

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3735

By: Dempsey

AS INTRODUCED

An Act relating to transportation; 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. AMENDATORY 47 O.S. 2021, Section 11-1302, is amended to read as follows:

Section 11-1302. A. The Department of Transportation, Oklahoma Turnpike Authority and any county or city in this state 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

1 devices and barricades to warn and notify the public that the  
2 highway has been closed to traffic.

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

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

9 2. Whenever construction, repair and maintenance of any highway  
10 is being performed under traffic, the Oklahoma Turnpike Authority,  
11 Department of Transportation, county or city having jurisdiction  
12 over the highway shall, during the planning and execution of  
13 construction projects that obstruct or limit access to businesses,  
14 install and maintain clear and conspicuous business access signs.  
15 Business access signs shall be strategically placed to inform the  
16 public of the continued availability of access to affected  
17 businesses. The signs shall be visible from the roadway and  
18 designed to minimize confusion for motorists and pedestrians.  
19 Business access signs shall be installed in advance of the  
20 commencement of construction activities that may impact access to  
21 businesses. In cases where construction activities are ongoing for  
22 an extended period, the Department of Transportation shall regularly  
23 inspect and, if necessary, update business access signs to ensure  
24 accuracy and relevance.  
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1 D. The "Merge Now" traffic-control device that is used to warn  
2 and guide the public using the highway to merge shall be located in  
3 advance of the highway construction or maintenance area in  
4 accordance with the standards set forth in the most current edition  
5 of the Federal Highway Administration's Manual on Uniform Traffic  
6 Control Devices. Whenever any traffic-control device requires  
7 traffic to merge due to the closure of a section or lane of highway,  
8 the merge shall be completed:

9 1. As soon as practicable after passing the traffic-control  
10 device; and

11 2. Without passing any other traffic proceeding in the same  
12 direction.

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

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

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

7 H. When any section of a highway, turnpike, county road or city  
8 street has been closed to traffic due to flooding that is ongoing  
9 and traffic-control devices or barricades have been erected by law  
10 enforcement or other government officials with authority over  
11 traffic control, it shall be unlawful for any person to tear down,  
12 damage or remove any traffic-control devices or barricades or drive  
13 any vehicle through, under, over or around the traffic-control  
14 devices or barricades, or otherwise to enter the closed area. Any  
15 person 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 Hundred Dollars (\$100.00) nor more than One Thousand  
18 Dollars (\$1,000.00). The person shall be guilty of a misdemeanor  
19 punishable by a fine of not less than One Hundred Dollars (\$100.00)  
20 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) and  
21 imprisonment in the county jail for not more than one (1) year if  
22 the operator of the motor vehicle was transporting a person eighteen  
23 (18) years of age or younger at the time of the violation.

1       Persons convicted pursuant to the provisions of this subsection  
2 shall be ordered to pay restitution in an amount equal to the actual  
3 costs of the emergency response and repair or replacement of any  
4 damaged or lost emergency equipment. In addition, the person shall  
5 be liable for any damage to property or injury or death to persons  
6 caused by the violation.

7       SECTION 2. This act shall become effective November 1, 2024.

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9       59-2-9514       JBH       01/02/24

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