

THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2009

House Bill No. 1564

HOUSE BILL NO. 1564 - By: SCHWARTZ of the House.

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Section 1273, which relates to definitions; modifying certain definition; and declaring an emergency.

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

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

3 Section 1273. As used in this act:

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

9 (b) "Main traveled way" means the traveled way of a highway on which through
10 traffic is carried. In the case of a divided highway, the traveled way of each of the
11 separated roadways for traffic in opposite directions is a main traveled way. It does not
12 include such facilities as frontage roads, turning roadways or parking areas.

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

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

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

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

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

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

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

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

11 (2) Outdoor advertising structures;

12 (3) Transient or temporary activities;

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

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

16 (6) Railroad tracks and minor sidings.

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

21 (g) "Informational signs" means signs containing directions or information about
22 public places owned or operated by federal, state or local governments or their agencies,

1 publicly or privately owned natural phenomena, historic, cultural, educational and
2 religious sites, and areas of natural scenic beauty or naturally suited for outdoor
3 recreation, deemed to be in the interest of the traveling public.

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

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

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

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

15 (l) "Centerline of the highway" means a line equidistant from the edges of the
16 median separating the main traveled ways of a divided highway, or the centerline of the
17 main traveled way of a nondivided highway.

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

1 means the area which is visible from the main traveled way on any interstate or primary
2 highway.

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

4 (1) Within six hundred sixty (660) feet of the nearest edge of the right-of-way and
5 zoned for business, industrial or commercial activities under the authority of any state
6 zoning law, or city or county zoning ordinance of this state; or

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

9 (o) "Department" means the Department of Transportation of the State of
10 Oklahoma.

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

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

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

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

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

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

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02-23-09 -
12 DO PASS.