

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2249

By: Renegar

4  
5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2011, Section 11-1302, which relates to maintenance  
and construction zones; making certain acts unlawful;  
9 providing penalties; and providing an effective date.

10  
11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-1302, is  
14 amended to read as follows:

15 Section 11-1302. A. The Department of Transportation and any  
16 county or city in this state through their respective governing  
17 bodies are hereby authorized to close any highway or section  
18 thereof, within their respective jurisdiction, to traffic while the  
19 highway is flooded or under repair, maintenance or construction and,  
20 in exercising the authority, shall erect or cause to be erected  
21 traffic-control devices and barricades to warn and notify the public  
22 that the highway has been closed to traffic.

23 B. When any highway has been closed to traffic under the  
24 provisions of subsection A of this section and traffic-control

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

10 C. Whenever construction, repair and maintenance of any highway  
11 is being performed under traffic, the governing body having  
12 jurisdiction over the highway shall erect, or cause to be erected,  
13 traffic-control devices to warn and guide the public. Each person  
14 using the highway shall obey all signs, signals, markings, flagmen  
15 or other traffic-control devices which are placed to regulate,  
16 control, and guide traffic through the construction or maintenance  
17 area. As used in this subsection, "construction or maintenance  
18 area" means any area upon or around any highway that is visibly  
19 marked as an area where construction, repair, and maintenance is  
20 temporarily occurring. The construction or maintenance area also  
21 includes the lanes of highway leading up to the area upon which an  
22 activity described in this section is being performed, beginning at  
23 the point where properly posted traffic-control devices start to  
24 warn and guide the public into and through the construction or

1 maintenance including, but not limited to, instructions to merge  
2 from one lane into another lane, to reduce speed, or to follow  
3 directions of flagmen.

4 D. The "Merge Now" traffic-control device that is used to warn  
5 and guide the public using the highway to merge, shall be located no  
6 greater than one (1) mile nor less than one thousand five hundred  
7 (1,500) feet in advance of the highway construction or maintenance  
8 area. Whenever any traffic-control device requires traffic to merge  
9 due to the closure of a section or lane of highway, the merge shall  
10 be completed:

11 1. As soon as practicable after passing the traffic-control  
12 device; and

13 2. Without passing any other traffic proceeding in the same  
14 direction.

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

18 F. Nothing in this article shall relieve the state or any of  
19 its subdivisions or their contractors, agents, servants or employees  
20 from liability for failure to perform any of the duties imposed  
21 herein.

22 G. ~~Any~~ Except as provided in subsection H of this section, any  
23 person who violates any provision of this article shall be guilty of  
24 a misdemeanor and upon conviction thereof shall be subject to a fine

1 of not less than One Hundred Dollars (\$100.00) nor more than One  
2 Thousand Dollars (\$1,000.00) or imprisonment in the county jail not  
3 to exceed thirty (30) days, or both such fine and imprisonment, and  
4 shall be liable for any damage to property, or injury to or death to  
5 persons caused by the violations. In addition, the court may order  
6 restitution in an amount equal to the actual costs of the emergency  
7 response and repair or replacement of any damaged or lost emergency  
8 equipment.

9 H. When any highway or county road has been closed to traffic  
10 due to flooding and traffic-control devices or barricades have been  
11 erected, it shall be unlawful for any person to tear down, damage or  
12 remove any traffic-control devices or barricades or drive any  
13 vehicle through, under, over or around the traffic-control devices  
14 or barricades, or otherwise to enter the closed area. Any person  
15 who violates the provisions of this subsection shall, upon  
16 conviction, be guilty of a misdemeanor punishable by a fine of not  
17 less than One Thousand Dollars (\$1,000.00). The person shall be  
18 guilty of a misdemeanor punishable by a fine of not less than Two  
19 Thousand Five Hundred Dollars (\$2,500.00) and imprisonment in the  
20 county jail for not more than one (1) year if the operator of the  
21 vehicle was transporting a person eighteen (18) years of age or  
22 younger at the time of the violation.

23 Persons convicted pursuant to the provisions of this subsection  
24 shall be ordered to pay restitution in an amount equal to the actual

1 costs of the emergency response and repair or replacement of any  
2 damaged or lost emergency equipment. In addition, the person shall  
3 be liable for any damage to property or injury or death to persons  
4 caused by the violation.

5 SECTION 2. This act shall become effective November 1, 2016.

6  
7 55-2-7553 GRS 12/30/15  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24