

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1445

By: Wingard

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2021, Section 11-1302, which relates to flooded highways or maintenance and construction zones; modifying provisions of certain offense that results in death; making language gender neutral; 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 devices and barricades to warn and notify the public that the 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
8 of 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
13 highway is being performed under traffic, the Oklahoma Turnpike
14 Authority, Department of Transportation, county, or city having
15 jurisdiction over the highway shall erect, or cause to be erected,
16 traffic-control devices to warn and guide the public. Each person
17 using the highway shall obey all signs, signals, markings, ~~flagmen~~
18 flagpersons, or other traffic-control devices which are placed to
19 regulate, control, and guide traffic through the construction or
20 maintenance area. As used in this subsection, "construction or
21 maintenance area" means any area upon or around any highway that is
22 visibly marked as an area where construction, repair, and
23 maintenance is temporarily occurring. The construction or
24 maintenance area also includes the lanes of highway leading up to

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

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 in
9 advance of the highway construction or maintenance area in
10 accordance with the standards set forth in the most current edition
11 of the Federal Highway Administration's Manual on Uniform Traffic
12 Control Devices. Whenever any traffic-control device requires
13 traffic to merge due to the closure of a section or lane of highway,
14 the merge shall be completed:

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

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

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

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

1 employees from liability for failure to perform any of the duties
2 imposed 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 by imprisonment in the county jail not to
8 exceed thirty (30) days, or by both such fine and imprisonment, and
9 shall be liable for any damage to property, or injury to or death to
10 persons 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. 1. When any section of a highway, turnpike, county road, or
15 city street has been closed to traffic due to flooding that is
16 ongoing and traffic-control devices or barricades have been erected
17 by law 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 2. Any person who violates the provisions of paragraph 1 of
8 this subsection that results in the death of:

- 9 a. a person eighteen (18) years of age or younger shall,
10 upon conviction, be guilty of manslaughter in the
11 first degree, a Class A2 felony, punishable as
12 provided for in Section 715 of Title 21 of the
13 Oklahoma Statutes, or
14 b. a person older than eighteen (18) years of age shall,
15 upon conviction, be guilty of manslaughter in the
16 second degree, a Class B5 felony, punishable as
17 provided for in Section 722 of Title 21 of the
18 Oklahoma Statutes.

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

SECTION 2. This act shall become effective November 1, 2026.

60-2-2432 CN 1/8/2026 9:57:15 AM