

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 3157

By: Wright of the House

and

Schulz of the Senate

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6  
7 An Act relating to roads and bridges; amending 69  
8 O.S. 2011, Sections 1273 and 1277, which relate to  
9 highway advertising; defining term; providing for  
10 certain permit revocations; and providing an  
11 effective date.

12 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
13 entire bill and insert

14 "An Act relating to roads and bridges; amending 69  
15 O.S. 2011, Sections 1273 and 1277, which relate to  
16 highway advertising; defining term; providing for  
17 certain permit revocations; and declaring an  
18 emergency.

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

20 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1273, is  
21 amended to read as follows:

22 Section 1273. As used in this act:

23 (a) "Sign", "outdoor advertising" or "outdoor advertising  
24 device" means any outdoor sign, display, device, notice, figure,

1 painting, drawing, message, placard, poster, billboard or other  
2 thing which is designed, intended or used to advertise or inform,  
3 but shall not include surface markers showing the location or route  
4 of underground utility facilities or pipelines or public telephone  
5 coin stations installed for emergency use.

6 (b) "Main traveled way" means the traveled way of a highway on  
7 which through traffic is carried. In the case of a divided highway,  
8 the traveled way of each of the separated roadways for traffic in  
9 opposite directions is a main traveled way. It does not include  
10 such facilities as frontage roads, turning roadways or parking  
11 areas.

12 (c) "To erect" and its variants means to construct, build,  
13 raise, assemble, place, affix, attach, create, paint, draw or in any  
14 other way bring into being or establish. But these shall not  
15 include any of the foregoing activities when performed as incident  
16 to the change of advertising message or customary maintenance of the  
17 sign structure.

18 (d) "Unzoned commercial or industrial areas" means those areas  
19 which are not zoned by state or local law, regulation or ordinance,  
20 and on which there is located one or more permanent structures  
21 devoted to a commercial or industrial activity or on which a  
22 commercial or industrial activity is actually conducted, whether or  
23 not a permanent structure is located thereon, and the area along the  
24 highway extending outward six hundred (600) feet from and beyond the

1 edge of such activity on both sides of the highway. Provided  
2 however, the unzoned area shall not include land on the opposite  
3 side of an interstate or dual-laned limited access primary highway  
4 from the commercial or industrial activity establishing the unzoned  
5 commercial or industrial area or land on the opposite side of other  
6 federal-aid primary highways, which land is deemed scenic by an  
7 appropriate agency of the state.

8 All measurements shall be from the outer edges of the regularly  
9 used buildings, parking lots, storage or processing areas of the  
10 commercial or industrial activities, not from the property lines of  
11 the activities, and shall be along or parallel to the edge of  
12 pavement of the highway. Such an area shall not include any area  
13 which is:

- 14 (1) Within three hundred (300) feet of any building used  
15 primarily as a residence, unless the owner of the  
16 building consents in writing to the particular  
17 commercial use or uses to be made of such lands;
- 18 (2) Within five hundred (500) feet of any of the  
19 following: public park, garden, recreation area or  
20 forest preserve, church, school and officially  
21 designated historical battlefield; or
- 22 (3) Beyond six hundred sixty (660) feet from the nearest  
23 edge of the right-of-way.

24

1 (e) "Commercial and industrial activities" means those  
2 activities, clearly visible from the main traveled way, generally  
3 recognized as commercial or industrial by zoning authorities in this  
4 state, except that none of the following shall be considered  
5 commercial or industrial:

- 6 (1) Agricultural, forestry, ranching, grazing, farming and  
7 related activities, including, but not limited to,  
8 wayside fresh produce stands;
- 9 (2) Outdoor advertising structures;
- 10 (3) Transient or temporary activities;
- 11 (4) Activities more than six hundred sixty (660) feet from  
12 the nearest edge of the right-of-way;
- 13 (5) Activities conducted in a building principally used as  
14 a residence; and
- 15 (6) Railroad tracks and minor sidings.

16 (f) "Official signs" means signs and notices erected and  
17 maintained by public officers or public agencies within their  
18 territorial jurisdiction and pursuant to and in accordance with  
19 direction or authorization contained in federal or state law for the  
20 purposes of carrying out an official duty or responsibility.

