

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1610

By: Frix

AS INTRODUCED

An Act relating to transportation; creating the Oklahoma Work Zone Safety and Contractor Protection Act; providing short title; providing legislative findings; amending 51 O.S. 2021, Section 152, as last amended by Section 1, Chapter 314, O.S.L. 2025 (51 O.S. Supp. 2025, Section 152), which relates to definitions; defining certain persons as employees for certain purpose; updating statutory language; defining terms; directing the Department of Transportation to establish certain program; establishing penalties for certain violations; providing for the distribution of certain monies; allowing for certain written warning in certain time period; allowing certain persons to utilize certain lamps; allowing for certain detour of traffic onto certain roads; granting certain persons certain immunity from liability; providing for ineligibility of certain persons to recover certain damages; construing certain provision; granting certain immunity for certain persons who comply with certain plan; designating certain persons as certain employees; providing for certain liability limitations for certain persons; construing provisions; creating the Work Zone Safety Revolving Fund; providing for noncodification; providing for codification; providing an effective date; and declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law not to be
3 codified in the Oklahoma Statutes reads as follows:

4 Sections 3 through 12 of this act shall be known and may be
5 cited as the "Oklahoma Work Zone Safety and Contractor Protection
6 Act".

7 SECTION 2. NEW LAW A new section of law not to be
8 codified in the Oklahoma Statutes reads as follows:

9 The Legislature finds that:

10 1. Oklahoma workers face increasing risks in roadway work zones
11 due to distracted and speeding motorists;

12 2. Automated enforcement technology is a proven method to
13 reduce work zone crashes and fatalities;

14 3. Contractors and subcontractors who establish work zones in
15 compliance with the Manual on Uniform Traffic Control Devices and
16 United States Department of Transportation standards should not be
17 subjected to excessive liability for crashes caused by third-party
18 motorists; and

19 4. The interests of public safety and economic fairness require
20 a balance of strong worker protections, effective automated
21 enforcement, and reasonable liability standards.

22 SECTION 3. AMENDATORY 51 O.S. 2021, Section 152, as last
23 amended by Section 1, Chapter 314, O.S.L. 2025 (51 O.S. Supp. 2025,
24 Section 152), is amended to read as follows:

1 Section 152. As used in The Governmental Tort Claims Act:

2 1. "Action" means a proceeding in a court of competent
3 jurisdiction by which one party brings a suit against another;

4 2. "Agency" means any board, commission, committee, department
5 or other instrumentality or entity designated to act in behalf of
6 the state or a political subdivision;

7 3. "Charitable health care provider" means a person who is
8 licensed, certified, or otherwise authorized by the laws of this
9 state to administer health care in the ordinary course of business
10 or the practice of a profession and who provides care to a medically
11 indigent person, as defined in paragraph 9 of this section, with no
12 expectation of or acceptance of compensation of any kind;

13 4. "Claim" means any written demand presented by a claimant or
14 the claimant's authorized representative in accordance with The
15 Governmental Tort Claims Act to recover money from the state or
16 political subdivision as compensation for an act or omission of a
17 political subdivision or the state or an employee;

18 5. "Claimant" means the person or the person's authorized
19 representative who files notice of a claim in accordance with The
20 Governmental Tort Claims Act. Only the following persons and no
21 others may be claimants:

- 22 a. any person holding an interest in real or personal
23 property which suffers a loss, provided that the claim
24 of the person shall be aggregated with claims of all
25

1 other persons holding an interest in the property and
2 the claims of all other persons which are derivative
3 of the loss, and that multiple claimants shall be
4 considered a single claimant,

- 5 b. the individual actually involved in the accident or
6 occurrence who suffers a loss, provided that the
7 individual shall aggregate in the claim the losses of
8 all other persons which are derivative of the loss, or
9 c. in the case of death, an administrator, special
10 administrator or a personal representative who shall
11 aggregate in the claim all losses of all persons which
12 are derivative of the death;

13 6. "Community health care provider" means:

