

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 549

By: Standridge

COMMITTEE SUBSTITUTE

An Act relating to outdoor advertising; amending 69 O.S. 2011, Section 1273, as last amended by Section 1, Chapter 350, O.S.L. 2016 (69 O.S. Supp. 2020, Section 1273), which relates to definitions; modifying certain agreements for the relocation of certain outdoor advertising signs; updating statutory reference; 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, as last amended by Section 1, Chapter 350, O.S.L. 2016 (69 O.S. Supp. 2020, Section 1273), is amended to read as follows:

Section 1273. As used in ~~this act~~ Section 1271 et seq. of this title:

(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

1 of underground utility facilities or pipelines or public telephone  
2 coin stations installed for emergency use.

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

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

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

1 from the commercial or industrial activity establishing the unzoned  
2 commercial or industrial area or land on the opposite side of other  
3 federal-aid primary highways, which land is deemed scenic by an  
4 appropriate agency of the state.

5 All measurements shall be from the outer edges of the regularly  
6 used buildings, parking lots, storage or processing areas of the  
7 commercial or industrial activities, not from the property lines of  
8 the activities, and shall be along or parallel to the edge of  
9 pavement of the highway. Such an area shall not include any area  
10 which is beyond six hundred sixty (660) feet from the nearest edge  
11 of the right-of-way. In unzoned commercial or industrial areas  
12 signs shall not be located:

13 (1) Within three hundred (300) feet of any building used  
14 primarily as a residence, unless the owner of the  
15 building consents in writing to allow the sign to  
16 exist; or

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

21 All spacing considerations are determined by whether or not they  
22 exist within the adjacent or control area.

23 (e) "Commercial and industrial activities" means those  
24 activities, clearly visible from the main traveled way, generally

1 recognized as commercial or industrial by zoning authorities in this  
2 state, except that none of the following shall be considered  
3 commercial or industrial:

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

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

19 (g) "Informational signs" means signs containing directions or  
20 information about public places owned or operated by federal, state  
21 or local governments or their agencies, publicly or privately owned  
22 natural phenomena, historic, cultural, educational and religious  
23 sites, and areas of natural scenic beauty or naturally suited for  
24

1 outdoor recreation, deemed to be in the interest of the traveling  
2 public.

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

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

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

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

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

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

1 area or control area means the area which is visible from the main  
2 traveled way on any interstate or primary highway.

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

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

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

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

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

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

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

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

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

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

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

13 (w) "Relocation permit" means a permit issued pursuant to the  
14 provisions of subparagraph (d) of paragraph (3) of Section 1275 of  
15 this title. A relocation permit shall have precedence over any  
16 municipal or county restriction that interferes with the intended  
17 purpose of providing a method and opportunity to minimize the cost  
18 of acquiring legally erected outdoor advertising signs by the  
19 Department, ~~unless,; provided, however,~~ for those municipalities  
20 with a population in excess of five hundred thousand (500,000) based  
21 on the most recent census data, ~~it is otherwise stipulated in the~~  
22 ~~applicable Right-of-Way, Public Utility and Encroachment Agreement~~  
23 ~~or Agreements and agreed upon by all signatory authorities. Any~~  
24 ~~owner of a registered sign to be acquired shall be offered an~~

1 ~~opportunity to comment on said agreement prior to execution. neither~~  
2 a relocation permit nor any outdoor advertising sign permit shall be  
3 issued in those areas in which a municipality or county has lawfully  
4 enacted a prohibition on the erection of an outdoor advertising  
5 sign. This section shall not prohibit a registered sign owner from  
6 seeking just compensation through a legal proceeding.

7 SECTION 2. This act shall become effective November 1, 2021.

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