

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3735 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Eddy Dempsey

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3735

By: Dempsey

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to transportation; requiring installation of pipe that meets certain standards; amending 47 O.S. 2021, Section 11-1302, which relates to maintenance and construction zones; requiring certain installation and maintenance of business access signs; requiring certain placement; requiring installation at commencement of construction; requiring certain inspection; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1914 of Title 69, unless there is created a duplication in numbering, reads as follows:

All pipe used by the Oklahoma Department of Transportation or the Oklahoma Turnpike Authority for underground water, drainage, and sewer shall be installed to the National Standards for which the

1 National Standard for Polypropylene is ASTM D2321 and the National
2 Standard for Concrete Pipe is ASTM C1479.

3 SECTION 2. AMENDATORY 47 O.S. 2021, Section 11-1302, is
4 amended to read as follows:

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

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

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

20 2. Whenever construction, repair, and maintenance of any
21 highway is being performed under traffic, the Oklahoma Turnpike
22 Authority, Department of Transportation, county, or city having
23 jurisdiction over the highway shall, during the planning and
24 execution of construction projects that obstruct or limit access to

1 businesses, install and maintain clear and conspicuous business
2 access signs. Business access signs shall be strategically placed
3 to inform the public of the continued availability of access to
4 affected businesses. The signs shall be visible from the roadway
5 and designed to minimize confusion for motorists and pedestrians.
6 Business access signs shall be installed in advance of the
7 commencement of construction activities that may impact access to
8 businesses. In cases where construction activities are ongoing for
9 an extended period, the Department of Transportation shall regularly
10 inspect and, if necessary, update business access signs to ensure
11 accuracy and relevance.

12 D. The "Merge Now" traffic-control device that is used to warn
13 and guide the public using the highway to merge shall be located in
14 advance of the highway construction or maintenance area in
15 accordance with the standards set forth in the most current edition
16 of the Federal Highway Administration's Manual on Uniform Traffic
17 Control Devices. Whenever any traffic-control device requires
18 traffic to merge due to the closure of a section or lane of highway,
19 the merge shall be completed:

20 1. As soon as practicable after passing the traffic-control
21 device; and

22 2. Without passing any other traffic proceeding in the same
23 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 section.

4 F. Nothing in this section 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. Except as provided in subsection H of this section, any
9 person who violates any provision of this section shall, upon
10 conviction, be guilty of a misdemeanor punishable by a fine of not
11 less than One Hundred Dollars (\$100.00) nor more than One Thousand
12 Dollars (\$1,000.00) or imprisonment in the county jail not to exceed
13 thirty (30) days, or both such fine and imprisonment, and shall be
14 liable for any damage to property, or injury to or death to persons
15 caused by the violations. In addition, the court may order
16 restitution in an amount equal to the actual costs of the emergency
17 response and repair or replacement of any damaged or lost emergency
18 equipment.

19 H. When any section of a highway, turnpike, county road or city
20 street has been closed to traffic due to flooding that is ongoing
21 and traffic-control devices or barricades have been erected by law
22 enforcement or other government officials with authority over
23 traffic control, it shall be unlawful for any person to tear down,
24 damage or remove any traffic-control devices or barricades or drive

1 any vehicle through, under, over or around the traffic-control
2 devices or barricades, or otherwise to enter the closed area. Any
3 person who violates the provisions of this subsection shall, upon
4 conviction, be guilty of a misdemeanor punishable by a fine of not
5 less than One Hundred Dollars (\$100.00) nor more than One Thousand
6 Dollars (\$1,000.00). The person shall be guilty of a misdemeanor
7 punishable by a fine of not less than One Hundred Dollars (\$100.00)
8 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) and
9 imprisonment in the county jail for not more than one (1) year if
10 the operator of the motor vehicle was transporting a person eighteen
11 (18) years of age or younger at the time of the violation.

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

18 SECTION 3. This act shall become effective November 1, 2024.

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