

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 2650

By: Vaughan

6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 11-1302, as amended by Section 1,
Chapter 344, O.S.L. 2016 (47 O.S. Supp. 2017, Section
9 11-1302), which relates to maintenance and
10 construction zones; modifying standards related to
Merge Now traffic-control devices; and providing an
effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-1302, as
15 amended by Section 1, Chapter 344, O.S.L. 2016 (47 O.S. Supp. 2017,
16 Section 11-1302), is amended to read as follows:

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

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

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

1 described in this section is being performed, beginning at the point
2 where properly posted traffic-control devices start to warn and
3 guide the public into and through the construction or maintenance
4 including, but not limited to, instructions to merge from one lane
5 into another lane, to reduce speed, or to follow directions of
6 flagmen.

7 D. The "Merge Now" traffic-control device that is used to warn
8 and guide the public using the highway to merge, shall be located ~~no~~
9 ~~greater than one (1) mile nor less than one thousand five hundred~~
10 ~~(1,500) feet~~ in advance of the highway construction or maintenance
11 area in accordance with the standards set forth in the most current
12 edition of the Federal Highway Administration's Manual on Uniform
13 Traffic Control Devices. Whenever any traffic-control device
14 requires traffic to merge due to the closure of a section or lane of
15 highway, the merge shall be completed:

16 1. As soon as practicable after passing the traffic-control
17 device; and

18 2. Without passing any other traffic proceeding in the same
19 direction.

20 E. No person shall remove, change, modify, deface or alter any
21 traffic-control device or barricade which has been erected on any
22 highway under the provisions of this section.

23 F. Nothing in this section shall relieve the state or any of
24 its subdivisions or their contractors, agents, servants or employees

1 from liability for failure to perform any of the duties imposed
2 herein.

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

14 H. When any section of a highway, turnpike, county road or city
15 street has been closed to traffic due to flooding that is ongoing
16 and traffic-control devices or barricades have been erected by law
17 enforcement or other government officials with authority over
18 traffic control, it shall be unlawful for any person to tear down,
19 damage or remove any traffic-control devices or barricades or drive
20 any vehicle through, under, over or around the traffic-control
21 devices or barricades, or otherwise to enter the closed area. Any
22 person who violates the provisions of this subsection shall, upon
23 conviction, be guilty of a misdemeanor punishable by a fine of not
24 less than One Hundred Dollars (\$100.00) nor more than One Thousand

1 Dollars (\$1,000.00). The person shall be guilty of a misdemeanor
2 punishable by a fine of not less than One Hundred Dollars (\$100.00)
3 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) and
4 imprisonment in the county jail for not more than one (1) year if
5 the operator of the motor vehicle was transporting a person eighteen
6 (18) years of age or younger at the time of the violation.

7 Persons convicted pursuant to the provisions of this subsection
8 shall be ordered to pay restitution in an amount equal to the actual
9 costs of the emergency response and repair or replacement of any
10 damaged or lost emergency equipment. In addition, the person shall
11 be liable for any damage to property or injury or death to persons
12 caused by the violation.

13 SECTION 2. This act shall become effective November 1, 2018.
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15 56-2-8802 JM 12/27/17
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