- 14 a. a health care provider who volunteers services at a
15 community health center that has been deemed by the
16 ~~U.S.~~ United States Department of Health and Human
17 Services as a ~~federally qualified health center~~
18 Federally Qualified Health Center as defined by 42
19 U.S.C., Section 1396d(1) (2) (B),
20 b. a health provider who provides services to an
21 organization that has been deemed a federally
22 qualified look-alike community health center, and
23 c. a health care provider who provides services to a
24 community health center that has made application to

1 the ~~U.S.~~ United States Department of Health and Human
2 Services for approval and deeming as a federally
3 qualified look-alike community health center in
4 compliance with federal application guidance, and has
5 received comments from the ~~U.S.~~ United States
6 Department of Health and Human Services as to the
7 status of such application with the established intent
8 of resubmitting a modified application, or, if denied,
9 a new application, no later than six (6) months from
10 the date of the official notification from the ~~U.S.~~
11 United States Department of Health and Human Services
12 requiring resubmission of a new application;

13 7. "Employee" means any person who is authorized to act in
14 behalf of a political subdivision or the state whether that person
15 is acting on a permanent or temporary basis, with or without being
16 compensated or on a full-time or part-time basis.

17 a. Employee also includes:

18 (1) all elected or appointed officers, members of
19 governing bodies and other persons designated to
20 act for an agency or political subdivision, but
21 the term does not mean a person or other legal
22 entity while acting in the capacity of an
23 independent contractor or an employee of an
24 independent contractor,

- 1 (2) from September 1, 1991, through June 30, 1996,
2 licensed physicians, licensed osteopathic
3 physicians and Certified Nurse-Midwives providing
4 prenatal, delivery or infant care services to
5 State Department of Health clients pursuant to a
6 contract entered into with the State Department
7 of Health in accordance with paragraph 3 of
8 subsection C of Section 1-106 of Title 63 of the
9 Oklahoma Statutes but only insofar as services
10 authorized by and in conformity with the terms of
11 the contract and the requirements of Section 1-
12 233 of Title 63 of the Oklahoma Statutes, and
13 (3) any volunteer, full-time or part-time ~~firefighter~~
14 firefighters when performing duties for a fire
15 department provided for in subparagraph j of
16 paragraph 12 of this section.

17 b. For the purposes of The Governmental Tort Claims Act,
18 the following are employees of this state, regardless
19 of the place in this state where duties as employees
20 are performed:

- 21 (1) physicians acting in an administrative capacity,
22 (2) resident physicians and resident interns
23 participating in a graduate medical education
24 program of the University of Oklahoma Health
25

1 Sciences Center, the Oklahoma State University
2 College of Osteopathic Medicine, a public trust
3 created pursuant to Section 3224 of Title 63 of
4 the Oklahoma Statutes and any sole member not-
5 for-profit corporation of the public trust and
6 any sole member not-for-profit subsidiary of such
7 corporation, or the Department of Mental Health
8 and Substance Abuse Services,

9 (3) faculty members and staff of the University of
10 Oklahoma Health Sciences Center, the Oklahoma
11 State University College of Osteopathic Medicine,
12 or a public trust created pursuant to Section
13 3224 of Title 63 of the Oklahoma Statutes and any
14 sole member not-for-profit corporation of the
15 public trust and any sole member not-for-profit
16 subsidiary of such corporation, while engaged in
17 teaching duties,

18 (4) physicians who practice medicine or act in an
19 administrative capacity as an employee of an
20 agency of this state,

21 (5) physicians who provide medical care to inmates
22 pursuant to a contract with the Department of
23 Corrections,

1 (6) any person who is licensed to practice medicine
2 pursuant to Title 59 of the Oklahoma Statutes,
3 who is under an administrative professional
4 services contract with the Oklahoma Health Care
5 Authority under the auspices of the Oklahoma
6 Health Care Authority Chief Medical Officer, and
7 who is limited to performing administrative
8 duties such as professional guidance for medical
9 reviews, reimbursement rates, service
10 utilization, health care delivery and benefit
11 design for the Oklahoma Health Care Authority,
12 only while acting within the scope of such
13 contract,

