

1 **SENATE FLOOR VERSION**

2 April 4, 2012

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 2643

6 By: Brumbaugh of the House

7 and

8 Brown of the Senate

9 An Act relating to roads, bridges and ferries;  
10 amending 69 O.S. 2011, Section 1278, which relates to  
11 outdoor advertising; removing limitation on sign  
12 removal; modifying exemptions; providing an effective  
13 date; and declaring an emergency.

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

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

17 Section 1278. ~~(a)~~ A. If, after March 28, 1972, any lawfully  
18 erected outdoor advertising sign, display or device becomes  
19 nonconforming under the provisions of this act, such outdoor  
20 advertising sign, display or device shall not be required to be  
21 removed ~~until five (5) years from the date upon which it became~~  
22 ~~nonconforming~~. Provided, however, that notwithstanding the  
23 provisions of this ~~paragraph~~ subsection, any such outdoor  
24 advertising sign, display or device which was erected after July 1,  
1975, and located in a control area beyond six hundred sixty (660)

1 feet from the nearest edge of the right-of-way, and which becomes  
2 nonconforming as a result of this act, is subject to removal upon  
3 the effective date hereof. Provided, further, signs legally erected  
4 prior to July 1, 1975, in a control area beyond six hundred sixty  
5 (660) feet of the nearest edge of the right-of-way of a controlled  
6 highway, which do not conform to the provisions of this act, shall  
7 not be required to be removed before July 1, 1980.

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

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

18 ~~(1)~~ 1. Said signs, displays or devices provide directional  
19 information to goods and services in the interest of the traveling  
20 public;

21 ~~(2)~~ 2. Said signs, displays or devices are located within a  
22 defined area with definite geographic boundaries and which functions  
23 as an economic unit;

24

1       ~~(3)~~ 3. The Department determines on the basis of an economic  
2 impact study that the removal of such signs, displays or devices  
3 would work a substantial economic hardship in such defined area;

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

6       ~~(5)~~ 5. The Department reviews its economic impact study  
7 periodically and finds that continued exemption remains warranted;

8       ~~(6)~~ 6. The United States Secretary of Transportation concurs in  
9 the Department's determination that exemption of said signs,  
10 displays or devices is warranted;

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

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

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

