

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2609 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Guy Liebmann

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2609

By: Liebmann

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to outdoor advertising; amending 69
9 O.S. 2001, Sections 1271, 1272 and 1275, as amended
10 by Section 1, Chapter 335, O.S.L. 2003 (69 O.S. Supp.
11 2009, Section 1275), which relate to outdoor
12 advertising; clarifying intent of regulation of
13 certain signs; modifying application of act; and
14 clarifying certain application to signs visible from
15 certain highways; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 69 O.S. 2001, Section 1271, is
18 amended to read as follows:

19 Section 1271. For the purpose of promoting the public safety,
20 health, welfare, convenience and enjoyment of public travel, to
21 protect the public investment in public highways, and to preserve
22 and enhance the scenic beauty of lands bordering public highways,
23 while recognizing that outdoor advertising is a legitimate use of
24 private property, it is hereby declared to be in the public interest
to control the size, number, spacing, lighting, type and location of

1 outdoor advertising devices, as hereinafter defined, in all areas
2 within six hundred sixty (660) feet from the edge of the
3 right-of-way of interstate and federal-aid primary highways located
4 within urban areas, as hereinafter defined, in the State of Oklahoma
5 and in all areas visible with the intent to be read from the main
6 traveled way of interstate and federal-aid primary highways located
7 outside of urban areas in the State of Oklahoma. The ~~Oklahoma~~
8 Department of Transportation shall have the authority to implement
9 and enforce this act, and may prohibit outdoor advertising devices
10 in the control areas, and may regulate and permit certain outdoor
11 advertising structures and devices in the control areas, within the
12 limitations of this act and according to the standards and
13 definitions set forth in this act.

14 SECTION 2. AMENDATORY 69 O.S. 2001, Section 1272, is
15 amended to read as follows:

16 Section 1272. The provisions of this act apply only to the
17 erection and maintenance of outdoor advertising signs, displays and
18 devices located in adjacent areas within six hundred sixty (660)
19 feet from the nearest edge of the right-of-way and which are visible
20 and intended to be read from the main traveled way and those which
21 are located in controlled areas beyond six hundred sixty (660) feet
22 from the nearest edge of the right-of-way, visible and intended to
23 be read from the main traveled way and erected with the purpose of
24 being read from the main traveled way.

1 SECTION 3. AMENDATORY 69 O.S. 2001, Section 1275, as
2 amended by Section 1, Chapter 335, O.S.L. 2003 (69 O.S. Supp. 2009,
3 Section 1275), is amended to read as follows:

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

7 (a) General. Signs shall not be erected or maintained which:

8 (1) Imitate or resemble any official traffic sign, signal or
9 device.

10 (2) Are erected or maintained upon trees or painted or drawn
11 upon rocks or other natural features.

12 (b) Size.

13 (1) Signs shall not be erected which exceed one thousand two
14 hundred (1,200) square feet in area, per facing, including border
15 and trim, nor shall signs be erected which exceed twenty-five (25)
16 feet in height nor sixty (60) feet in length, excluding apron,
17 supports and other structural members.

18 (2) The maximum size limitations shall apply to each sign
19 facing. Two signs not exceeding six hundred (600) square feet each
20 may be erected in a facing, side by side or "doubledecker". Back-
21 to-back and/or V-type signs will be permitted, and shall be treated
22 as one structure with one thousand two hundred (1,200) square feet
23 permitted for each, if the sign structures or facings are physically
24 contiguous, or connected by the same structure or cross bracing, or

1 located not more than fifteen (15) feet apart at their nearest point
2 nor more than thirty (30) feet apart at their widest point in the
3 case of back-to-back or V-type signs. However, nothing in this
4 section shall be construed to allow tri-faced signs.

5 (c) Spacing.

6 (1) Signs shall conform to all applicable building codes and
7 ordinances of the municipality, county or state, whichever has
8 jurisdiction as set forth in Section 1272 of this title.

9 (2) Signs shall not be erected or maintained in such a manner
10 as to obscure or otherwise physically interfere with an official
11 traffic sign, signal or device or to obstruct or physically
12 interfere with the driver's view of approaching, merging or
13 intersecting traffic.

14 (3) Signs visible from a nonfreeway primary highway shall not
15 be erected within the limits of an incorporated municipality less
16 than one hundred (100) feet on the opposite side of the highway and
17 three hundred (300) feet on the same side of the highway, and
18 outside the limits of an incorporated municipality less than three
19 hundred (300) feet, from another such sign, other than signs
20 described in subsections (a), (b) and (c) of Section 1274 of this
21 title, unless separated by a building or other obstruction in such a
22 manner that only one display located within the minimum spacing
23 distances set forth herein is visible from the highway at any one
24 time; provided, however, that this shall not prevent the erection of

