

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3735

By: Dempsey

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8 COMMITTEE SUBSTITUTE

9 An Act relating to transportation; requiring
10 installation of pipe that meets certain standards;
11 amending 47 O.S. 2021, Section 11-1302, which relates
12 to maintenance and construction zones; requiring
13 certain installation and maintenance of business
14 access signs; requiring certain placement; requiring
15 installation at commencement of construction;
16 requiring certain inspection; and providing an
17 effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1914 of Title 69, unless there
21 is created a duplication in numbering, reads as follows:

22 All pipe used by the Oklahoma Department of Transportation or
23 the Oklahoma Turnpike Authority for underground water, drainage, and
24 sewer shall be installed to the National Standards for which the
National Standard for Polypropylene is ASTM D2321 and the National
Standard for Concrete Pipe is ASTM C1479.

1 SECTION 2. AMENDATORY 47 O.S. 2021, Section 11-1302, is
2 amended to read as follows:

3 Section 11-1302. A. The Oklahoma Department of Transportation,
4 Oklahoma Turnpike Authority and any county or city in this state are
5 hereby authorized to close any highway or section thereof, within
6 their respective jurisdiction, to traffic while the highway is
7 flooded or under repair, maintenance or construction and, in
8 exercising the authority, shall erect or cause to be erected
9 traffic-control devices and barricades to warn and notify the public
10 that the highway has been closed to traffic.

11 B. When any highway has been closed to traffic under the
12 provisions of subsection A of this section and traffic-control
13 devices or barricades have been erected, it shall be unlawful for
14 any person to drive any vehicle through, under, over, or around the
15 traffic-control devices or barricades, or otherwise to enter the
16 closed area. The provisions of this subsection shall not apply to
17 persons while engaged in the construction, maintenance and repair of
18 the highway or to persons entering therein for the protection of
19 lives or property; provided, that persons having their places of
20 residence or places of business within the closed area may travel,
21 when possible to do so, through the area at their own risk.

22 C. 1. Whenever construction, repair and maintenance of any
23 highway is being performed under traffic, the Oklahoma Turnpike
24 Authority, Department of Transportation, county or city having

1 jurisdiction over the highway shall erect, or cause to be erected,
2 traffic-control devices to warn and guide the public. Each person
3 using the highway shall obey all signs, signals, markings, flagmen
4 or other traffic-control devices which are placed to regulate,
5 control, and guide traffic through the construction or maintenance
6 area. As used in this subsection, "construction or maintenance
7 area" means any area upon or around any highway that is visibly
8 marked as an area where construction, repair, and maintenance is
9 temporarily occurring. The construction or maintenance area also
10 includes the lanes of highway leading up to the area upon which an
11 activity described in this section is being performed, beginning at
12 the point where properly posted traffic-control devices start to
13 warn and guide the public into and through the construction or
14 maintenance including, but not limited to, instructions to merge
15 from one lane into another lane, to reduce speed, or to follow
16 directions of flagmen.

17 2. Whenever construction, repair, and maintenance of any
18 highway is being performed under traffic, the Oklahoma Turnpike
19 Authority, Department of Transportation, county, or city having
20 jurisdiction over the highway shall, during the planning and
21 execution of construction projects that obstruct or limit access to
22 businesses, install and maintain clear and conspicuous business
23 access signs. Business access signs shall be strategically placed
24 to inform the public of the continued availability of access to

1 affected businesses. The signs shall be visible from the roadway
2 and designed to minimize confusion for motorists and pedestrians.
3 Business access signs shall be installed in advance of the
4 commencement of construction activities that may impact access to
5 businesses. In cases where construction activities are ongoing for
6 an extended period, the Department of Transportation shall regularly
7 inspect and, if necessary, update business access signs to ensure
8 accuracy and relevance.

9 D. The "Merge Now" traffic-control device that is used to warn
10 and guide the public using the highway to merge shall be located in
11 advance of the highway construction or maintenance area in
12 accordance with the standards set forth in the most current edition
13 of the Federal Highway Administration's Manual on Uniform Traffic
14 Control Devices. Whenever any traffic-control device requires
15 traffic to merge due to the closure of a section or lane of highway,
16 the merge shall be completed:

17 1. As soon as practicable after passing the traffic-control
18 device; and

19 2. Without passing any other traffic proceeding in the same
20 direction.

21 E. No person shall remove, change, modify, deface or alter any
22 traffic-control device or barricade which has been erected on any
23 highway under the provisions of this section.

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1 F. Nothing in this section shall relieve the state or any of
2 its subdivisions or their contractors, agents, servants or employees
3 from liability for failure to perform any of the duties imposed
4 herein.

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

16 H. When any section of a highway, turnpike, county road or city
17 street has been closed to traffic due to flooding that is ongoing
18 and traffic-control devices or barricades have been erected by law
19 enforcement or other government officials with authority over
20 traffic control, it shall be unlawful for any person to tear down,
21 damage or remove any traffic-control devices or barricades or drive
22 any vehicle through, under, over or around the traffic-control
23 devices or barricades, or otherwise to enter the closed area. Any
24 person who violates the provisions of this subsection shall, upon

1 conviction, be guilty of a misdemeanor punishable by a fine of not
2 less than One Hundred Dollars (\$100.00) nor more than One Thousand
3 Dollars (\$1,000.00). The person shall be guilty of a misdemeanor
4 punishable by a fine of not less than One Hundred Dollars (\$100.00)
5 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) and
6 imprisonment in the county jail for not more than one (1) year if
7 the operator of the motor vehicle was transporting a person eighteen
8 (18) years of age or younger at the time of the violation.

9 Persons convicted pursuant to the provisions of this subsection
10 shall be ordered to pay restitution in an amount equal to the actual
11 costs of the emergency response and repair or replacement of any
12 damaged or lost emergency equipment. In addition, the person shall
13 be liable for any damage to property or injury or death to persons
14 caused by the violation.

15 SECTION 3. This act shall become effective November 1, 2024.

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17 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/21/2024 -
18 DO PASS, As Amended.

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