

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1638

By: Marlatt of the Senate

and

Liebmann of the House

8 COMMITTEE SUBSTITUTE

9
10 An Act relating to the Department of Transportation;
11 amending 69 O.S. 2011, Section 1278, which relates to
12 outdoor advertising; exempting certain nonconforming
13 signs from removal; providing for certain
14 classification; providing an effective date; and
15 declaring an emergency.

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

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

19 Section 1278. ~~(a)~~ A. If, after March 28, 1972, any lawfully
20 erected outdoor advertising sign, display or device becomes
21 nonconforming under the provisions of ~~this act~~ Section 1271 et seq.
22 of this title, such outdoor advertising sign, display or device
23 shall not be required to be removed ~~until five (5) years from the~~
24 ~~date upon which it became nonconforming~~ but shall be reclassified as
a legal nonconforming structure and allowed to remain within

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

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

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

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

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

7 ~~(3)~~ 3. The Department of Transportation determines on the basis
8 of an economic impact study that the removal of such signs, displays
9 or devices would work a substantial economic hardship in ~~such~~ the
10 defined area;

11 ~~(4)~~ 4. The Department shall establish rules and regulations for
12 the placement of new information signs for economic hardship areas;

13 ~~(5)~~ 5. The Department reviews its economic impact study
14 periodically and finds that continued exemption remains warranted;

15 ~~(6)~~ 6. The United States Secretary of Transportation concurs in
16 the Department's determination that exemption of ~~said~~ signs,
17 displays or devices is warranted.

18 ~~Providing~~ Provided, further, that removal of nonconforming
19 directional signs, displays and devices providing directional
20 information about goods and services in the interest of the
21 traveling public, not exempted from removal pursuant to the
22 provisions of this subsection, shall be deferred until all other
23 nonconforming signs have been removed from the federal-aid primary
24 and interstate systems in this state.

1 SECTION 2. This act shall become effective July 1, 2012.

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

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