

1 **SENATE FLOOR VERSION**

2 February 27, 2012

3 SENATE BILL NO. 1638

By: Marlatt of the Senate

4 and

5 Liebmann of the House

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

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

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

16 Section 1278. (a) If, after March 28, 1972, any lawfully
17 erected outdoor advertising sign, display or device becomes
18 nonconforming under the provisions of ~~this act~~ Section 1271 et seq.
19 of this title, such outdoor advertising sign, display or device
20 shall not be required to be removed ~~until five (5) years from the~~
21 ~~date upon which it became nonconforming.~~ Provided, however, that
22 notwithstanding the provisions of this paragraph, any such outdoor
23 advertising sign, display or device which was erected after July 1,
24 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~~ Section 1271 et seq. of this
3 title, is subject to removal ~~upon the effective date hereof~~ after
4 April 15, 1968. Provided, further, signs legally erected prior to
5 July 1, 1975, in a control area beyond six hundred sixty (660) feet
6 of the nearest edge of the right-of-way of a controlled highway,
7 which do not conform to the provisions of ~~this act~~ Section 1271 et
8 seq. of this title, shall not be required to be removed before July
9 1, 1980.

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

18 (c) Directional signs, displays or devices lawfully erected
19 prior to May 5, 1976, may be exempted from removal where the
20 following conditions exist:

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

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

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

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

10 (5) The Department reviews its economic impact study
11 periodically and finds that continued exemption remains warranted;

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

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

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

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 2-21-12 - DO
4 PASS, As Coauthored.

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