

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 476

By: Stipe of the Senate

and

Tyler of the House

(outdoor advertising structures -

emergency)

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

"An Act relating to roads, bridges and ferries; amending 69 O.S. 1991, Section 1280, which relates to the Highway Advertising Control Act of 1968; clarifying statutory reference; modifying certain remedy for taking of outdoor advertising structures; requiring compensation for a partial taking or diminishment of value of outdoor advertising; and declaring an emergency.

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)~~ A. Outdoor advertising and property rights pertaining thereto may be acquired by the Department of Transportation 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~~ pursuant to Sections 1274 and 1275 of this title and located within areas prohibited to advertising by ~~this act~~ the Highway Advertising Control Act of 1968. ~~Such~~ The compensation must be based on fair market value.

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

~~(c)~~ 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)~~ 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,~~ set forth in Sections 1274 and 1275 of this title except as provided in Section 1278 of this title, and any outdoor advertising prohibited by ~~this act~~ law and not subject to compensation under other terms of this ~~act~~ section 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~~ rules relating to outdoor advertising 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.

~~(e)~~ 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 of the Department of Transportation a written inventory of all outdoor advertising signs, displays or devices erected and being maintained by ~~such~~ the person or entity. ~~Such~~ The inventory shall include, with respect to each such sign, not less than the following information:

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

~~(f)~~ F. For failure to comply with the conditions set forth in subsection ~~(e)~~ 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)~~ D of this section.

~~(g)~~ G. Regardless of any local ~~regulation or~~ ordinance requiring amortization, the compensation provided in subsections ~~(a)~~ A through ~~(e)~~ C of this section and subsections (a) through (d) of Section 1279 of this title shall be the exclusive remedy for taking such outdoor advertising and property rights pertaining thereto. Such compensation shall also be required for the partial taking or diminishment of the value of such outdoor advertising and property right caused by any local ordinance which forces the owners of such outdoor advertising to downsize, reduce the height or width or otherwise alter legal nonconforming signs.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 19th day of April, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2001.

Presiding Officer of the Senate