

1 ENGROSSED HOUSE
2 BILL NO. 2249

By: Renegar, Shoemake, Hoskin
and Sherrer of the House

3
4 Dossett of the Senate
5

6
7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 11-1302, which relates to maintenance
9 and construction zones; updating language; making
certain acts unlawful; providing penalties; and
declaring an emergency.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-1302, is
amended to read as follows:

Section 11-1302. A. The Department of Transportation, Oklahoma
Turnpike Authority and any county or city in this state ~~through~~
~~their respective governing bodies are~~ is hereby authorized to close
any highway or section thereof, within their respective
jurisdiction, to traffic while the highway is flooded or under
repair, maintenance or construction and, in exercising the
authority, shall erect or cause to be erected traffic-control
devices and barricades to warn and notify the public that the
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 ~~governing body~~ Oklahoma
14 Turnpike Authority, Department of Transportation, county or city
15 having jurisdiction over the highway shall erect, or cause to be
16 erected, traffic-control devices to warn and guide the public. Each
17 person using the highway shall obey all signs, signals, markings,
18 flagmen or other traffic-control devices which are placed to
19 regulate, control, and guide traffic through the construction or
20 maintenance area. As used in this subsection, "construction or
21 maintenance area" means any area upon or around any highway that is
22 visibly marked as an area where construction, repair, and
23 maintenance is temporarily occurring. The construction or
24 maintenance area also includes the lanes of highway leading up to

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

7 D. The "Merge Now" traffic-control device that is used to warn
8 and guide the public using the highway to merge, shall be located no
9 greater than one (1) mile nor less than one thousand five hundred
10 (1,500) feet in advance of the highway construction or maintenance
11 area. Whenever any traffic-control device requires traffic to merge
12 due to the closure of a section or lane of highway, the merge shall
13 be completed:

14 1. As soon as practicable after passing the traffic-control
15 device; and

16 2. Without passing any other traffic proceeding in the same
17 direction.

18 E. No person shall remove, change, modify, deface or alter any
19 traffic-control device or barricade which has been erected on any
20 highway under the provisions of this ~~article~~ section.

21 F. Nothing in this ~~article~~ section shall relieve the state or
22 any of its subdivisions or their contractors, agents, servants or
23 employees from liability for failure to perform any of the duties
24 imposed herein.

1 G. ~~Any~~ Except as provided in subsection H of this section, any
2 person who violates any provision of this ~~article~~ section shall,
3 upon conviction, be guilty of a misdemeanor ~~and upon conviction~~
4 ~~thereof shall be subject to~~ punishable by a fine of not less than
5 One Hundred Dollars (\$100.00) nor more than One Thousand Dollars
6 (\$1,000.00) or imprisonment in the county jail not to exceed thirty
7 (30) days, or both such fine and imprisonment, and shall be liable
8 for any damage to property, or injury to or death to persons caused
9 by the violations. In addition, the court may order restitution in
10 an amount equal to the actual costs of the emergency response and
11 repair or replacement of any damaged or lost emergency equipment.

12 H. When any section of a highway, turnpike, county road or city
13 street has been closed to traffic due to flooding and traffic-
14 control devices or barricades have been erected, it shall be
15 unlawful for any person to tear down, damage or remove any traffic-
16 control devices or barricades or drive any vehicle through, under,
17 over or around the traffic-control devices or barricades, or
18 otherwise to enter the closed area. Any person who violates the
19 provisions of this subsection shall, upon conviction, be guilty of a
20 misdemeanor punishable by a fine of not less than One Thousand
21 Dollars (\$1,000.00). The person shall be guilty of a misdemeanor
22 punishable by a fine of not less than Two Thousand Five Hundred
23 Dollars (\$2,500.00) and imprisonment in the county jail for not more
24 than one (1) year if the operator of the motor vehicle was

1 transporting a person eighteen (18) years of age or younger at the
2 time of the violation.

3 Persons convicted pursuant to the provisions of this subsection
4 shall be ordered to pay restitution in an amount equal to the actual
5 costs of the emergency response and repair or replacement of any
6 damaged or lost emergency equipment. In addition, the person shall
7 be liable for any damage to property or injury or death to persons
8 caused by the violation.

9 SECTION 2. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 Passed the House of Representatives the 2nd day of March, 2016.

14
15 _____
16 Presiding Officer of the House
of Representatives

17 Passed the Senate the ___ day of _____, 2016.

18
19
20 _____
Presiding Officer of the Senate