14 (7) licensed medical professionals under contract
15 with city, county, or state entities who provide
16 medical care to inmates or detainees in the
17 custody or control of law enforcement agencies,

18 (8) licensed mental health professionals as defined
19 in Sections 1-103 and 5-502 of Title 43A of the
20 Oklahoma Statutes, who are conducting initial
21 examinations of individuals for the purpose of
22 determining whether an individual meets the
23 criteria for emergency detention as part of a
24

1 contract with the Department of Mental Health and
2 Substance Abuse Services, and

3 (9) licensed mental health professionals as defined
4 in Sections 1-103 and 5-502 of Title 43A of the
5 Oklahoma Statutes, who are providing mental
6 health or substance abuse treatment services
7 under a professional services contract with the
8 Department of Mental Health and Substance Abuse
9 Services and are providing such treatment
10 services at a state-operated facility.

11 Physician faculty members and physician staff of the
12 University of Oklahoma Health Sciences Center, the
13 Oklahoma State University College of Osteopathic
14 Medicine, or a public trust created pursuant to
15 Section 3224 of Title 63 of the Oklahoma Statutes and
16 any sole member not-for-profit corporation of the
17 public trust and any sole member not-for-profit
18 subsidiary of such corporation not acting in an
19 administrative capacity or engaged in teaching duties
20 are not employees or agents of the state.

21 c. For the purposes of The Governmental Tort Claims Act,
22 employee shall include independent contractors and
23 employees of independent contractors while actively
24 engaged in the transport of individuals in need of
25

1 initial assessment, emergency detention, or protective
2 custody as authorized by Section 1-110 of Title 43A of
3 the Oklahoma Statutes.

4 d. Except as provided in subparagraph b of this
5 paragraph, in no event shall the state be held liable
6 for the tortious conduct of any physician, resident
7 physician or intern while practicing medicine or
8 providing medical treatment to patients.

9 e. For purposes of The Governmental Tort Claims Act,
10 members of the state military forces on state active
11 duty orders or on Title 32 active duty orders are
12 employees of this state, regardless of the place,
13 within or outside this state, where their duties as
14 employees are performed~~+~~.

15 f. For the purposes of The Governmental Tort Claims Act,
16 employee shall include contractors, subcontractors,
17 and employees of such for the purposes of civil
18 actions arising out of roadway work zone operations
19 performed under contract with the Department of
20 Transportation or a political subdivision of this
21 state, as provided in Section 10 of this act;

22 8. "Loss" means death or injury to the body or rights of a
23 person or damage to real or personal property or rights therein;
24

1 9. "Medically indigent" means a person requiring medically
2 necessary hospital or other health care services for the person or
3 the dependents of the person who has no public or private third-
4 party coverage, and whose personal resources are insufficient to
5 provide for needed health care;

6 10. "Municipality" means any incorporated city or town, and all
7 institutions, agencies, or instrumentalities of a municipality;

8 11. "Occurrence" means a loss arising out of an accident or
9 event or a continuous or repeated exposure to substantially the same
10 general harmful conditions. All losses arising out of an accident
11 or event or a continuous or repeated exposure to substantially the
12 same general harmful conditions shall be deemed to have arisen out
13 of one occurrence;

14 12. "Political subdivision" means:

15 a. a municipality,

16 b. a school district, including, but not limited to, a
17 technology center school district established pursuant
18 to Section 4410, 4411, 4420 or 4420.1 of Title 70 of
19 the Oklahoma Statutes, or a public library as defined
20 pursuant to Section 1-104 of Title 65 of the Oklahoma
21 Statutes,

22 c. a county,

23 d. a public trust where the sole beneficiary or
24 beneficiaries are a city, town, school district or
25

1 county. For purposes of The Governmental Tort Claims
2 Act, a public trust shall include:

