

1 ENGROSSED SENATE
2 BILL NO. 1638

By: Marlatt of the Senate

and

Liebmann of the House

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

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

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

14 Section 1278. (a) If, after March 28, 1972, any lawfully
15 erected outdoor advertising sign, display or device becomes
16 nonconforming under the provisions of ~~this act~~ Section 1271 et seq.
17 of this title, such outdoor advertising sign, display or device
18 shall not be required to be removed ~~until five (5) years from the~~
19 ~~date upon which it became nonconforming~~. Provided, however, that
20 notwithstanding the provisions of this paragraph, any such outdoor
21 advertising sign, display or device which was erected after July 1,
22 1975, and located in a control area beyond six hundred sixty (660)
23 feet from the nearest edge of the right-of-way, and which becomes
24 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 2. This act shall become effective July 1, 2012.

20 SECTION 3. 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.

1 Passed the Senate the 13th day of March, 2012.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2012.

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8 _____
9 Presiding Officer of the House
10 of Representatives