STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 3157 By: Wright

AS INTRODUCED

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

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

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

Section 1273. As used in this act:

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

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

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

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

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

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

(1) Within three hundred (300) feet of any building used primarily as a residence, unless the owner of the building consents in writing to the particular commercial use or uses to be made of such lands;

(2) Within five hundred (500) feet of any of the following: public park, garden, recreation area or forest preserve, church, school and officially designated historical battlefield; or

(3) Beyond six hundred sixty (660) feet from the nearest edge of the right-of-way.

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

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

(2) Outdoor advertising structures;

(3) Transient or temporary activities;

(4) Activities more than six hundred sixty (660) feet from the nearest edge of the right-of-way;

(5) Activities conducted in a building principally used as a residence; and

(6) Railroad tracks and minor sidings.

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

(g) "Informational signs" means signs containing directions or information about public places owned or operated by federal, state or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, educational and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

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

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

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

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

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

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

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

(1) Within six hundred sixty (660) feet of the nearest edge of the right-of-way and zoned for business, industrial or commercial activities under the

authority of any state zoning law, or city or county zoning ordinance of this state; or

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

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

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

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

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

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

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

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

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

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

(w) "Discontinued or blank sign" means a registered sign not displaying products or services advertising contents for a period of one (1) year or a permitted site where a structure no longer exists. Leasing information shall be considered advertising content for purposes of this definition.

SECTION 2. AMENDATORY 69 O.S. 2011, Section 1277, is amended to read as follows:

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

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

C. The Department of Transportation shall have the authority to revoke a permit issued under Sections 1271 through 1288 of this title if the permit holder fails to construct a sign at the permitted site prior to the first expiration date of the permit, or the permitted site is determined by the Department to be a discontinued or blank sign.

SECTION 3. This act shall become effective November 1, 2014.

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