

1 ENGROSSED HOUSE
2 BILL NO. 3735

By: Dempsey of the House

3 and

4 Rogers of the Senate

5
6 [transportation - installation of pipe - standards -
7 maintenance and construction zones - installation
8 and maintenance of business access signs -
9 placement - certain inspection - effective date]
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1914 of Title 69, unless there
16 is created a duplication in numbering, reads as follows:

17 All pipe used by the Oklahoma Department of Transportation or
18 the Oklahoma Turnpike Authority for underground water, drainage, and
19 sewer shall be installed to the National Standards for which the
20 National Standard for Polypropylene is ASTM D2321 and the National
21 Standard for Concrete Pipe is ASTM C1479.

22 SECTION 2. AMENDATORY 47 O.S. 2021, Section 11-1302, is
23 amended to read as follows:
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1 Section 11-1302. A. The Oklahoma Department of Transportation,
2 Oklahoma Turnpike Authority and any county or city in this state are
3 hereby authorized to close any highway or section thereof, within
4 their respective jurisdiction, to traffic while the highway is
5 flooded or under repair, maintenance or construction and, in
6 exercising the authority, shall erect or cause to be erected
7 traffic-control devices and barricades to warn and notify the public
8 that the highway has been closed to traffic.

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

20 C. 1. Whenever construction, repair and maintenance of any
21 highway is being performed under traffic, the Oklahoma Turnpike
22 Authority, Department of Transportation, county or city having
23 jurisdiction over the highway shall erect, or cause to be erected,
24 traffic-control devices to warn and guide the public. Each person

1 using the highway shall obey all signs, signals, markings, flagmen
2 or other traffic-control devices which are placed to regulate,
3 control, and guide traffic through the construction or maintenance
4 area. As used in this subsection, "construction or maintenance
5 area" means any area upon or around any highway that is visibly
6 marked as an area where construction, repair, and maintenance is
7 temporarily occurring. The construction or maintenance area also
8 includes the lanes of highway leading up to the area upon which an
9 activity described in this section is being performed, beginning at
10 the point where properly posted traffic-control devices start to
11 warn and guide the public into and through the construction or
12 maintenance including, but not limited to, instructions to merge
13 from one lane into another lane, to reduce speed, or to follow
14 directions of flagmen.

15 2. Whenever construction, repair, and maintenance of any
16 highway is being performed under traffic, the Oklahoma Turnpike
17 Authority, Department of Transportation, county, or city having
18 jurisdiction over the highway shall, during the planning and
19 execution of construction projects that obstruct or limit access to
20 businesses, install and maintain clear and conspicuous business
21 access signs. Business access signs shall be strategically placed
22 to inform the public of the continued availability of access to
23 affected businesses. The signs shall be visible from the roadway
24 and designed to minimize confusion for motorists and pedestrians.

1 Business access signs shall be installed in advance of the
2 commencement of construction activities that may impact access to
3 businesses. In cases where construction activities are ongoing for
4 an extended period, the Department of Transportation shall regularly
5 inspect and, if necessary, update business access signs to ensure
6 accuracy and relevance.

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 employees
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1 from liability for failure to perform any of the duties imposed
2 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 imprisonment in the county jail not to exceed
8 thirty (30) days, or both such fine and imprisonment, and shall be
9 liable for any damage to property, or injury to or death to persons
10 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. When any section of a highway, turnpike, county road or city
15 street has been closed to traffic due to flooding that is ongoing
16 and traffic-control devices or barricades have been erected by law
17 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 Persons convicted pursuant to the provisions of this subsection
8 shall be ordered to pay restitution in an amount equal to the actual
9 costs of the emergency response and repair or replacement of any
10 damaged or lost emergency equipment. In addition, the person shall
11 be liable for any damage to property or injury or death to persons
12 caused by the violation.

13 SECTION 3. This act shall become effective November 1, 2024.

14 Passed the House of Representatives the 7th day of March, 2024.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2024.

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Presiding Officer of the Senate

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