

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 1277

By: Stipe and Herbert of the
Senate

and

Adair of the House

(roads, bridges and ferries - Outdoor Advertising
Rehabilitation and Diminishment Act - certain fee -
certain conditions -
emergency)

AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

"(roads, bridges and ferries - Oklahoma Beautification
through Outdoor Advertising Rehabilitation and
Diminishment Act - amending 69 O.S., Section 1278 -
removal of nonconforming signs - codification -
effective date)

SECTION 1. This act shall be known and may be cited as the
"Oklahoma Beautification through Outdoor Advertising Rehabilitation
and Diminishment Act" and may also be cited as the "OK BOARD Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1286 of Title 69, unless there
is created a duplication in numbering, reads as follows:

A. Beginning November 1, 1998, owners of two or more legal
nonconforming outdoor advertising signs, displays or devices, as
defined in Section 1278 of Title 69 of the Oklahoma Statutes, may

voluntarily remove such signs, displays or devices and rehabilitate or reconstruct one such structure pursuant to the requirements of this section.

B. Owners meeting the requirements of subsection A of this section, after making application to and receiving approval from the Department of Transportation, may remove two or more such legal nonconforming signs, displays or devices and shall be authorized to rehabilitate or reconstruct an outdoor advertising sign, display or device in one of those legal nonconforming locations where the owner has removed such outdoor advertising sign, display or device. However, such location shall meet the spacing requirement in Section 1275 of Title 69 of the Oklahoma Statutes, and the facings of such rehabilitated or reconstructed signs, displays or devices shall not exceed the sum total of square footage of those nonconforming signs, displays or devices removed by the owner.

C. All outdoor advertising signs, displays or devices rehabilitated or reconstructed pursuant to the provisions of subsection B of this section shall conform to contemporary industry standards and shall fully comply with the standards set forth in Section 1275 of Title 69 of the Oklahoma Statutes.

D. If the Department, pursuant to Section 1280 of Title 69 of the Oklahoma Statutes, seeks to acquire rehabilitated or reconstructed signs, displays or devices authorized pursuant to this section, and the acquisition occurs within seven (7) years of the owner's application for such rehabilitation or reconstruction, the compensation for the acquisition shall be fair and just. The owners of such signs, displays or devices shall agree in advance to the value of the existing outdoor advertising sign, display or device and shall accept the agreed-to value as compensation should the Department acquire the sign, display or device after the expiration of the seven-year period.

E. The Transportation Commission shall promulgate rules necessary to effectuate the provisions of this act, including, but not limited to, the charging and collection of fees for the application required by subsection B of this section. However, the fee for such application shall not exceed Two Hundred Fifty Dollars (\$250.00).

SECTION 3. AMENDATORY 69 O.S. 1991, Section 1278, is amended to read as follows:

Section 1278. ~~(a)~~ A. If, after March 28, 1972, any lawfully erected outdoor advertising sign, display or device becomes nonconforming under the provisions of this act, such outdoor advertising sign, display or device shall not be required to be removed until five (5) years from the date upon which it became nonconforming. Provided, however, that notwithstanding the provisions of this paragraph, any such outdoor advertising sign, display or device which was erected after July 1, 1975, and located in a control area beyond six hundred sixty (660) feet from the nearest edge of the right-of-way, and which becomes nonconforming as a result of this act, is subject to removal upon the effective date hereof. Provided, further, signs legally erected prior to July 1, 1975, in a control area beyond six hundred sixty (660) feet of the nearest edge of the right-of-way of a controlled highway, which do not conform to the provisions of this act, shall not be required to be removed before July 1, 1980.

~~(b)~~ B. The requirements herein contained pertaining to the size, lighting or spacing of signs permitted in business areas shall apply only to those signs erected subsequent to the effective date of this act, except for those signs erected within six (6) months after the effective date of this act under a lease dated prior to ~~said~~ the effective date and filed with the Department within thirty (30) days following the effective date of this act.

~~(e)~~ C. Directional signs, displays or devices lawfully erected prior to May 5, 1976, may be exempted from removal where the following conditions exist:

~~(1)~~ Said 1. The signs, displays or devices provide directional information to goods and services in the interest of the traveling public;

~~(2)~~ Said 2. The signs, displays or devices are located within a defined area with definite geographic boundaries and which functions as an economic unit;

~~(3)~~ 3. The Department determines on the basis of an economic impact study that the removal of such signs, displays or devices would work a substantial economic hardship in such defined area;

~~(4)~~ 4. The Department shall establish rules and regulations for the placement of new information signs for economic hardship areas;

~~(5)~~ 5. The Department reviews its economic impact study periodically and finds that continued exemption remains warranted;

~~(6)~~ 6. The United States Secretary of Transportation concurs in the Department's determination that exemption of ~~said~~ the signs, displays or devices is warranted.

Providing further, that removal of nonconforming directional signs, displays and devices providing directional information about goods and services in the interest of the traveling public, not exempted from removal pursuant to the provisions of this subsection, shall be deferred until all other nonconforming signs have been removed from the federal-aid primary and interstate systems in this state.

D. All outdoor advertising signs, displays or devices located on property owned by the same person who owns the outdoor advertising sign, display or device shall be exempt from the provisions of the Highway Advertising Control Act of 1972, Sections 1271 through 1284 of this title.

SECTION 4. The provisions of Section 1 of this act shall not be codified in the Oklahoma Statutes.

SECTION 5. This act shall become effective November 1, 1998."

Passed the House of Representatives the 16th day of April, 1998.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1998.

President of the Senate