

1 highway is flooded or under repair, maintenance or construction and,
2 in exercising the authority, shall erect or cause to be erected
3 traffic-control devices and barricades to warn and notify the public
4 that the highway has been closed to traffic.

5 B. When any highway has been closed to traffic under the
6 provisions of subsection A of this section and traffic-control
7 devices or barricades have been erected, it shall be unlawful for
8 any person to drive any vehicle through, under, over, or around the
9 traffic-control devices or barricades, or otherwise to enter the
10 closed area. The provisions of this subsection shall not apply to
11 persons while engaged in the construction, maintenance and repair of
12 the highway or to persons entering therein for the protection of
13 lives or property; provided, that persons having their places of
14 residence or places of business within the closed area may travel,
15 when possible to do so, through the area at their own risk.

16 C. Whenever construction, repair and maintenance of any highway
17 is being performed under traffic, the governing body having
18 jurisdiction over the highway shall erect, or cause to be erected,
19 traffic-control devices to warn and guide the public. Each person
20 using the highway shall obey all signs, signals, markings, flagmen
21 or other traffic-control devices which are placed to regulate,
22 control, and guide traffic through the construction or maintenance
23 area. As used in this subsection, "construction or maintenance
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1 area" means any area upon or around any highway that is visibly
2 marked as an area where construction, repair, and maintenance is
3 temporarily occurring. The construction or maintenance area also
4 includes the lanes of highway leading up to the area upon which an
5 activity described in this section is being performed, beginning at
6 the point where properly posted traffic-control devices start to
7 warn and guide the public into and through the construction or
8 maintenance including, but not limited to, instructions to merge
9 from one lane into another lane, to reduce speed, or to follow
10 directions of flagmen.

11 D. The "Merge Now" traffic-control device that is used to warn
12 and guide the public using the highway to merge, shall be located no
13 greater than one (1) mile nor less than one thousand five hundred
14 (1,500) feet in advance of the highway construction or maintenance
15 area. Whenever any traffic-control device requires traffic to merge
16 due to the closure of a section or lane of highway, the merge shall
17 be completed:

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

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

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

4 F. Nothing in this article shall relieve the state or any of
5 its subdivisions or their contractors, agents, servants or employees
6 from liability for failure to perform any of the duties imposed
7 herein.

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

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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23 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02-22-2011 -
24 DO PASS, As Coauthored.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.