

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 339

6 By: Branam

7 COMMITTEE SUBSTITUTE

8 An Act relating to outdoor advertising; amending 69
9 O.S. 2001, Section 1275, as last amended by Section
10 2, Chapter 405, O.S.L. 2010 (69 O.S. Supp. 2010,
11 Section 1275), which relates to outdoor sign
12 standards; authorizing the Department of
13 Transportation to establish process allowing outdoor
14 advertising permit holders to perform certain
15 vegetation management activities; authorizing
16 Department to promulgate rules; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 69 O.S. 2001, Section 1275, as
20 last amended by Section 2, Chapter 405, O.S.L. 2010 (69 O.S. Supp.
21 2010, Section 1275), is amended to read as follows:

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

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

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

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

3 (b) Size.

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

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

20 (c) Spacing.

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

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

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

1 interstate and freeway primary facilities shall not be erected
2 adjacent to or within five hundred (500) feet of an interchange,
3 intersection at grade, or rest area, on the same side of such
4 facilities such distance to be measured along the interstate highway
5 or freeway from the sign to the nearest point of the beginning or
6 ending of pavement widening at the exit from or entrance to the
7 main-traveled way. Signs may not be located within five hundred
8 (500) feet of any of the following which are adjacent to any
9 interstate or federal-aid primary highway: public parks; public
10 forests; playgrounds; or cemeteries. Provided, however, the
11 Transportation Commission shall promulgate rules pursuant to the
12 Administrative Procedures Act governing the measurement methodology
13 to be prospectively utilized by the Department when determining
14 spacing between outdoor advertising signs, displays and devices and
15 public parks, public forests, playgrounds and cemeteries. Provided
16 further, any measurement methodology heretofore utilized by the
17 Department, including but not limited to the straight-line method,
18 shall be accepted by the Department without prejudice. Provided
19 further, the Department shall be prohibited from altering a permit
20 classification or revoking any outdoor advertising license, which
21 was properly obtained at the time of issuance, based upon a change
22 of internal agency policy, agency interpretation of law or
23 promulgation of rules. Provided further, a sign location that was
24 permitted in compliance with the spacing requirements of this

1 section in effect prior to the effective date of this act, but which
2 does not comply with the spacing requirements of this section as
3 amended after the effective date of this act, shall maintain its
4 current legal status; provided it complies with all other permitting
5 requirements as set forth by the Transportation Commission.

6 (4) For the purpose of providing a method and opportunity to
7 minimize the cost of acquiring legally erected outdoor advertising
8 signs to be taken when the state purchases land under eminent
9 domain, the Director of the Department of Transportation shall have
10 the option to approve the issuance of permits for outdoor
11 advertising signs visible from a roadway subject to the regulatory
12 control of the Department of Transportation which are to be erected
13 less than one thousand (1,000) feet from another such sign. Permits
14 issued pursuant to this option shall be only for the purpose of
15 providing a relocation site for a sign being taken by the state.
16 Provided, when the Department issues a permit pursuant to this
17 subsection to accommodate the relocation of a structure:

18 a. if the structure to be removed is visible from a
19 roadway subject to the regulatory control of the
20 Department inside an incorporated area, the relocation
21 site shall be inside the same incorporated area and
22 shall be visible from a roadway subject to the
23 regulatory control of the Department, and
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1 b. if there are not suitable relocation sites meeting the
2 provisions of subparagraph a of this paragraph and the
3 structure to be removed is visible from a roadway
4 subject to the regulatory control of the Department,
5 notwithstanding the provisions of subparagraph a of
6 this paragraph, the Department may issue a permit for
7 a relocation site outside of the incorporated area,
8 provided the relocation site is either in a contiguous
9 county thereto or the same Transportation Commission
10 District, which shall be visible from a roadway
11 subject to the regulatory control of the Department.

12 Provided further, the square footage of display face on the
13 relocated sign shall not exceed the square footage of display face
14 of the taken sign. The relocated sign shall maintain the same legal
15 status as existed prior to such location. The Transportation
16 Commission shall have the authority to promulgate rules necessary to
17 implement the use of the permit option provided for in this
18 subsection and to request the cooperation of municipalities where
19 local permits are required.

20 (5) Notwithstanding any other provision of law, the Department
21 of Transportation shall, after determining the need to acquire
22 property upon which outdoor advertising structures are located, have
23 the authority to negotiate directly with the owner of the outdoor
24 advertising structure the terms for maintaining such structures in

1 their current position or for the relocation of such structures.
2 Such negotiations may begin prior to the Department's initiation of
3 formal condemnation proceedings and shall be completed prior to a
4 jury award in a condemnation proceeding. The Department of
5 Transportation retains its right to require the removal of the sign
6 structure improvement effective as of the payment by the Department
7 in the amount awarded by the court-appointed commissioners pursuant
8 to applicable law. Nothing in this section shall be construed to
9 prevent the owner of the land from pursuing a claim of interest in
10 any lease existing between the landowner and the outdoor advertising
11 structure owner, or to prevent the outdoor advertising structure
12 owner from pursuing a claim for fair market value of the owner's
13 interest if negotiations with the Department for a lease or
14 structure relocation arrangement are not successful.

15 (d) Lighting.

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

22 (2) Signs shall not be erected or maintained which are not
23 effectively shielded to prevent beams or rays of light from being
24 directed at any portion of the traveled way of any interstate or

1 primary highway and are of such intensity or brilliance as to cause
2 glare or to impair the vision of the driver of any motor vehicle.

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

7 (4) Provided, however, nothing in this section shall be
8 construed to prohibit the erection or maintenance of signs which
9 include the steady illumination of sign faces, panels or slats that
10 rotate to different messages in a fixed position, commonly known as
11 tri-vision faces or multiple message signs; provided, the rotation
12 of one sign face to another is no more frequent than every eight (8)
13 seconds and the actual rotation process is accomplished in four (4)
14 seconds or less.

15 (e) Vegetation Management

16 (1) For the purpose of minimizing costs to the Department for
17 the removal, cutting, or trimming of trees or vegetation on a public
18 right-of-way to make visible or ensure future visibility of the
19 facing of a permitted outdoor advertising sign, the Department is
20 authorized to establish a process for an outdoor advertising permit
21 holder to conduct vegetation management activities within a specific
22 area surrounding the permit holders' outdoor advertising device.

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1 (2) The Department shall promulgate rules prescribing the scope
2 of such vegetation management activities and any requirements it
3 deems necessary to monitor such activities.

4 SECTION 2. This act shall become effective November 1, 2011.

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