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April 11, 2023

ENGROSSED HOUSE
BILL NO. 2791

By: Stinson of the House

and

Thompson (Kristen) of the
Senate

An Act relating to transportation; amending 69 O.S. 2021, Section 1273, which relates to outdoor advertising definitions; defining term; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 2021, Section 1273, is amended to read as follows:

Section 1273. As used in 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 of underground utility facilities or pipelines or public telephone coin stations installed for emergency use.

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

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

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

1 federal-aid primary highways, which land is deemed scenic by an
2 appropriate agency of the state.

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

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

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

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

21 (e) "Commercial and industrial activities" means those
22 activities, clearly visible from the main traveled way, generally
23 recognized as commercial or industrial by zoning authorities in this
24

1 state, except that none of the following shall be considered
2 commercial or industrial:

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

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

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

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

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

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

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

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

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

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

2 (1) Within six hundred sixty (660) feet of the nearest
3 edge of the right-of-way and zoned for business,
4 industrial or commercial activities under the
5 authority of any state zoning law⁷ or city or county
6 zoning ordinance of this state; or

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

9 (o) "Department" means the Department of Transportation of the
10 State of Oklahoma.

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

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

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

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

21 (t) "License fee" means the monetary consideration paid for the
22 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; provided, however, for those municipalities with a
20 population in excess of five hundred thousand (500,000) based on the
21 most recent census data, neither a relocation permit nor any outdoor
22 advertising sign permit shall be issued in those areas in which a
23 municipality or county has lawfully enacted a prohibition on the
24 erection of an outdoor advertising sign. This section shall not

1 prohibit a registered sign owner from seeking just compensation
2 through a legal proceeding.

3 (x) "Playground" means an outdoor space that contains
4 permanently affixed playground equipment where the primary use is
5 for children to play, excluding those spaces where the equipment is
6 an accessory use to a commercial enterprise. Playground equipment
7 located on privately owned residential properties, where the primary
8 use is to serve the personal residence, shall also not be
9 considered.

10 SECTION 2. This act shall become effective November 1, 2023.

11 COMMITTEE REPORT BY: COMMITTEE ON AERONAUTICS AND TRANSPORTATION
12 April 11, 2023 - DO PASS
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