

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2509

By: Billy and Sherrer of the
House

4 and

5 David of the Senate

6
7
8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Section 1040.55, which relates to
10 advertising requirements for adult cabarets and
11 sexually oriented businesses; modifying scope of
certain prohibited act; updating language; providing
certain time limitation for nonconforming signs; and
providing an effective date.

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14 AUTHOR: Add the following House Coauthor: Hoskin

15 AUTHOR: Add the following Senate Coauthor: Brooks

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

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18 "An Act relating to crimes and punishments; amending
19 21 O.S. 2011, Section 1040.55, which relates to
20 advertising requirements for adult cabarets and
21 sexually oriented businesses; modifying scope of
certain prohibited act; updating language; providing
certain time limitation for nonconforming signs; and
providing an effective date.

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23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1040.55, is
2 amended to read as follows:

3 Section 1040.55. A. As used in this section:

4 1. "Adult cabaret" means a nightclub, bar, restaurant, or
5 similar establishment in which persons appear in a state of nudity
6 in the performance of their duties;

7 2. "Sexually oriented business" means any business which offers
8 its patrons goods of which a substantial portion are sexually
9 oriented materials. Any business where more than ten percent (10%)
10 of display space is used for sexually oriented materials shall be
11 presumed to be a sexually oriented business;

12 3. "Sexually oriented materials" means any textual, pictorial,
13 or three-dimensional material that depicts nudity, sexual conduct,
14 sexual excitement, or sadomasochistic abuse in a way that is
15 patently offensive to the average person applying contemporary adult
16 community standards with respect to what is suitable for minors; and

17 4. "State of nudity" means the showing of either:

18 a. the human male or female genitals or pubic area with
19 less than a fully opaque covering, or

20 b. the female breast with less than a fully opaque
21 covering or any part of the nipple.

22 B. ~~Except as otherwise provided in this subsection, no~~ No
23 billboard or other exterior advertising sign for an adult cabaret or
24 sexually oriented business shall ~~be located within one (1) mile of~~

1 ~~any state highway. If contain images, digital or print, photographs~~
2 ~~or caricatures, silhouettes or representations of anything of a~~
3 ~~sexual nature if such a business is located within one (1) mile of a~~
4 ~~state or interstate highway, the business may display a maximum of~~
5 ~~two exterior signs on the premises of the business, consisting of~~
6 ~~one identification sign and one sign solely giving notice that~~
7 ~~minors are not permitted on the premises. The identification sign~~
8 ~~shall be no more than forty (40) square feet in size and shall~~
9 ~~include no more than the following information: name, street~~
10 ~~address, telephone number, and operating hours of the business.~~

11 C. ~~Signs existing at the time of the adoption of this section,~~
12 ~~which do not conform to the requirements of this section, may be~~
13 ~~allowed to continue as a nonconforming use, but shall be made to~~
14 ~~conform not later than November 1, 2009.~~

15 ~~D.~~ The Attorney General shall represent the state in all
16 actions and proceedings arising from this section. In addition, all
17 costs incurred by the Attorney General to defend or prosecute this
18 section, including payment of all court costs, civil judgments, and,
19 if necessary, any attorney fees, shall be paid from the General
20 Revenue Fund.

21 ~~E.~~ D. Any owner of a business who violates the provisions of
22 this section shall, upon conviction, be guilty of a misdemeanor.

23 E. Signs existing on or after November 1, 2016, which do not
24 conform to the requirements of this section, may be allowed to

1 continue as a nonconforming use, but shall be made to conform not
2 later than November 1, 2017.

3 SECTION 2. This act shall become effective November 1, 2016."

4 Passed the Senate the 20th day of April, 2016.

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6 Presiding Officer of the Senate

7 Passed the House of Representatives the ____ day of _____,

8

2016.

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Presiding Officer of the House
of Representatives

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