21 (g) "Informational signs" means signs containing directions or  
22 information about public places owned or operated by federal, state  
23 or local governments or their agencies, publicly or privately owned  
24 natural phenomena, historic, cultural, educational and religious

1 sites, and areas of natural scenic beauty or naturally suited for  
2 outdoor recreation, deemed to be in the interest of the traveling  
3 public.

4 (h) "On-premise activities signs" means signs advertising  
5 activities conducted upon the property on which the signs are  
6 located.

7 (i) "On-premise-sale or lease signs" means signs advertising  
8 the sale or lease of property on which they are located.

9 (j) "Interstate highway" means any highway at any time  
10 officially designated a part of the National System of Interstate  
11 and Defense Highways by the Department and approved by the  
12 appropriate authority of the federal government.

13 (k) "Primary highway" means the Federal-aid Primary System in  
14 existence on June 1, 1991, and any highway which is not on that  
15 system but is on the National Highway System.

16 (l) "Centerline of the highway" means a line equidistant from  
17 the edges of the median separating the main traveled ways of a  
18 divided highway, or the centerline of the main traveled way of a  
19 nondivided highway.

20 (m) "Adjacent area" or "control area" means the area which is  
21 adjacent to and within six hundred sixty (660) feet of the nearest  
22 edge of the right-of-way on any interstate or primary highway within  
23 urban areas, which six hundred sixty-foot distance shall be measured  
24 horizontally along a line perpendicular to, or ninety (90) degrees

1 to, the centerline of the highway. Outside of urban areas, adjacent  
2 area or control area means the area which is visible from the main  
3 traveled way on any interstate or primary highway.

4 (n) "Business area" means any part of a control area which is:

5 (1) Within six hundred sixty (660) feet of the nearest  
6 edge of the right-of-way and zoned for business,  
7 industrial or commercial activities under the  
8 authority of any state zoning law, or city or county  
9 zoning ordinance of this state; or

10 (2) Not so zoned, but which constitutes an unzoned  
11 commercial or industrial area as herein defined.

12 (o) "Department" means the Department of Transportation of the  
13 State of Oklahoma.

14 (p) "Maintain" means to hold or keep in a state of efficiency  
15 or validity, to support or sustain, by cleaning or repairing the  
16 sign or changing the message on its face.

17 (q) "Visible" means capable of being seen without visual aid by  
18 a person of normal visual acuity.

19 (r) "License" means the privilege to do business in the State  
20 of Oklahoma having been granted by an official agency.

21 (s) "Permit" means the privilege to erect a sign or signs in an  
22 individual location within the State of Oklahoma having been granted  
23 by an official agency.

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1 (t) "License fee" means the monetary consideration paid for the  
2 privilege of doing business in the State of Oklahoma.

3 (u) "Permit fee" means the monetary consideration paid for the  
4 privilege of erecting a sign or signs in a specific location within  
5 the State of Oklahoma.

6 (v) "Urban area" means an urbanized area or, in the case of an  
7 urbanized area encompassing more than one state, that part of the  
8 urbanized area in each such state, or an urban place as designated  
9 by the Bureau of the Census having a population of five thousand  
10 (5,000) or more and not within any urbanized area, within boundaries  
11 to be fixed by responsible state and local officials in cooperation  
12 with each other, subject to approval by the Secretary of  
13 Transportation. Such boundaries shall, as a minimum, encompass the  
14 entire urban place designated by the Bureau of the Census.

15 (w) "Relocation permit" means a permit issued pursuant to the  
16 provisions of subparagraph (d) of paragraph (3) of Section 1275 of  
17 this title. A relocation permit shall have precedence over any  
18 municipal or county restriction that interferes with the intended  
19 purpose of providing a method and opportunity to minimize the cost  
20 of acquiring legally erected outdoor advertising signs by the  
21 Department.

