

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1012

By: Maddux (Elmer)

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 1753.8 and 1753.9, which relate to road signs or markers; amending 47 O.S. 1991, Section 11-207, which relates to interference with official traffic-control devices or railroad signs or signals; amending 69 O.S. 1991, Section 1213, which relates to obstructing or damaging roads, road signs or traffic-control devices; modifying penalties if removal or damage of certain signs, signals or devices results in personal injury or death; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1753.8, is amended to read as follows:

Section 1753.8 A. Any person who defaces, steals or possesses any road sign or marker posted by any city, state or county shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a term of not more than thirty (30) days, or by both such fine and imprisonment.

B. If a violation of subsection A of this section results in injury to or death of any person, the person committing the violation shall, upon conviction, be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1753.9, is amended to read as follows:

Section 1753.9 A. Within the first ninety (90) days after the effective date of this act, every person possessing any city, state or county road sign or marker may return it to the county sheriff of the residency of the person without penalty of law, provided the provisions of this subsection shall not apply to any person who removed the sign or marker if the removal of the sign or marker resulted in death or personal injury.

B. The sheriff shall hold any returned city, state or county road sign or marker and shall notify the Department of Transportation that such signs or markers have been returned. The Department shall have the authority to promulgate any necessary rules and regulations concerning the disposition of the returned signs or markers, which shall include written permission to keep old and nonuseable signs.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 11-207, is amended to read as follows:

Section 11-207. A. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

B. If a violation of subsection A of this section results in injury to or death of any person, the person committing the violation shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

SECTION 4. AMENDATORY 69 O.S. 1991, Section 1213, is amended to read as follows:

Section 1213. (a) Any person or persons who shall willfully or knowingly obstruct or damage any public road or highway by obstructing the side or cross drain or ditches thereof, or by turning water upon such road or highway or right-of-way, or by

throwing or depositing brush, trees, stumps, logs, or any refuse or debris whatsoever in the road or highway, or on the sides or in the ditches thereof, or by fencing across or upon the right-of-way of the same, or by planting any hedge within the lines established for such road or highway, or by changing the location thereof, or shall obstruct said road, highway or drains in any other manner whatsoever, or, except as provided in subsection (b) of this section, any person or persons who shall willfully or knowingly deface, damage, destroy or remove any traffic-control device, road sign, signboard, guide sign or signpost shall be deemed guilty of a misdemeanor.

(b) If any person or persons willfully or knowingly defaces, damages, destroys or removes any traffic-control device, road sign, signboard, guide sign or signpost and such action results in injury to or death of any person, the person or persons responsible for such action shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

(c) The governing body who finds any road or highway obstructed as above specified shall notify the person violating the provisions of this section, verbally or in writing, to remove such obstruction forthwith, and if such person does not remove the obstruction within ten (10) days after being notified, he shall pay the sum of Five Dollars (\$5.00) for each and every day after the tenth day such obstruction is maintained or permitted to remain, such fine to be recovered by suit brought by the governing body in any court of competent jurisdiction.

SECTION 5. 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.

