

An Act

ENROLLED HOUSE
BILL NO. 1232

By: Sherrer of the House

and

Burrage and Allen of the
Senate

An Act relating to highways and bridges; amending 47 O.S. 2001, Section 11-1302, as last amended by Section 1, Chapter 59, O.S.L. 2007 (47 O.S. Supp. 2010, Section 11-1302), which relates to temporary highway closings; authorizing closing based on flooding; allowing courts to order restitution reimbursing emergency responders; providing that environmental studies are not required prior to replacement of existing county bridge; providing for codification; and declaring an emergency.

SUBJECT: Maintenance and construction of highways and bridges

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-1302, as last amended by Section 1, Chapter 59, O.S.L. 2007 (47 O.S. Supp. 2010, Section 11-1302), is amended to read as follows:

Section 11-1302. A. The Department of Transportation 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 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.

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.

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 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.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 663 of Title 69, unless there is created a duplication in numbering, reads as follows:

Environmental studies as otherwise required by state or federal law shall not be required prior to the replacement of any existing county bridge.

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.

Passed the House of Representatives the 11th day of May, 2011.

Presiding Officer of the House of
Representatives

Passed the Senate the 27th day of April, 2011.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this _____
day of _____, 20____,
at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma the _____ day of
_____, 20____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
_____ day of _____, 20____,
at _____ o'clock _____ M.

By: _____