3 (1) a municipal hospital created pursuant to Sections
4 30-101 through 30-109 of Title 11 of the Oklahoma
5 Statutes, a county hospital created pursuant to
6 Sections 781 through 796 of Title 19 of the
7 Oklahoma Statutes, or is created pursuant to a
8 joint agreement between such governing
9 authorities, that is operated for the public
10 benefit by a public trust created pursuant to
11 Sections 176 through 180.4 of Title 60 of the
12 Oklahoma Statutes and managed by a governing
13 board appointed or elected by the municipality,
14 county, or both, who exercises control of the
15 hospital, subject to the approval of the
16 governing body of the municipality, county, or
17 both,

18 (2) a public trust created pursuant to Sections 176
19 through 180.4 of Title 60 of the Oklahoma
20 Statutes after January 1, 2009, the primary
21 purpose of which is to own, manage, or operate a
22 public acute care hospital in this state that
23 serves as a teaching hospital for a medical
24 residency program provided by a college of
25

osteopathic medicine and provides care to
indigent persons, and

(3) a corporation in which all of the capital stock
is owned, or a limited liability company in which
all of the member interest is owned, by a public
trust,

e. for the purposes of The Governmental Tort Claims Act
only, a housing authority created pursuant to the
provisions of the Oklahoma Housing Authorities Act,

f. for the purposes of The Governmental Tort Claims Act
only, corporations organized not for profit pursuant
to the provisions of the Oklahoma General Corporation
Act for the primary purpose of developing and
providing rural water supply and sewage disposal
facilities to serve rural residents,

g. for the purposes of The Governmental Tort Claims Act
only, districts formed pursuant to the Rural Water,
Sewer, Gas and Solid Waste Management Districts Act,

h. for the purposes of The Governmental Tort Claims Act
only, master conservancy districts formed pursuant to
the Conservancy Act of Oklahoma,

i. for the purposes of The Governmental Tort Claims Act
only, a fire protection district created pursuant to

1 the provisions of Section 901.1 et seq. of Title 19 of
2 the Oklahoma Statutes,

3 j. for the purposes of The Governmental Tort Claims Act
4 only, a benevolent or charitable corporate volunteer
5 or full-time fire department for an unincorporated
6 area created pursuant to the provisions of Section 592
7 et seq. of Title 18 of the Oklahoma Statutes,

8 k. for purposes of The Governmental Tort Claims Act only,
9 an emergency services provider rendering services
10 pursuant to an existing contract between the emergency
11 services provider and the State Department of Health.
12 Provided, however, that the acquisition of commercial
13 liability insurance covering the activities of such
14 emergency services provider performed within this
15 state shall not operate as a waiver of any of the
16 limitations, immunities or defenses provided for
17 political subdivisions pursuant to the terms of The
18 Governmental Tort Claims Act,

19 l. for purposes of The Governmental Tort Claims Act only,
20 a conservation district created pursuant to the
21 provisions of the Conservation District Act,

22 m. for purposes of The Governmental Tort Claims Act,
23 districts formed pursuant to the Oklahoma Irrigation
24 District Act,

- 1 n. for purposes of The Governmental Tort Claims Act only,
2 any community action agency established pursuant to
3 Sections 5035 through 5040.1 of Title 74 of the
4 Oklahoma Statutes,
- 5 o. for purposes of The Governmental Tort Claims Act only,
6 any organization that is designated as a youth
7 services agency, pursuant to Section 2-7-306 of Title
8 10A of the Oklahoma Statutes,
- 9 p. for purposes of The Governmental Tort Claims Act only,
10 any judge presiding over a drug court, as defined by
11 Section 471.1 of Title 22 of the Oklahoma Statutes,
- 12 q. for purposes of The Governmental Tort Claims Act only,
13 any child-placing agency licensed by this state to
14 place children in foster family homes,
- 15 r. for purposes of The Governmental Tort Claims Act only,
16 a circuit engineering district created pursuant to
17 Section 687.1 of Title 69 of the Oklahoma Statutes,
- 18 s. for purposes of The Governmental Tort Claims Act only,
19 a substate planning district, regional council of
20 government or other entity created pursuant to Section
21 1001 et seq. of Title 74 of the Oklahoma Statutes, and
- 22 t. for purposes of The Governmental Tort Claims Act only,
23 a regional transportation authority created pursuant
24 to Section 1370.7 of Title 68 of the Oklahoma Statutes