22 SECTION 2. AMENDATORY 69 O.S. 2011, Section 1277, is  
23 amended to read as follows:  
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1 Section 1277. A. The Transportation Commission is hereby  
2 authorized to enact and adopt rules and regulations for the issuance  
3 of licenses and permits and the charging and collection of permit  
4 fees for other than "on-premise" outdoor advertising structures as  
5 defined in this act.

6 B. The Department of Transportation shall have the authority to  
7 revoke any permit issued under Sections 1271 through ~~1285~~ 1288 of  
8 this title if the permit holder for any reason is no longer making  
9 lease payments or other agreed-upon compensation to the landowner  
10 for use of the land where the sign is located.

11 C. After July 1, 2014, the Department of Transportation shall  
12 have the authority to revoke a permit issued under Sections 1271  
13 through 1288 of this title if the permit holder fails to construct a  
14 sign at the permitted site prior to the second expiration date of  
15 the permit, or the permitted site is determined by the Department to  
16 be a discontinued sign site.

17 SECTION 3. It being immediately necessary for the preservation  
18 of the public peace, health and safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval."  
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8 O.S. 2011, Sections 1273 and 1277, which relate to  
9 highway advertising; defining term; providing for  
10 certain permit revocations; and providing an  
11 effective date.

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

13 SECTION 4. AMENDATORY 69 O.S. 2011, Section 1273, is  
14 amended to read as follows:

15 Section 1273. As used in this act:

16 (a) "Sign", "outdoor advertising" or "outdoor advertising  
17 device" means any outdoor sign, display, device, notice, figure,  
18 painting, drawing, message, placard, poster, billboard or other  
19 thing which is designed, intended or used to advertise or inform,  
20 but shall not include surface markers showing the location or route  
21 of underground utility facilities or pipelines or public telephone  
22 coin stations installed for emergency use.

23 (b) "Main traveled way" means the traveled way of a highway on  
24 which through traffic is carried. In the case of a divided highway,

1 the traveled way of each of the separated roadways for traffic in  
2 opposite directions is a main traveled way. It does not include  
3 such facilities as frontage roads, turning roadways or parking  
4 areas.

5 (c) "To erect" and its variants means to construct, build,  
6 raise, assemble, place, affix, attach, create, paint, draw or in any  
7 other way bring into being or establish. But these shall not  
8 include any of the foregoing activities when performed as incident  
9 to the change of advertising message or customary maintenance of the  
10 sign structure.

11 (d) "Unzoned commercial or industrial areas" means those areas  
12 which are not zoned by state or local law, regulation or ordinance,  
13 and on which there is located one or more permanent structures  
14 devoted to a commercial or industrial activity or on which a  
15 commercial or industrial activity is actually conducted, whether or  
16 not a permanent structure is located thereon, and the area along the  
17 highway extending outward six hundred (600) feet from and beyond the  
18 edge of such activity on both sides of the highway. Provided  
19 however, the unzoned area shall not include land on the opposite  
20 side of an interstate or dual-laned limited access primary highway  
21 from the commercial or industrial activity establishing the unzoned  
22 commercial or industrial area or land on the opposite side of other  
23 federal-aid primary highways, which land is deemed scenic by an  
24 appropriate agency of the state.

1 All measurements shall be from the outer edges of the regularly  
2 used buildings, parking lots, storage or processing areas of the  
3 commercial or industrial activities, not from the property lines of  
4 the activities, and shall be along or parallel to the edge of  
5 pavement of the highway. Such an area shall not include any area  
6 which is:

- 7 (1) Within three hundred (300) feet of any building used  
8 primarily as a residence, unless the owner of the  
9 building consents in writing to the particular  
10 commercial use or uses to be made of such lands;
- 11 (2) Within five hundred (500) feet of any of the  
12 following: public park, garden, recreation area or  
13 forest preserve, church, school and officially  
14 designated historical battlefield; or
- 15 (3) Beyond six hundred sixty (660) feet from the nearest  
16 edge of the right-of-way.

