

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1587

By: Grego

6 COMMITTEE SUBSTITUTE

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2021, Section 11-1302, which relates to maintenance  
9 or construction zones; disallowing the use of certain  
10 traffic-control devices; requiring certain traffic-  
11 control devices be powered-off and covered; requiring  
12 use of certain traffic-control devices; creating  
13 certain exception; and providing an effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2021, Section 11-1302, is  
16 amended to read as follows:

17 A. The Department of Transportation, Oklahoma Turnpike  
18 Authority and any county or city in this state are hereby authorized  
19 to close any highway or section thereof, within their respective  
20 jurisdiction, to traffic while the highway is flooded or under  
21 repair, maintenance or construction and, in exercising the  
22 authority, shall erect or cause to be erected traffic-control  
23 devices and barricades to warn and notify the public that the  
24 highway has been closed to traffic.

1       B. When any highway has been closed to traffic under the  
2 provisions of subsection A of this section and traffic-control  
3 devices or barricades have been erected, it shall be unlawful for  
4 any person to drive any vehicle through, under, over, or around the  
5 traffic-control devices or barricades, or otherwise to enter the  
6 closed area. The provisions of this subsection shall not apply to  
7 persons while engaged in the construction, maintenance and repair of  
8 the highway or to persons entering therein for the protection of  
9 lives or property; provided, that persons having their places of  
10 residence or places of business within the closed area may travel,  
11 when possible to do so, through the area at their own risk.

12       C. Whenever construction, repair and maintenance of any highway  
13 is being performed under traffic, the Oklahoma Turnpike Authority,  
14 Department of Transportation, county or city having jurisdiction  
15 over the highway shall erect, or cause to be erected, traffic-  
16 control devices to warn and guide the public. Each person using the  
17 highway shall obey all signs, signals, markings, flagmen or other  
18 traffic-control devices which are placed to regulate, control, and  
19 guide traffic through the construction or maintenance area. As used  
20 in this subsection, "construction or maintenance area" means any  
21 area upon or around any highway that is visibly marked as an area  
22 where construction, repair, and maintenance is temporarily  
23 occurring. The construction or maintenance area also includes the  
24 lanes of highway leading up to the area upon which an activity

1 described in this section is being performed, beginning at the point  
2 where properly posted traffic-control devices start to warn and  
3 guide the public into and through the construction or maintenance  
4 including, but not limited to, instructions to merge from one lane  
5 into another lane, to reduce speed, or to follow directions of  
6 flagmen.

7 D. Barrel or center of intersection stop signs shall not be  
8 used at intersections with powered-on lighted traffic-control  
9 signals exhibiting different colored lights or colored arrows.  
10 Lighted traffic-control devices shall be powered-off and covered  
11 when other means of traffic-control signals are meant to supersede  
12 the lights. Temporary or permanent stop signs that are clearly  
13 visible shall be used at the stopping point for each lane of travel  
14 at such intersections. Construction areas shall contain signs  
15 leading to intersections that warn motorists that another means of  
16 traffic-control device is in use that supersedes the lighted  
17 traffic-control devices. The usage of temporary stop signs shall be  
18 regulated under this subsection.

19 E. The "Merge Now" traffic-control device that is used to warn  
20 and guide the public using the highway to merge shall be located in  
21 advance of the highway construction or maintenance area in  
22 accordance with the standards set forth in the most current edition  
23 of the Federal Highway Administration's Manual on Uniform Traffic  
24 Control Devices. Whenever any traffic-control device requires

1 traffic to merge due to the closure of a section or lane of highway,  
2 the merge shall be completed:

3 1. As soon as practicable after passing the traffic-control  
4 device; and

5 2. Without passing any other traffic proceeding in the same  
6 direction.

7 ~~E.~~ F. No person shall remove, change, modify, deface or alter  
8 any traffic-control device or barricade which has been erected on  
9 any highway under the provisions of this section.

10 ~~F.~~ G. Nothing in this section shall relieve the state or any of  
11 its subdivisions or their contractors, agents, servants or employees  
12 from liability for failure to perform any of the duties imposed  
13 herein.

14 ~~G.~~ H. Except as provided in subsection ~~H.~~ I. of this section, any  
15 person who violates any provision of this section shall, upon  
16 conviction, be guilty of a misdemeanor punishable by a fine of not  
17 less than One Hundred Dollars (\$100.00) nor more than One Thousand  
18 Dollars (\$1,000.00) or imprisonment in the county jail not to exceed  
19 thirty (30) days, or by both such fine and imprisonment, and shall  
20 be liable for any damage to property, or injury to or death to  
21 persons caused by the violations. In addition, the court may order  
22 restitution in an amount equal to the actual costs of the emergency  
23 response and repair or replacement of any damaged or lost emergency  
24 equipment.

1        ~~H.~~ I. When any section of a highway, turnpike, county road or  
2 city street has been closed to traffic due to flooding that is  
3 ongoing and traffic-control devices or barricades have been erected  
4 by law enforcement or other government officials with authority over  
5 traffic control, it shall be unlawful for any person to tear down,  
6 damage or remove any traffic-control devices or barricades or drive  
7 any vehicle through, under, over or around the traffic-control  
8 devices or barricades, or otherwise to enter the closed area. Any  
9 person who violates the provisions of this subsection shall, upon  
10 conviction, be guilty of a misdemeanor punishable by a fine of not  
11 less than One Hundred Dollars (\$100.00) nor more than One Thousand  
12 Dollars (\$1,000.00). The person shall be guilty of a misdemeanor  
13 punishable by a fine of not less than One Hundred Dollars (\$100.00)  
14 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) and  
15 imprisonment in the county jail for not more than one (1) year if  
16 the operator of the motor vehicle was transporting a person eighteen  
17 (18) years of age or younger at the time of the violation.

18        Persons convicted pursuant to the provisions of this subsection  
19 shall be ordered to pay restitution in an amount equal to the actual  
20 costs of the emergency response and repair or replacement of any  
21 damaged or lost emergency equipment. In addition, the person shall  
22 be liable for any damage to property or injury or death to persons  
23 caused by the violation.

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

59-1-7326 JBH 02/08/23