1 including its contract operator and any railroad
2 operating in interstate commerce that sells a property
3 interest or provides services to a regional
4 transportation authority or allows the authority to
5 use the property or tracks of the railroad for the
6 provision of public passenger rail service to the
7 extent claims against the contract operator or
8 railroad arise out of or are related to or in
9 connection with such property interest, services or
10 operation of the public passenger rail service.
11 Provided, the acquisition of commercial liability
12 insurance to cover the activities of the regional
13 transportation authority, contract operator or
14 railroad shall not operate as a waiver of any
15 liabilities, immunities or defenses provided pursuant
16 to the provisions of The Governmental Tort Claims Act,
17 and all their institutions, instrumentalities or agencies;

18 13. "Scope of employment" means performance by an employee
19 acting in good faith within the duties of the employee's office or
20 employment or of tasks lawfully assigned by a competent authority
21 including the operation or use of an agency vehicle or equipment
22 with actual or implied consent of the supervisor of the employee,
23 but shall not include corruption or fraud;

1 14. "State" means the State of Oklahoma or any office,
2 department, agency, authority, commission, board, institution,
3 hospital, college, university, public trust created pursuant to
4 Title 60 of the Oklahoma Statutes of which the State of Oklahoma is
5 the beneficiary, or other instrumentality thereof;

6 15. "State active duty" shall be defined in accordance with
7 Section 801 of Title 44 of the Oklahoma Statutes;

8 16. "State military forces" shall be defined in accordance with
9 Section 801 of Title 44 of the Oklahoma Statutes;

10 17. "Title 32 active duty" shall be defined in accordance with
11 Section 801 of Title 44 of the Oklahoma Statutes; and

12 18. "Tort" means a legal wrong, independent of contract,
13 involving violation of a duty imposed by general law, statute, the
14 Oklahoma Constitution, or otherwise, resulting in a loss to any
15 person, association or corporation as the proximate result of an act
16 or omission of a political subdivision or the state or an employee
17 acting within the scope of employment; provided, however, a tort
18 shall not include a claim for inverse condemnation.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1240 of Title 69, unless there
21 is created a duplication in numbering, reads as follows:

22 As used in this act:

23 1. "Automated work zone speed enforcement system" means a
24 system using radar, lidar, or similar technology to detect vehicle
25

1 speed and capture an image of the vehicle's license plate for civil
2 enforcement purposes;

3 2. "Contract documents" means all plans, specifications, and
4 traffic-control plans issued or approved by the Department of
5 Transportation or the contracting entity;

6 3. "Contracting entity" means any political subdivision of this
7 state that contracts with a contractor to provide traffic control or
8 roadway services;

9 4. "Contractor" means any prime contractor, subcontractor, or
10 their employees engaged in providing traffic control or roadway
11 services under contract with the Department of Transportation or any
12 political subdivision of this state;

13 5. "Gross negligence" means conduct that demonstrates reckless
14 disregard for the safety of others, beyond ordinary negligence;

15 6. "MUTCD" means the Manual on Uniform Traffic Control Devices;
16 and

17 7. "Work zone" means any segment of roadway where construction,
18 maintenance, or utility work is being performed and is marked by
19 traffic control devices in accordance with MUTCD and Department of
20 Transportation specifications.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1241 of Title 69, unless there
23 is created a duplication in numbering, reads as follows:

1 A. 1. The Department of Transportation, in consultation with
2 the Oklahoma Highway Patrol, shall, beginning on the effective date
3 of this act until July 1, 2031, unless extended by an act of the
4 Legislature, establish a demonstration program utilizing automated
5 work zone speed enforcement systems in active roadway work zones.

