An Act

ENROLLED HOUSE
BILL NO. 2249

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

and

Dossett and Pittman of the Senate

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

SUBJECT: Road maintenance and construction zones

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 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.

B. When any highway has been closed to traffic under the provisions of subsection A of this section and traffic-control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons while engaged in the construction, maintenance and repair of

the highway or to persons entering therein for the protection of lives or property; provided, that persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair and maintenance of any highway is being performed under traffic, the ~~governing body~~ Oklahoma Turnpike Authority, Department of Transportation, county or city having jurisdiction over the highway shall erect, or cause to be erected, traffic-control devices to warn and guide the public. Each person using the highway shall obey all signs, signals, markings, flagmen or other traffic-control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area. As used in this subsection, "construction or maintenance area" means any area upon or around any highway that is visibly marked as an area where construction, repair, and maintenance is temporarily occurring. The construction or maintenance area also includes the lanes of highway leading up to the area upon which an activity described in this section is being performed, beginning at the point where properly posted traffic-control devices start to warn and guide the public into and through the construction or maintenance including, but not limited to, instructions to merge from one lane into another lane, to reduce speed, or to follow directions of flagmen.

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

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

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

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

F. Nothing in this ~~article~~ section shall relieve the state or any of its subdivisions or their contractors, agents, servants or

employees from liability for failure to perform any of the duties imposed herein.

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

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

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

SECTION 2. 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 18th day of May, 2016.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of May, 2016.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 25th
day of May, 2016, at 11:40 o'clock A M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th
day of June, 2016, at 3:25 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th
day of June, 2016, at 4:53 o'clock P. M.
By: Chris Benge