

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1638 By: Marlatt of the Senate
3 and
4 Liebmann of the House
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8 An Act relating to the Department of Transportation;
9 amending 69 O.S. 2011, Section 1278, which relates to
10 outdoor advertising; modifying removal date of
11 nonconforming signs; providing an effective date; and
12 declaring an emergency.

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

15 "An Act relating to the Department of Transportation;
16 amending 69 O.S. 2011, Section 1278, which relates
17 to outdoor advertising; exempting certain
18 nonconforming signs from removal; providing for
19 certain classification; and providing an effective
20 date.

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

22 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1278, is
23 amended to read as follows:

24 Section 1278. ~~(a)~~ A. If, after March 28, 1972, any lawfully
erected outdoor advertising sign, display or device becomes
nonconforming under the provisions of ~~this act~~ Section 1271 et seq.

1 of this title, such outdoor advertising sign, display or device
2 shall not be required to be removed ~~until five (5) years from the~~
3 ~~date upon which it became nonconforming~~ but shall be reclassified as
4 a legal nonconforming structure and allowed to remain within
5 prescribed guidelines for such signs. Provided, however, that
6 notwithstanding the provisions of this ~~paragraph~~ subsection, any
7 such outdoor advertising sign, display or device which was erected
8 after July 1, 1975, and located in a control area beyond six hundred
9 sixty (660) feet from the nearest edge of the right-of-way, and
10 which becomes nonconforming as a result of ~~this act~~ Section 1271 et
11 seq. of this title, is subject to removal ~~upon the effective date~~
12 ~~hereof~~ after April 15, 1968. Provided, further, signs legally
13 erected prior to July 1, 1975, in a control area beyond six hundred
14 sixty (660) feet of the nearest edge of the right-of-way of a
15 controlled highway, which do not conform to the provisions of ~~this~~
16 ~~act~~ Section 1271 et seq. of this title, shall not be required to be
17 removed before July 1, 1980.

18 ~~(b)~~ B. The requirements herein contained pertaining to the
19 size, lighting or spacing of signs permitted in business areas shall
20 apply only to those signs erected subsequent to ~~the effective date~~
21 ~~of this act~~ April 15, 1968, except for those signs erected within
22 six (6) months after ~~the effective date of this act~~ April 15, 1968,
23 under a lease dated prior to ~~said effective date~~ April 15, 1968, and
24

1 filed with the Department within thirty (30) days following ~~the~~
2 ~~effective date of this act~~ April 15, 1968.

3 ~~(e)~~ C. Directional signs, displays or devices lawfully erected
4 prior to May 5, 1976, may be exempted from removal where the
5 following conditions exist:

6 ~~(1)~~ ~~Said~~ 1. The signs, displays or devices provide directional
7 information to goods and services in the interest of the traveling
8 public;

9 ~~(2)~~ ~~Said~~ 2. The signs, displays or devices are located within
10 a defined area with definite geographic boundaries and which
11 functions as an economic unit;

12 ~~(3)~~ 3. The Department of Transportation determines on the basis
13 of an economic impact study that the removal of such signs, displays
14 or devices would work a substantial economic hardship in ~~such~~ the
15 defined area;

16 ~~(4)~~ 4. The Department shall establish rules and regulations for
17 the placement of new information signs for economic hardship areas;

18 ~~(5)~~ 5. The Department reviews its economic impact study
19 periodically and finds that continued exemption remains warranted;

20 ~~(6)~~ 6. The United States Secretary of Transportation concurs in
21 the Department's determination that exemption of ~~said~~ signs,
22 displays or devices is warranted.

23 ~~Providing~~ Provided, further, that removal of nonconforming
24 directional signs, displays and devices providing directional

ENGROSSED SENATE
BILL NO. 1638

By: Marlatt of the Senate

and

Liebmann of the House

An Act relating to the Department of Transportation; amending 69 O.S. 2011, Section 1278, which relates to outdoor advertising; modifying removal date of nonconforming signs; providing an effective date; and declaring an emergency.

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

SECTION 3. AMENDATORY 69 O.S. 2011, Section 1278, is amended to read as follows:

Section 1278. (a) If, after March 28, 1972, any lawfully erected outdoor advertising sign, display or device becomes nonconforming under the provisions of ~~this act~~ Section 1271 et seq. of this title, such outdoor advertising sign, display or device shall not be required to be removed ~~until five (5) years from the date upon which it became nonconforming~~. Provided, however, that notwithstanding the provisions of this paragraph, any such outdoor advertising sign, display or device which was erected after July 1, 1975, and located in a control area beyond six hundred sixty (660) feet from the nearest edge of the right-of-way, and which becomes nonconforming as a result of ~~this act~~ Section 1271 et seq. of this

1 title, is subject to removal ~~upon the effective date hereof after~~
2 April 15, 1968. Provided, further, signs legally erected prior to
3 July 1, 1975, in a control area beyond six hundred sixty (660) feet
4 of the nearest edge of the right-of-way of a controlled highway,
5 which do not conform to the provisions of ~~this act~~ Section 1271 et
6 seq. of this title, shall not be required to be removed before July
7 1, 1980.

8 (b) The requirements herein contained pertaining to the size,
9 lighting or spacing of signs permitted in business areas shall apply
10 only to those signs erected subsequent to ~~the effective date of this~~
11 ~~act~~ April 15, 1968, except for those signs erected within six (6)
12 months after ~~the effective date of this act~~ April 15, 1968, under a
13 lease dated prior to ~~said effective date~~ April 15, 1968, and filed
14 with the Department within thirty (30) days following ~~the effective~~
15 ~~date of this act~~ April 15, 1968.

16 (c) Directional signs, displays or devices lawfully erected
17 prior to May 5, 1976, may be exempted from removal where the
18 following conditions exist:

19 (1) ~~Said~~ The signs, displays or devices provide directional
20 information to goods and services in the interest of the traveling
21 public;

22 (2) ~~Said~~ The signs, displays or devices are located within a
23 defined area with definite geographic boundaries and which functions
24 as an economic unit;

1 (3) The Department of Transportation determines on the basis of
2 an economic impact study that the removal of such signs, displays or
3 devices would work a substantial economic hardship in ~~such~~ the
4 defined area;

5 (4) The Department shall establish rules and regulations for
6 the placement of new information signs for economic hardship areas;

7 (5) The Department reviews its economic impact study
8 periodically and finds that continued exemption remains warranted;

9 (6) The United States Secretary of Transportation concurs in
10 the Department's determination that exemption of ~~said~~ signs,
11 displays or devices is warranted.

12 Providing, further, that removal of nonconforming directional
13 signs, displays and devices providing directional information about
14 goods and services in the interest of the traveling public, not
15 exempted from removal pursuant to the provisions of this subsection,
16 shall be deferred until all other nonconforming signs have been
17 removed from the federal-aid primary and interstate systems in this
18 state.

19 SECTION 4. This act shall become effective July 1, 2012.

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

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