6 2. Automated work zone speed enforcement systems shall:

7 a. operate only during active roadway work zone
8 operations,

9 b. be deployed on no fewer than five and no more than
10 twenty active roadway projects at any given time, with
11 priority for deployment given to high-speed or high-
12 risk work zones, as determined by the Department,

13 c. be accompanied by the installation of advance signage
14 which shall clearly inform motorists of the presence
15 of automated work zone speed enforcement systems, and

16 d. not be installed or operated on highway exit ramps.

17 B. 1. Each such system installed shall undergo daily self-
18 tests and an annual calibration by an independent laboratory
19 designated by the Department.

20 2. Images taken by such systems shall be limited to the rear
21 and license plate of a vehicle and shall be destroyed within one (1)
22 year of case resolution.

23 C. 1. Motorists who violate the speed limits of a roadway work
24 zone monitored by an automated work zone speed enforcement system
25

1 shall receive a citation and shall be subject to the following
2 penalties:

- 3 a. for a first violation, the motorist may complete a
4 course on work zone safety, designated by the
5 Department, in lieu of a fine. Any cited motorist who
6 fails to complete such course within thirty (30) days
7 of the issuance of the initial citation shall be
8 subject to a fine not to exceed Seventy-five Dollars
9 (\$75.00),
- 10 b. for a second violation within eighteen (18) months, a
11 fine not to exceed One Hundred Dollars (\$100.00), and
- 12 c. for third or subsequent violations within eighteen
13 (18) months, a fine not to exceed One Hundred Twenty-
14 five Dollars (\$125.00).

15 2. An additional twenty-five-dollar late fee may be applied by
16 the Department if a cited motorist does not pay an assessed fine
17 within thirty (30) days after the receipt of a citation.

18 3. Violations assessed under the provisions of this subsection
19 shall not constitute criminal convictions, shall not result in the
20 assessment of points to the driving record of a motorist, and shall
21 not be used by insurers for rating purposes.

22 D. Eighty percent (80%) of the collected fines, pursuant to
23 subsection C of this section, shall be deposited into the Work Zone
24 Safety Revolving Fund, as created in Section 12 of this act. The

1 remaining twenty percent (20%) of the collected fines shall be
2 distributed to the municipality or county where the violation
3 occurred.

4 E. For the first thirty (30) days following the deployment of
5 an automated work zone speed enforcement system at a work zone,
6 motorists who violate the speed limits of such work zone shall
7 receive a written warning in lieu of the citations provided for in
8 subsection C of this section.

9 SECTION 6. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1242 of Title 69, unless there
11 is created a duplication in numbering, reads as follows:

12 A. Contractors and subcontractors performing active roadway
13 construction, maintenance, or traffic control operations may equip
14 and operate flashing red and blue lamps on the rear of work vehicles
15 for the purpose of warning approaching motorists. Such lamps shall:

- 16 1. Be used only during active work zone operations;
- 17 2. Face rearward for visibility;
- 18 3. Not be used for traffic stops, pursuits, or law enforcement
19 functions; and
- 20 4. Be configured in accordance with Department of Public Safety
21 specifications for brightness and uniformity.

22 B. Nothing in this section shall be construed as granting work
23 vehicles equipped with such lamps emergency vehicle status.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1243 of Title 69, unless there
3 is created a duplication in numbering, reads as follows:

4 The Department of Transportation and contractors may, when
5 necessary to protect workers and facilitate safe traffic movement,
6 temporarily detour traffic onto municipal or county roads.

7 SECTION 8. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1244 of Title 69, unless there
9 is created a duplication in numbering, reads as follows:

10 A. A contractor performing traffic control services for the
11 Department of Transportation or a political subdivision of this
12 state shall not be liable for any claim of personal injury, property
13 damage, or death arising out of a roadway condition if, at the time
14 of the incident, the contractor was in compliance with approved
15 contract documents and applicable standards.

