

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1587

By: Grego and **Hardin** of the
House

and

Burns of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; amending 47 O.S.
12 2021, Section 11-1302, which relates to maintenance
13 or construction zones; disallowing the use of certain
14 traffic-control devices; requiring certain traffic-
15 control devices be powered-off and covered; requiring
16 use of certain traffic-control devices; creating
17 certain exception; and providing an effective date.

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

19 SECTION 1. AMENDATORY 47 O.S. 2021, Section 11-1302, is
20 amended to read as follows:

21 A. The Department of Transportation, Oklahoma Turnpike
22 Authority and any county or city in this state are hereby authorized
23 to close any highway or section thereof, within their respective
24 jurisdiction, to traffic while the highway is flooded or under
repair, maintenance or construction and, in exercising the

1 authority, shall erect or cause to be erected traffic-control
2 devices and barricades to warn and notify the public that the
3 highway has been closed to traffic.

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

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

1 where construction, repair, and maintenance is temporarily
2 occurring. The construction or maintenance area also includes the
3 lanes of highway leading up to the area upon which an activity
4 described in this section is being performed, beginning at the point
5 where properly posted traffic-control devices start to warn and
6 guide the public into and through the construction or maintenance
7 including, but not limited to, instructions to merge from one lane
8 into another lane, to reduce speed, or to follow directions of
9 flagmen.

10 D. Barrel or center of intersection stop signs shall not be
11 used at intersections with powered-on lighted traffic-control
12 signals exhibiting different colored lights or colored arrows.
13 Lighted traffic-control devices shall be powered-off and covered
14 when other means of traffic-control signals are meant to supersede
15 the lights. Temporary or permanent stop signs that are clearly
16 visible shall be used at the stopping point for each lane of travel
17 at such intersections. Construction areas shall contain signs
18 leading to intersections that warn motorists that another means of
19 traffic-control device is in use that supersedes the lighted
20 traffic-control devices. The usage of temporary stop signs shall be
21 regulated under this subsection.

22 E. The "Merge Now" traffic-control device that is used to warn
23 and guide the public using the highway to merge shall be located in
24 advance of the highway construction or maintenance area in

1 accordance with the standards set forth in the most current edition
2 of the Federal Highway Administration's Manual on Uniform Traffic
3 Control Devices. Whenever any traffic-control device requires
4 traffic to merge due to the closure of a section or lane of highway,
5 the merge shall be completed:

6 1. As soon as practicable after passing the traffic-control
7 device; and

8 2. Without passing any other traffic proceeding in the same
9 direction.

10 ~~F.~~ F. No person shall remove, change, modify, deface or alter
11 any traffic-control device or barricade which has been erected on
12 any highway under the provisions of this section.

13 ~~F.~~ G. Nothing in this section shall relieve the state or any of
14 its subdivisions or their contractors, agents, servants or employees
15 from liability for failure to perform any of the duties imposed
16 herein.

17 ~~G.~~ H. Except as provided in subsection ~~H.~~ I. of this section, any
18 person who violates any provision of this section shall, upon
19 conviction, be guilty of a misdemeanor punishable by a fine of not
20 less than One Hundred Dollars (\$100.00) nor more than One Thousand
21 Dollars (\$1,000.00) or imprisonment in the county jail not to exceed
22 thirty (30) days, or by both such fine and imprisonment, and shall
23 be liable for any damage to property, or injury to or death to
24 persons caused by the violations. In addition, the court may order

1 restitution in an amount equal to the actual costs of the emergency
2 response and repair or replacement of any damaged or lost emergency
3 equipment.

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

21 Persons convicted pursuant to the provisions of this subsection
22 shall be ordered to pay restitution in an amount equal to the actual
23 costs of the emergency response and repair or replacement of any
24 damaged or lost emergency equipment. In addition, the person shall

1 be liable for any damage to property or injury or death to persons
2 caused by the violation.

3 SECTION 2. This act shall become effective November 1, 2023.
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5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/08/2023 -
6 DO PASS, As Amended and Coauthored.
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