An Act

ENROLLED HOUSE
BILL NO. 2643

By: Brumbaugh of the House

and

Brown of the Senate

An Act relating to roads, bridges and ferries; amending 69 O.S. 2011, Section 1278, which relates to outdoor advertising; removing limitation on sign removal; modifying exemptions; providing an effective date; and declaring an emergency.

SUBJECT: Outdoor advertising

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

SECTION 1. AMENDATORY 69 O.S. 2011, Section 1278, is amended to read as follows:

Section 1278. ~~(a)~~ A. If, after March 28, 1972, any lawfully erected outdoor advertising sign, display or device becomes nonconforming under the provisions of this act, such outdoor advertising sign, display or device shall not be required to be removed ~~until five (5) years from the date upon which it became nonconforming~~. Provided, however, that notwithstanding the provisions of this ~~paragraph~~ subsection, any such outdoor advertising sign, display or device which was erected after July 1, 1975, and located in a control area beyond six hundred sixty (660) feet from the nearest edge of the right-of-way, and which becomes nonconforming as a result of this act, is subject to removal upon the effective date hereof. Provided, further, signs legally erected prior to July 1, 1975, in a control area beyond six hundred sixty (660) feet of the nearest edge of the right-of-way of a controlled highway, which do not conform to the provisions of this act, shall not be required to be removed before July 1, 1980.

~~(b)~~ B. The requirements herein contained pertaining to the size, lighting or spacing of signs permitted in business areas shall apply only to those signs erected subsequent to the effective date of this act, except for those signs erected within six (6) months after the effective date of this act under a lease dated prior to said effective date and filed with the Department within thirty (30) days following the effective date of this act.

~~(c)~~ C. Directional signs, displays or devices lawfully erected prior to May 5, 1976, may be exempted from removal where the following conditions exist:

~~(1)~~ 1. Said signs, displays or devices provide directional information to goods and services in the interest of the traveling public;

~~(2)~~ 2. Said signs, displays or devices are located within a defined area with definite geographic boundaries and which functions as an economic unit;

~~(3)~~ 3. The Department determines on the basis of an economic impact study that the removal of such signs, displays or devices would work a substantial economic hardship in such defined area;

~~(4)~~ 4. The Department shall establish rules and regulations for the placement of new information signs for economic hardship areas;

~~(5)~~ 5. The Department reviews its economic impact study periodically and finds that continued exemption remains warranted;

~~(6)~~ 6. The United States Secretary of Transportation concurs in the Department's determination that exemption of said signs, displays or devices is warranted;

7. Said signs, displays or devices are thirty-two (32) square feet or less in dimension and have been erected by a church organized under the provisions of Section 562 of Title 18 of the Oklahoma Statutes and is recognized by the Internal Revenue Service under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

Providing further, that removal of nonconforming directional signs, displays and devices providing directional information about goods and services in the interest of the traveling public, not exempted from removal pursuant to the provisions of this subsection,

shall be deferred until all other nonconforming signs have been removed from the federal-aid primary and interstate systems in this state.

SECTION 2. This act shall become effective July 1, 2012.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 30th day of April, 2012.

Presiding Officer of the House of Representatives

Passed the Senate the 16th day of April, 2012.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 1st

day of May, **20** 12,

at 11:11 **o'clock** AM.

By: Jessica R. Rogers

Approved by the Governor of the State of Oklahoma the 7th **day of**

May, **20** 12, **at** 9:18 **o'clock** AM.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

7th **day of** May, **20** 12,

at 10:45 **o'clock** A **M.**

By: Michelle R. Day