

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 ENGROSSED SENATE
5 BILL NO. 1771

 By: Stewart and Boren of the
 Senate

6 and

7 Cantrell of the House

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

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

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

23 Section 1208. ~~(a)~~ A. The rights-of-way acquired by the
24 Department of Transportation or a county shall be held inviolate for
25 state highway, departmental, or county purposes, and no physical or

1 functional encroachments or uses shall be permitted within such
2 rights-of-way.

3 ~~(b)~~ B. It shall be unlawful for any person to construct,
4 maintain or operate any gasoline pump, driveway canopy, building,
5 sign, fence, post, or any thing or structure on or overhanging any
6 right-of-way, or upon or overhanging any street occupied by a
7 designated state or federal highway, or county roads and the
8 construction or maintaining of any such thing or structure on or
9 overhanging any federal or state highway or county roads shall
10 constitute a public nuisance, which may be summarily abated by the
11 Commission or board of county commissioners or its officers, agents,
12 servants and employees in the manner provided in this article.

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

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

3 SECTION 2. This act shall become effective November 1, 2024.
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5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/11/2024 - DO PASS.
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