1 double-faced, back-to-back, or V-type signs with a maximum of two
2 signs per facing, as permitted by subsection (b) of this section.
3 Signs visible with the intent to be read from interstate and freeway
4 primary facilities shall not be erected less than one thousand
5 (1,000) feet from another such sign on the same side of such
6 facilities, other than signs described in subsections (a), (b) and
7 (c) of Section 1274 of this title. Outside incorporated
8 municipalities, signs visible with the intent of being read from
9 interstate and freeway primary facilities shall not be erected
10 adjacent to or within five hundred (500) feet of an interchange,
11 intersection at grade, or rest area, on the same side of such
12 facilities such distance to be measured along the interstate highway
13 or freeway from the sign to the nearest point of the beginning or
14 ending of pavement widening at the exit from or entrance to the
15 main-traveled way. Signs may not be located within five hundred
16 (500) feet of any of the following which are adjacent to any
17 interstate or federal-aid primary highway: public parks; public
18 forests; playgrounds; or cemeteries. Provided, however, the
19 Transportation Commission shall promulgate rules pursuant to the
20 Administrative Procedures Act governing the measurement methodology
21 to be prospectively utilized by the Department when determining
22 spacing between outdoor advertising signs, displays and devices and
23 public parks, public forests, playgrounds and cemeteries. Provided
24 further, any measurement methodology heretofore utilized by the

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

14 (4) For the purpose of providing a method and opportunity to
15 minimize the cost of acquiring legally erected outdoor advertising
16 signs to be taken when the state purchases land under eminent
17 domain, the Director of the Department of Transportation shall have
18 the option to approve the issuance of permits for outdoor
19 advertising signs visible from interstate and freeway primary
20 facilities which are to be erected less than one thousand (1,000)
21 feet from another such sign. Permits issued pursuant to this option
22 shall be only for the purpose of providing a relocation site for a
23 sign being taken by the state, and in no case shall such permits
24 allow an outdoor advertising sign to be erected less than the

1 distance provided for in this title from another such sign.

2 Provided, when the Department issues a permit pursuant to this
3 subsection to accommodate the relocation of a structure:

4 a. if the structure to be removed is visible from an
5 interstate highway inside an incorporated area, the
6 relocation site shall be inside the same incorporated
7 area and shall be visible from an interstate highway,

8 b. if the structure to be removed is visible from a
9 freeway primary highway inside an incorporated area,
10 the relocation site shall be inside the same
11 incorporated area and shall be visible from a freeway
12 primary highway or an interstate highway,

13 c. if there are not suitable relocation sites meeting the
14 provisions of subparagraph a of this paragraph and the
15 structure to be removed is visible from an interstate
16 highway inside an incorporated area, notwithstanding
17 the provisions of subparagraph a of this paragraph,
18 the Department may issue a permit for a relocation
19 site outside of the incorporated area which shall be
20 visible from an interstate highway, and

21 d. if there are no suitable relocation sites meeting the
22 provisions of subparagraph b of this paragraph and the
23 structure to be removed is visible from a freeway
24 primary highway inside an incorporated area,

1 notwithstanding the provisions of subparagraph b of
2 this paragraph, the Department may issue a permit for
3 a relocation site outside of the incorporated area
4 which shall be visible from a freeway primary highway
5 or an interstate highway.

6 Provided further, the square footage of display face on the
7 relocated sign shall not exceed the square footage of display face
8 of the taken sign. The Transportation Commission shall have the
9 authority to promulgate rules necessary to implement the use of the
10 permit option provided for in this subsection and to request the
11 cooperation of municipalities where local permits are required.

12 (5) Notwithstanding any other provision of law, the Department
13 of Transportation shall, after determining the need to acquire
14 property upon which outdoor advertising structures are located, have
15 the authority to negotiate directly with the owner of the outdoor
16 advertising structure the terms for maintaining such structures in
17 their current position or for the relocation of such structures.

18 Such negotiations may begin prior to the Department's initiation of
19 formal condemnation proceedings and shall be completed within six

20 (6) months or at the time of the court-appointed appraiser's report,
21 whichever occurs first. The owner of the outdoor advertising
22 structure shall initiate such negotiations by written request to the
23 Department, provided such request shall include proof of sole
24 ownership of the structure. Nothing in this section shall be

1 construed to prevent the owner of the land from pursuing a claim of
2 interest in any lease existing between the landowner and the outdoor
3 advertising structure owner, or to prevent the outdoor advertising
4 structure owner from pursuing a claim for fair market value of the
5 owner's interest if negotiations with the Department for a lease or
6 structure relocation arrangement are not successful.

7 (d) Lighting.

8 (1) Signs shall not be erected which contain, include, or are
9 illuminated by any flashing, intermittent, revolving or moving
10 light, except on-premise signs and those giving public service
11 information such as, but not limited to, time, date, temperature,
12 weather or news. Steadily burning lights in configuration of
13 letters or pictures are not prohibited.

14 (2) Signs shall not be erected or maintained which are not
15 effectively shielded to prevent beams or rays of light from being
16 directed at any portion of the traveled way of any interstate or
17 primary highway and are of such intensity or brilliance as to cause
18 glare or to impair the vision of the driver of any motor vehicle.

19 (3) Signs shall not be erected or maintained which shall be so
20 illuminated that they obscure any official traffic sign, device, or
21 signal, or imitate or may be confused with any such official traffic
22 sign, device or signal.

23 (4) Provided, however, nothing in this section shall be
24 construed to prohibit the erection or maintenance of signs which

1 include the steady illumination of sign faces, panels or slats that
2 rotate to different messages in a fixed position, commonly known as
3 tri-vision faces or multiple message signs; provided, the rotation
4 of one sign face to another is no more frequent than every eight (8)
5 seconds and the actual rotation process is accomplished in four (4)
6 seconds or less.

7 SECTION 4. 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.

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12 52-2-9711 CJB 02/10/10

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