

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 724

By: Stewart of the Senate

and

Cantrell of the House

7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to roads and bridges; amending 69
12 O.S. 2021, Section 1208, which relates to structures
13 in right-of-way; clarifying county authority to
14 maintain right-of-way; making exception for companies
15 engaged in certain activities; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 69 O.S. 2021, Section 1208, is
19 amended to read as follows:

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

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

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

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

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

14

15 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 04/05/2023 -
16 DO PASS, As Amended.

17

18

19

20

21

22

23

24