

THE HOUSE OF REPRESENTATIVES  
Tuesday, March 30, 2010

Committee Substitute for  
ENGROSSED  
Senate Bill No. 2179

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2179 - By:  
BRANAN of the Senate and THOMPSON of the House.

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

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

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

3 Section 1271. For the purpose of promoting the public safety, health, welfare,  
4 convenience and enjoyment of public travel, to protect the public investment in public  
5 highways, and to preserve and enhance the scenic beauty of lands bordering public  
6 highways, while recognizing that outdoor advertising is a legitimate use of private  
7 property, it is hereby declared to be in the public interest to control the size, number,  
8 spacing, lighting, type and location of outdoor advertising devices, as hereinafter defined,  
9 in all areas within six hundred sixty (660) feet from the edge of the right-of-way of

1 interstate and federal-aid primary highways located within urban areas, as hereinafter  
2 defined, in the State of Oklahoma and in all areas visible and intended to be read from  
3 the main traveled way of interstate and federal-aid primary highways located outside of  
4 urban areas in the State of Oklahoma. The ~~Oklahoma~~ Department of Transportation  
5 shall have the authority to implement and enforce this act, and may prohibit outdoor  
6 advertising devices in the control areas, and may regulate and permit certain outdoor  
7 advertising structures and devices in the control areas, within the limitations of this act  
8 and according to the standards and definitions set forth in this act.

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

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

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

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

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

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

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

5 (b) Size.

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

10 (2) The maximum size limitations shall apply to each sign facing. Two signs not  
11 exceeding six hundred (600) square feet each may be erected in a facing, side by side or  
12 "doubledecker". Back-to-back and/or V-type signs will be permitted, and shall be treated  
13 as one structure with one thousand two hundred (1,200) square feet permitted for each, if  
14 the sign structures or facings are physically contiguous, or connected by the same  
15 structure or cross bracing, or located not more than fifteen (15) feet apart at their nearest  
16 point nor more than thirty (30) feet apart at their widest point in the case of back-to-back  
17 or V-type signs. However, nothing in this section shall be construed to allow tri-faced  
18 signs.

19 (c) Spacing.

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

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

5 (3) Signs visible from a nonfreeway primary highway shall not be erected within  
6 the limits of an incorporated municipality less than one hundred (100) feet on the  
7 opposite side of the highway and three hundred (300) feet on the same side of the  
8 highway, and outside the limits of an incorporated municipality less than three hundred  
9 (300) feet, from another such sign, other than signs described in subsections (a), (b) and  
10 (c) of Section 1274 of this title, unless separated by a building or other obstruction in  
11 such a manner that only one display located within the minimum spacing distances set  
12 forth herein is visible from the highway at any one time; provided, however, that this  
13 shall not prevent the erection of double-faced, back-to-back, or V-type signs with a  
14 maximum of two signs per facing, as permitted by subsection (b) of this section. Signs  
15 visible and intended to be read from interstate and freeway primary facilities shall not be  
16 erected less than one thousand (1,000) feet from another such sign on the same side of  
17 such facilities, other than signs described in subsections (a), (b) and (c) of Section 1274 of  
18 this title. Outside incorporated municipalities, signs visible and intended to be read from  
19 interstate and freeway primary facilities shall not be erected adjacent to or within five  
20 hundred (500) feet of an interchange, intersection at grade, or rest area, on the same side  
21 of such facilities such distance to be measured along the interstate highway or freeway  
22 from the sign to the nearest point of the beginning or ending of pavement widening at the

1 exit from or entrance to the main-traveled way. Signs may not be located within five  
2 hundred (500) feet of any of the following which are adjacent to any interstate or federal-  
3 aid primary highway: public parks; public forests; playgrounds; or cemeteries. Provided,  
4 however, the Transportation Commission shall promulgate rules pursuant to the  
5 Administrative Procedures Act governing the measurement methodology to be  
6 prospectively utilized by the Department when determining spacing between outdoor  
7 advertising signs, displays and devices and public parks, public forests, playgrounds and  
8 cemeteries. Provided further, any measurement methodology heretofore utilized by the  
9 Department, including but not limited to the straight-line method, shall be accepted by  
10 the Department without prejudice. Provided further, the Department shall be prohibited  
11 from altering a permit classification or revoking any outdoor advertising license, which  
12 was properly obtained at the time of issuance, based upon a change of internal agency  
13 policy, agency interpretation of law or promulgation of rules. Provided further, a sign  
14 location that was permitted in compliance with the spacing requirements of this section  
15 in effect prior to the effective date of this act, but which does not comply with the spacing  
16 requirements of this section as amended after the effective date of this act, shall  
17 maintain its current legal status; provided it complies with all other permitting  
18 requirements as set forth by the Transportation Commission.

19 (4) For the purpose of providing a method and opportunity to minimize the cost of  
20 acquiring legally erected outdoor advertising signs to be taken when the state purchases  
21 land under eminent domain, the Director of the Department of Transportation shall have  
22 the option to approve the issuance of permits for outdoor advertising signs visible from

1 interstate and freeway primary facilities which are to be erected less than one thousand  
2 (1,000) feet from another such sign. Permits issued pursuant to this option shall be only  
3 for the purpose of providing a relocation site for a sign being taken by the state, and in no  
4 case shall such permits allow an outdoor advertising sign to be erected less than the  
5 distance provided for in this title from another such sign. Provided, when the  
6 Department issues a permit pursuant to this subsection to accommodate the relocation of  
7 a structure:

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

1 d. if there are no suitable relocation sites meeting the provisions of  
2 subparagraph b of this paragraph and the structure to be removed is  
3 visible from a freeway primary highway inside an incorporated area,  
4 notwithstanding the provisions of subparagraph b of this paragraph,  
5 the Department may issue a permit for a relocation site outside of the  
6 incorporated area which shall be visible from a freeway primary  
7 highway or an interstate highway.

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

13 (5) Notwithstanding any other provision of law, the Department of Transportation  
14 shall, after determining the need to acquire property upon which outdoor advertising  
15 structures are located, have the authority to negotiate directly with the owner of the  
16 outdoor advertising structure the terms for maintaining such structures in their current  
17 position or for the relocation of such structures. Such negotiations may begin prior to the  
18 Department's initiation of formal condemnation proceedings and shall be completed  
19 within six (6) months or at the time of the court-appointed appraiser's report, whichever  
20 occurs first. The owner of the outdoor advertising structure shall initiate such  
21 negotiations by written request to the Department, provided such request shall include  
22 proof of sole ownership of the structure. Nothing in this section shall be construed to

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

6 (d) Lighting.

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

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

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

19 (4) Provided, however, nothing in this section shall be construed to prohibit the  
20 erection or maintenance of signs which include the steady illumination of sign faces,  
21 panels or slats that rotate to different messages in a fixed position, commonly known as  
22 tri-vision faces or multiple message signs; provided, the rotation of one sign face to

1 another is no more frequent than every eight (8) seconds and the actual rotation process  
2 is accomplished in four (4) seconds or less.

3 SECTION 4. It being immediately necessary for the preservation of the public  
4 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
5 this act shall take effect and be in full force from and after its passage and approval.

6 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 03-29-10 -  
7 DO PASS, As Amended.