STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2509

By: Billy, Sherrer and Hoskin of the House

and

David and Brooks of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

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

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1040.55, is amended to read as follows:

Section 1040.55 A. As used in this section:

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

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

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

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

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

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

B. Except as otherwise provided in this subsection, no billboard or other exterior advertising sign for an adult cabaret or sexually oriented business shall be located within one (1) mile of any state highway <u>or interstate highway</u>. If such a business is located within one (1) mile of a state highway <u>or interstate highway</u>, the business may display a maximum of two exterior signs on the premises of the business, consisting of one identification sign and one sign solely giving notice that minors are not permitted on the premises. The identification sign ~~shall be no more than forty~~

~~(40) square feet in size and~~ shall include no more than the following information: name, street address, telephone number, and operating hours of the business.

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

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

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

F. Signs existing on interstate highways on or after November 1, 2016, which do not conform to the requirements of this section, may be allowed to continue as a nonconforming use, but shall be made to conform not later than November 1, 2017.

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

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