16 B. No person, including the driver or any occupant of a motor
17 vehicle, shall be eligible to recover monetary damages,
18 compensation, or awards of any kind from a contractor or
19 subcontractor for injuries, death, or property damage sustained in a
20 crash occurring within a designated work zone if the driver of such
21 vehicle was, at the time of the crash, under the influence of
22 alcohol, a controlled dangerous substance, or other intoxicating
23 substance, as defined in Section 1-140.1 of Title 47 of the Oklahoma
24 Statutes. The prohibition in this subsection applies regardless of

1 whether the intoxicated driver was cited, arrested, or convicted,
2 provided that competent evidence establishes impairment at the time
3 of the crash. Nothing in this subsection shall be construed to
4 prevent any person from pursuing civil or criminal remedies against
5 the intoxicated driver or the driver's estate.

6 C. The provisions of this subsection shall be construed
7 liberally in favor of protecting contractors and subcontractors who
8 comply with Manual on Uniform Traffic Control Devices (MUTCD) and
9 Department standards from liability arising from the misconduct of
10 third-party motorists.

11 SECTION 9. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1245 of Title 69, unless there
13 is created a duplication in numbering, reads as follows:

14 A. If the Department of Transportation or a contracting entity
15 requests that a contractor prepare a traffic-control plan or design
16 documents, and such plan is reviewed and approved in writing, the
17 contractor shall not be liable for injury or damage arising out of
18 that plan's design or layout, provided that the contractor complies
19 with the approved version. Such immunity shall apply whether the
20 contractor acts as a prime contractor or subcontractor.

21 B. Nothing in this act shall impose upon any contractor a duty
22 to investigate or identify defects in plans prepared or approved by
23 the Department or a contracting entity.

1 C. A contractor may install additional warning devices,
2 barriers, or safety measures beyond those required by contract
3 documents if, in the reasonable judgment of the contractor, such
4 additions enhance public safety. Such installation shall not affect
5 the immunity provided for in subsection A of this section unless
6 such installation is the proximate cause of injury or damage.

7 SECTION 10. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1246 of Title 69, unless there
9 is created a duplication in numbering, reads as follows:

10 A. For the purposes of civil actions arising out of roadway
11 work zone operations performed under contract with the Department of
12 Transportation or a political subdivision, a contractor or
13 subcontractor acting within the scope of such contract and in
14 compliance with approved contract documents and applicable standards
15 shall be deemed an employee of this state or the contracting
16 political subdivision within the meaning of The Governmental Tort
17 Claims Act, as provided in Section 152 of Title 51 of the Oklahoma
18 Statutes.

19 B. When acting as such employee, as provided for in subsection
20 A of this section, the contractor or subcontractor shall be entitled
21 to the same immunities, defenses, and liability limitations as the
22 governmental entity for which the work is performed, including the
23 monetary limits for damages provided for in Section 154 of Title 51
24 of the Oklahoma Statutes.

1 C. Nothing in this section shall be construed to grant immunity
2 for acts or omissions constituting gross negligence, willful
3 misconduct, or reckless disregard for the safety of others.

4 SECTION 11. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1247 of Title 69, unless there
6 is created a duplication in numbering, reads as follows:

7 Any contract provision requiring a contractor or subcontractor
8 to waive the protections of this act shall be void and
9 unenforceable.

10 SECTION 12. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1248 of Title 69, unless there
12 is created a duplication in numbering, reads as follows:

13 There is hereby created in the State Treasury a revolving fund
14 for the Department of Transportation to be designated the "Work Zone
15 Safety Revolving Fund". The fund shall be a continuing fund, not
16 subject to fiscal year limitations, and shall consist of all monies
17 directed for deposit by the Department from the fines provided for
18 in Section 5 of this act. All monies accruing to the credit of the
19 fund are hereby appropriated and may be budgeted and expended by the
20 Department for the purpose of improving work zone safety in this
21 state. Expenditures from the fund shall be made upon warrants
22 issued by the State Treasurer against claims filed as prescribed by
23 law with the Director of the Office of Management and Enterprise
24 Services for approval and payment.

SECTION 13. This act shall become effective July 1, 2026.

SECTION 14. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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