17 (e) "Commercial and industrial activities" means those  
18 activities, clearly visible from the main traveled way, generally  
19 recognized as commercial or industrial by zoning authorities in this  
20 state, except that none of the following shall be considered  
21 commercial or industrial:

- 22 (1) Agricultural, forestry, ranching, grazing, farming and  
23 related activities, including, but not limited to,  
24 wayside fresh produce stands;

- 1 (2) Outdoor advertising structures;
- 2 (3) Transient or temporary activities;
- 3 (4) Activities more than six hundred sixty (660) feet from
- 4 the nearest edge of the right-of-way;
- 5 (5) Activities conducted in a building principally used as
- 6 a residence; and
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8 (f) "Official signs" means signs and notices erected and  
9 maintained by public officers or public agencies within their  
10 territorial jurisdiction and pursuant to and in accordance with  
11 direction or authorization contained in federal or state law for the  
12 purposes of carrying out an official duty or responsibility.

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19 public.

20 (h) "On-premise activities signs" means signs advertising  
21 activities conducted upon the property on which the signs are  
22 located.

23 (i) "On-premise-sale or lease signs" means signs advertising  
24 the sale or lease of property on which they are located.

1 (j) "Interstate highway" means any highway at any time  
2 officially designated a part of the National System of Interstate  
3 and Defense Highways by the Department and approved by the  
4 appropriate authority of the federal government.

5 (k) "Primary highway" means the Federal-aid Primary System in  
6 existence on June 1, 1991, and any highway which is not on that  
7 system but is on the National Highway System.

8 (l) "Centerline of the highway" means a line equidistant from  
9 the edges of the median separating the main traveled ways of a  
10 divided highway, or the centerline of the main traveled way of a  
11 nondivided highway.

12 (m) "Adjacent area" or "control area" means the area which is  
13 adjacent to and within six hundred sixty (660) feet of the nearest  
14 edge of the right-of-way on any interstate or primary highway within  
15 urban areas, which six hundred sixty-foot distance shall be measured  
16 horizontally along a line perpendicular to, or ninety (90) degrees  
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18 area or control area means the area which is visible from the main  
19 traveled way on any interstate or primary highway.

20 (n) "Business area" means any part of a control area which is:

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22 edge of the right-of-way and zoned for business,  
23 industrial or commercial activities under the  
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1 authority of any state zoning law, or city or county  
2 zoning ordinance of this state; or

3 (2) Not so zoned, but which constitutes an unzoned  
4 commercial or industrial area as herein defined.

5 (o) "Department" means the Department of Transportation of the  
6 State of Oklahoma.

7 (p) "Maintain" means to hold or keep in a state of efficiency  
8 or validity, to support or sustain, by cleaning or repairing the  
9 sign or changing the message on its face.

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11 a person of normal visual acuity.

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21 the State of Oklahoma.

22 (v) "Urban area" means an urbanized area or, in the case of an  
23 urbanized area encompassing more than one state, that part of the  
24 urbanized area in each such state, or an urban place as designated

1 by the Bureau of the Census having a population of five thousand  
2 (5,000) or more and not within any urbanized area, within boundaries  
3 to be fixed by responsible state and local officials in cooperation  
4 with each other, subject to approval by the Secretary of  
5 Transportation. Such boundaries shall, as a minimum, encompass the  
6 entire urban place designated by the Bureau of the Census.

7 (w) "Discontinued sign" means a registered sign that no longer  
8 exists or has been damaged so that it no longer contains advertising  
9 contents for a period of two (2) years or a permitted site where a  
10 structure no longer exists. Leasing information shall be considered  
11 advertising content for purposes of this definition.

12 SECTION 5. AMENDATORY 69 O.S. 2011, Section 1277, is  
13 amended to read as follows:

14 Section 1277. A. The Transportation Commission is hereby  
15 authorized to enact and adopt rules and regulations for the issuance  
16 of licenses and permits and the charging and collection of permit  
17 fees for other than "on-premise" outdoor advertising structures as  
18 defined in this act.

19 B. The Department of Transportation shall have the authority to  
20 revoke any permit issued under Sections 1271 through ~~1285~~ 1288 of  
21 this title if the permit holder for any reason is no longer making  
22 lease payments or other agreed-upon compensation to the landowner  
23 for use of the land where the sign is located.

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