

1 ENGROSSED SENATE
2 BILL NO. 1771

By: Stewart and Boren of the
Senate

3 and

4 Cantrell of the House
5
6

7 An Act relating to rights-of-way; amending 69 O.S.
8 2021, Section 1208, as amended by Section 1, Chapter
9 335, O.S.L. 2023 (69 O.S. Supp. 2023, Section 1208),
10 which relates to the placement of structures in
11 rights-of-way; modifying applicability of section;
12 enabling the placement of certain signage in certain
13 locations; requiring removal of certain signage under
14 certain conditions; updating statutory reference; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 69 O.S. 2021, Section 1208, as
18 amended by Section 1, Chapter 335, O.S.L. 2023 (69 O.S. Supp. 2023,
19 Section 1208), is amended to read as follows:

20 Section 1208. ~~(a)~~ A. The rights-of-way acquired by the
21 Department of Transportation or a county shall be held inviolate for
22 state highway, departmental, or county purposes, and no physical or
23 functional encroachments or uses shall be permitted within such
24 rights-of-way.

~~(b)~~ B. It shall be unlawful for any person to construct,
maintain or operate any gasoline pump, driveway canopy, building,

1 sign, fence, post, or any thing or structure on or overhanging any
2 right-of-way, or upon or overhanging any street occupied by a
3 designated state or federal highway, or county roads and the
4 construction or maintaining of any such thing or structure on or
5 overhanging any federal or state highway or county roads shall
6 constitute a public nuisance, which may be summarily abated by the
7 Commission or board of county commissioners or its officers, agents,
8 servants and employees in the manner provided in this article.

9 ~~(e)~~ C. This section shall not apply to the lawful use of such
10 rights-of-way for the erection and operation of facilities of a
11 public utility, or companies engaged in the activities defined in
12 Section 137.1 of Title 52 of the Oklahoma Statutes.

13 D. This section shall not apply to the placement, by the county
14 commissioners or the board of directors of a fire protection
15 district or the designees of either, of signage indicating that
16 restrictions on outdoor burning are in effect pursuant to Section
17 901.8 of Title 19 of the Oklahoma Statutes. Such signage may be
18 placed on the right-of-way, provided such placement is made in
19 coordination with the Department of Transportation. When
20 restrictions on outdoor burning are no longer in effect, the signage
21 shall be removed from the right-of-way by the entity that placed it.

22 SECTION 2. This act shall become effective November 1, 2024.
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1 Passed the Senate the 12th day of March, 2024.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2024.

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8 _____
9 Presiding Officer of the House
10 of Representatives