

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1587

By: Grego

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6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2021, Section 11-1302, which relates to maintenance
9 or construction zones; disallowing the use of certain
10 traffic-control devices; requiring certain traffic-
control devices be powered-off; requiring use of
certain traffic-control devices; creating certain
exception; and providing an effective date.

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

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

17 A. The Department of Transportation, Oklahoma Turnpike
18 Authority and any county or city in this state are hereby authorized
19 to close any highway or section thereof, within their respective
20 jurisdiction, to traffic while the highway is flooded or under
21 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. Barrel or center of intersection stop signs shall not be
8 used at intersections with powered-on lighted traffic-control
9 signals exhibiting different colored lights or colored arrows.
10 Lighted traffic-control devices shall be powered-off when other
11 means of traffic-control signals are meant to supersede the lights.
12 Temporary or permanent stop signs that are clearly visible shall be
13 used at the stopping point for each lane of travel at such
14 intersections. Construction areas shall contain signs leading to
15 intersections that warn motorists that another means of traffic-
16 control device is in use that supersedes the lighted traffic-control
17 devices. The usage of temporary stop signs shall be regulated under
18 this subsection.

19 E. The "Merge Now" traffic-control device that is used to warn
20 and guide the public using the highway to merge shall be located in
21 advance of the highway construction or maintenance area in
22 accordance with the standards set forth in the most current edition
23 of the Federal Highway Administration's Manual on Uniform Traffic
24 Control Devices. Whenever any traffic-control device requires

1 traffic to merge due to the closure of a section or lane of highway,
2 the merge shall be completed:

3 1. As soon as practicable after passing the traffic-control
4 device; and

5 2. Without passing any other traffic proceeding in the same
6 direction.

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

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

14 ~~G.~~ H. Except as provided in subsection ~~H.~~ I. of this section, any
15 person who violates any provision of this section 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) or imprisonment in the county jail not to exceed
19 thirty (30) days, or by both such fine and imprisonment, and shall
20 be liable for any damage to property, or injury to or death to
21 persons caused by the violations. In addition, the court may order
22 restitution in an amount equal to the actual costs of the emergency
23 response and repair or replacement of any damaged or lost emergency
24 equipment.

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

18 Persons convicted pursuant to the provisions of this subsection
19 shall be ordered to pay restitution in an amount equal to the actual
20 costs of the emergency response and repair or replacement of any
21 damaged or lost emergency equipment. In addition, the person shall
22 be liable for any damage to property or injury or death to persons
23 caused by the violation.

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SECTION 2. This act shall become effective November 1, 2023.

59-1-5076 JBH 01/13/22