

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 326

By: Murdock

AS INTRODUCED

An Act relating to roads and bridges; amending 69 O.S. 2021, Section 1280, which relates to outdoor advertising; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 2021, Section 1280, is amended to read as follows:

Section 1280. A. Outdoor advertising and property rights pertaining thereto may be acquired by the Department of Transportation under agreement between the Department, the owner of the outdoor advertising device and the owner of the land upon which the outdoor advertising is located if the outdoor advertising is lawfully in existence pursuant to Sections 1274 and 1275 of this title and located within areas prohibited to advertising by the Highway Advertising Control Act of 1968. The compensation must be based on fair market value.

B. Outdoor advertising is a trade fixture, and owners shall be awarded just and fair compensation for its taking.

1 C. If the Department and the owners are unable to agree upon  
2 the amount of compensation to be paid by the Department, the  
3 Department may acquire by condemnation such outdoor advertising  
4 device and property rights pertaining thereto. This right of  
5 eminent domain or condemnation shall be exercised in the manner  
6 provided by law.

7 D. Any outdoor advertising device authorized under Sections  
8 1274 and 1275 of this title which does not conform with standards  
9 set forth in Sections 1274 and 1275 of this title except as provided  
10 in Section 1278 of this title, and any outdoor advertising  
11 prohibited by law and not subject to compensation under other terms  
12 of this section shall be considered a public nuisance. The  
13 Department shall give notice by certified mail, requiring signature  
14 of the owner or registered agent of such outdoor advertising device,  
15 to the owner of the sign or outdoor advertising device and to the  
16 owner or registered agent of the land upon which the outdoor  
17 advertising is located, ordering the notified owners to cause the  
18 outdoor advertising to conform with rules relating to outdoor  
19 advertising or to remove prohibited outdoor advertising. If the  
20 owner of the sign or the landowner fails to act within ninety (90)  
21 days after mailing of the notice, the Department may, at its  
22 discretion, remove the outdoor advertising device.

23 E. All persons or business entities engaged in the outdoor  
24 advertising business, which includes but is not limited to, the

erection, maintenance and selling of advertising space on and along the interstate and federal-aid primary highways of this state, shall, not later than October 31, 1972, furnish the Director of the Department of Transportation a written inventory of all outdoor advertising signs, displays or devices erected and being maintained by the person or entity. The inventory shall include, with respect to each such sign, not less than the following information:

1. Location and dimensions of the sign;
2. Distance from the nearest edge of the right-of-way;
3. Date erected; and
4. Name and address of the owner or registered agent of the property on which the sign is located.

F. For failure to comply with the conditions set forth in subsection E of this section, the Department may declare such outdoor advertising signs, displays or devices to be a public nuisance and remove them in the manner provided by subsection D of this section.

G. Regardless of any local ordinance requiring amortization, the compensation provided in subsections A through C of this section and subsections (a) through (d) of Section 1279 of this title shall be the exclusive remedy for taking such outdoor advertising and property rights pertaining thereto. Such compensation shall also be required for the partial taking or diminishment of the value of such outdoor advertising and property right caused by any local ordinance

1 which forces the owners of such outdoor advertising device to  
2 downsize, reduce the height or width or otherwise alter legal  
3 nonconforming signs.

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

5  
6 59-1-723 KR 1/13/2023 10:40:07 AM  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25