

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 53rd Legislature (2012)

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

By: Marlatt of the Senate

and

Liebmann of the House

7  
8  
9                                   COMMITTEE SUBSTITUTE

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~~

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

14       ~~(4)~~ 4. The Department shall establish rules and regulations for  
15 the placement of new information signs for economic hardship areas;

16       ~~(5)~~ 5. The Department reviews its economic impact study  
17 periodically and finds that continued exemption remains warranted;

18       ~~(6)~~ 6. The United States Secretary of Transportation concurs in  
19 the Department's determination that exemption of ~~said~~ signs,  
20 displays or devices is warranted.

21       ~~Providing~~ Provided, further, that removal of nonconforming  
22 directional signs, displays and devices providing directional  
23 information about goods and services in the interest of the  
24

1 traveling public, not exempted from removal pursuant to the  
2 provisions of this subsection, shall be deferred until all other  
3 nonconforming signs have been removed from the federal-aid primary  
4 and interstate systems in this state.

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

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

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11 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 04/04/2012 -  
12 DO PASS, As Amended.

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