

ENROLLED HOUSE
BILL NO. 2159

By: Pettigrew, Miller (Ray) and
Roan of the House

and

Milacek of the Senate

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 11-1302, which relates to maintenance, construction, and safety zones; defining term; requiring certain placement of traffic-control device; requiring merge within certain distance of traffic-control device; modifying penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-1302, is amended to read as follows:

Section 11-1302. ~~(a)~~ A. The state through the Department of Highways 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 such highway is under repair, maintenance or construction and, in exercising such authority, shall erect or cause to be erected control devices and barricades to warn and notify the public that said highway has been closed to traffic.

~~(b)~~ B. When any highway has been closed to traffic under the provisions of ~~paragraph (a)~~ 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 such traffic-control devices or barricades, or otherwise to enter said closed area; except, that the provisions of this paragraph shall not apply to persons while engaged in the construction, maintenance and repair of said 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 such closed area may travel, when possible to do so, through such area at their own risk.

~~(c)~~ C. Whenever construction, repair and maintenance of any highway is being performed under traffic, the governing body having jurisdiction over said highway shall erect, or cause to be erected, traffic-control devices to warn and guide the public, and every person using such 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 appropriate signs directing motor vehicles to merge from one lane into another lane are posted.

D. A 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 within one thousand five hundred (1,500) feet of the traffic-control device.

~~(d)~~ 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.

~~(e)~~ F. Nothing in this article 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.

~~(f)~~ G. Any person who violates any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine ~~not to exceed~~ of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) ~~and~~ 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 such violations.

SECTION 2. This act shall become effective November 1, 2004.

Passed the House of Representatives the 3rd day of May, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 21st day of April, 2004.

Presiding Officer of the Senate