

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2675

By: Davis

AS INTRODUCED

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Section 1210, which relates to construction and maintenance of certain items on right-of-way; requiring the State Highway Commission to construct and maintain fences and fences to stock-passes on certain highway rights-of-way; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 69 O.S. 2001, Section 1210, is amended to read as follows:

Section 1210. A. Sections 1208 through 1211 of this title shall not prevent the construction or maintenance of any culvert or driveway as a means of ingress and egress to private property, or prevent the placing of mailboxes or fences to stock-passes on any highway right-of-way. The Commission may regulate the construction and maintenance of such culverts, driveways, fences to stock-passes, and mailboxes with due regard to the safety of the traveling public and proper maintenance of the highway. No culvert, driveway, fence to stock-pass, or mailbox shall be constructed or maintained on the right-of-way of any designated state or federal highway by any person without the approval of the Commission, and the Commission may remove without notice any such culvert, driveway, fence to stock-pass, or mailbox constructed or maintained without first obtaining such approval when in its judgment such culvert, driveway, fence to stock-pass, or mailbox is dangerous to the traveling public or interferes with proper drainage or maintenance of the highway.

B. The Commission shall construct and maintain all fences and fences to stock-passes on property adjacent to and abutting any designated federal highway right-of-way in this state. Fences constructed shall conform to appropriate standards adequate to contain livestock. The Commission shall have no duty to construct such fences where the duty to fence by another entity or political subdivision already exists.

SECTION 2. This act shall become effective July 1, 2002.

SECTION 3. 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.

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