

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 549

By: Standridge of the Senate

and

Frix of the House

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10 An Act relating to outdoor advertising; amending 69
11 O.S. 2011, Section 1273, as last amended by Section
12 1, Chapter 350, O.S.L. 2016 (69 O.S. Supp. 2020,
13 Section 1273), which relates to definitions;
14 modifying certain agreements for the relocation of
15 certain outdoor advertising signs; updating statutory
16 reference; and providing an effective date.

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

18 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1273, as
19 last amended by Section 1, Chapter 350, O.S.L. 2016 (69 O.S. Supp.
20 2020, Section 1273), is amended to read as follows:

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

23 (a) "Sign", "outdoor advertising" or "outdoor advertising
24 device" means any outdoor sign, display, device, notice, figure,
 painting, drawing, message, placard, poster, billboard or other

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

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

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

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

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

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

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

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

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

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.

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, ~~unless,; provided, however,~~ for those municipalities
22 with a population in excess of five hundred thousand (500,000) based
23 on the most recent census data, ~~it is otherwise stipulated in the~~
24 ~~applicable Right-of-Way, Public Utility and Encroachment Agreement~~

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

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

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11 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 03/25/2021 -
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