

An Act

ENROLLED SENATE
BILL NO. 1771

By: Stewart and Boren of the
Senate

and

Cantrell of the House

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

SUBJECT: Placement of structures in rights-of-way

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

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

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

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

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

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

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 When restrictions on outdoor burning are no longer in effect, the signage shall be removed from the right-of-way by the entity that placed it.

SECTION 2. This act shall become effective November 1, 2024.

Passed the Senate the 12th day of March, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of April, 2024.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____