effective date of this act, be a public nuisance. The Department shall give notice by certified mail to the owner of the sign and to the owner of the land upon which the outdoor advertising is located, ordering the notified owners to cause the outdoor advertising to conform with regulations or to remove prohibited outdoor advertising. If the owner of the sign or the landowner fails to act within ninety (90) days after mailing of the notice, the Department may, at its discretion, remove the outdoor advertising device, provided such removal must be done to the satisfaction of the owner of the land on which the outdoor advertising is located.

(e) All persons or business entities engaged in the outdoor advertising business, which includes but is not limited to, the erection, maintenance and selling of advertising space on and along the interstate and federal-aid primary highways of this state, shall, not later than October 31, 1972, furnish the Director a written inventory of all outdoor advertising signs, displays or devices erected and being maintained by such person or entity. Such inventory shall include, with respect to each such sign, not less than the following information:

- (1) Location and dimensions of the sign;
- (2) Distance from the nearest edge of the right-of-way;
- (3) Date erected; and
- (4) Name and address of the owner of the property on which the sign is located.

(f) For failure to comply with the conditions set forth in subsection (e) of this section, the Department may declare such outdoor advertising signs, displays or devices to be a public nuisance and remove them in the manner provided by subsection (d) of this section.

(g) Regardless of any local regulation or ordinance requiring amortization, the compensation provided in subsections (a) through (c) of this section shall be the exclusive remedy for taking such outdoor advertising and property rights pertaining thereto.

SECTION 2. This act shall become effective September 1, 1993.

44-1-0135

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