

1 ENGROSSED SENATE
2 BILL NO. 1580

By: Branan of the Senate

3 and

4 Liebmann of the House

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6
7 An Act relating to roads, bridges and ferries;
8 amending 69 O.S. 2001, Section 1273, which relates to
9 outdoor advertising; modifying definition; and
10 declaring an emergency.

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

12 SECTION 1. AMENDATORY 69 O.S. 2001, Section 1273, is
13 amended to read as follows:

14 Section 1273. As used in this act:

15 (a) "Sign," "outdoor advertising" or "outdoor advertising
16 device" means any outdoor sign, display, device, notice, figure,
17 painting, drawing, message, placard, poster, billboard or other
18 thing which is designed, intended or used to advertise or inform,
19 but shall not include surface markers showing the location or route
20 of underground utility facilities or pipelines or public telephone
21 coin stations installed for emergency use.

22 (b) "Main traveled way" means the traveled way of a highway on
23 which through traffic is carried. In the case of a divided highway,
24 the traveled way of each of the separated roadways for traffic in

1 opposite directions is a main traveled way. It does not include
2 such facilities as frontage roads, turning roadways or parking
3 areas.

4 (c) "To erect" and its variants means to construct, build,
5 raise, assemble, place, affix, attach, create, paint, draw or in any
6 other way bring into being or establish. But these shall not
7 include any of the foregoing activities when performed as incident
8 to the change of advertising message or customary maintenance of the
9 sign structure.

10 (d) "Unzoned commercial or industrial areas" means those areas
11 which are not zoned by state or local law, regulation or ordinance,
12 and on which there is located one or more permanent structures
13 devoted to a commercial or industrial activity or on which a
14 commercial or industrial activity is actually conducted, whether or
15 not a permanent structure is located thereon, and the area along the
16 highway extending outward six hundred (600) feet from and beyond the
17 edge of such activity on both sides of the highway. Provided
18 however, the unzoned area shall not include land on the opposite
19 side of an interstate or dual-laned limited access primary highway
20 from the commercial or industrial activity establishing the unzoned
21 commercial or industrial area or land on the opposite side of other
22 federal-aid primary highways, which land is deemed scenic by an
23 appropriate agency of the state.

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1 All measurements shall be from the outer edges of the regularly
2 used buildings, parking lots, storage or processing areas of the
3 commercial or industrial activities, not from the property lines of
4 the activities, and shall be along or parallel to the edge of
5 pavement of the highway. Such an area shall not include any area
6 which is:

7 (1) Within three hundred (300) feet of any building used
8 primarily as a residence, unless the owner of the building consents
9 in writing to the particular commercial use or uses to be made of
10 such lands;

11 (2) Within five hundred (500) feet of any of the following:
12 public park, garden, recreation area or forest preserve, church,
13 school and officially designated historical battlefield; or

14 (3) Beyond six hundred sixty (660) feet from the nearest edge
15 of the right-of-way.

16 (e) "Commercial and industrial activities" means those
17 activities, clearly visible from the main traveled way, generally
18 recognized as commercial or industrial by zoning authorities in this
19 state, except that none of the following shall be considered
20 commercial or industrial:

21 (1) Agricultural, forestry, ranching, grazing, farming and
22 related activities, including, but not limited to, wayside fresh
23 produce stands;

24 (2) Outdoor advertising structures;

1 (3) Transient or temporary activities;

2 (4) Activities more than six hundred sixty (660) feet from the
3 nearest edge of the right-of-way;

4 (5) Activities conducted in a building principally used as a
5 residence; and

6 (6) Railroad tracks and minor sidings.

7 (f) "Official signs" means signs and notices erected and
8 maintained by public officers or public agencies within their
9 territorial jurisdiction and pursuant to and in accordance with
10 direction or authorization contained in federal or state law for the
11 purposes of carrying out an official duty or responsibility.

12 (g) "Informational signs" means signs containing directions or
13 information about public places owned or operated by federal, state
14 or local governments or their agencies, publicly or privately owned
15 natural phenomena, historic, cultural, educational and religious
16 sites, and areas of natural scenic beauty or naturally suited for
17 outdoor recreation, deemed to be in the interest of the traveling
18 public.

19 (h) "On-premise activities signs" means signs advertising
20 activities conducted upon the property on which the signs are
21 located.

22 (i) "On-premise-sale or lease signs" means signs advertising
23 the sale or lease of property on which they are located.

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1 (j) "Interstate highway" means any highway at any time
2 officially designated a part of the National System of Interstate
3 and Defense Highways by the Department and approved by the
4 appropriate authority of the federal government.

5 (k) "Primary highway" means ~~any highway at any time officially~~
6 ~~designated a part of the Federal-aid Primary System by the~~
7 ~~Department and approved by the appropriate authority of the federal~~
8 ~~government~~ in existence on June 1, 1991, and any highway which is
9 not on such system but is on the National Highway System.

10 (l) "Centerline of the highway" means a line equidistant from
11 the edges of the median separating the main traveled ways of a
12 divided highway, or the centerline of the main traveled way of a
13 nondivided highway.

14 (m) "Adjacent area" or "control area" means the area which is
15 adjacent to and within six hundred sixty (660) feet of the nearest
16 edge of the right-of-way on any interstate or primary highway within
17 urban areas, which six hundred sixty-foot distance shall be measured
18 horizontally along a line perpendicular to, or ninety (90) degrees
19 to, the centerline of the highway. Outside of urban areas, adjacent
20 area or control area means the area which is visible from the main
21 traveled way on any interstate or primary highway.

22 (n) "Business area" means any part of a control area which is:

23 (1) Within six hundred sixty (660) feet of the nearest edge of
24 the right-of-way and zoned for business, industrial or commercial

1 activities under the authority of any state zoning law, or city or
2 county zoning ordinance of this state; or

3 (2) Not so zoned, but which constitutes an unzoned commercial
4 or industrial area as herein defined.

5 (o) "Department" means the Department of Transportation ~~of the~~
6 ~~State of Oklahoma.~~

7 (p) "Maintain" means to hold or keep in a state of efficiency
8 or validity, to support or sustain, by cleaning or repairing the
9 sign or changing the message on its face.

10 (q) "Visible" means capable of being seen without visual aid by
11 a person of normal visual acuity.

12 (r) "License" means the privilege to do business in the State
13 of Oklahoma having been granted by an official agency.

14 (s) "Permit" means the privilege to erect a sign or signs in an
15 individual location within the State of Oklahoma having been granted
16 by an official agency.

17 (t) "License fee" means the monetary consideration paid for the
18 privilege of doing business in the State of Oklahoma.

19 (u) "Permit fee" means the monetary consideration paid for the
20 privilege of erecting a sign or signs in a specific location within
21 the State of Oklahoma.

22 (v) "Urban area" means an urbanized area or, in the case of an
23 urbanized area encompassing more than one state, that part of the
24 urbanized area in each such state, or an urban place as designated

1 by the Bureau of the Census having a population of five thousand
2 (5,000) or more and not within any urbanized area, within boundaries
3 to be fixed by responsible state and local officials in cooperation
4 with each other, subject to approval by the Secretary of
5 Transportation. Such boundaries shall, as a minimum, encompass the
6 entire urban place designated by the Bureau of the Census.

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

11 Passed the Senate the 11th day of March, 2008.

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Presiding Officer of the Senate

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15 Passed the House of Representatives the ____ day of _____,
16 2008.

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Presiding Officer of the House
of Representatives

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