

ENROLLED 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, as amended by Section 1 of Enrolled House Bill No. 2643 of the 2nd Session of the 53rd Oklahoma Legislature, which relates to outdoor advertising; exempting certain nonconforming signs from removal; and providing for certain classification.

SUBJECT: Outdoor advertising signs

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

SECTION 1. AMENDATORY 69 O.S. 2011, Section 1278, as amended by Section 1 of Enrolled House Bill No. 2643 of the 2nd Session of the 53rd Oklahoma Legislature, 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 but shall be reclassified as a legal nonconforming structure and allowed to remain within prescribed guidelines for such signs. Provided, however, that notwithstanding the provisions of this subsection, 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 title, is subject to removal upon the effective date hereof after April 14, 1978. Provided, further, signs legally erected prior to July 1, 1975, in a control area beyond six hundred sixty (660) feet

of the nearest edge of the right-of-way of a controlled highway, which do not conform to the provisions of ~~this act~~ Section 1271 et seq. of this title, shall not be required to be removed before July 1, 1980.

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

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

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

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

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

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

5. The Department reviews its economic impact study periodically and finds that continued exemption remains warranted;

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

7. ~~Said~~ The signs, displays or devices are thirty-two (32) square feet or less in dimension and have been erected by a church organized under the provisions of Section 562 of Title 18 of the Oklahoma Statutes and is recognized by the Internal Revenue Service under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

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

Passed the Senate the 24th day of May, 2012.

Presiding Officer of the Senate

Passed the House of Representatives the 9th day of April, 2012.

Presiding Officer of the House
of Representatives