

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2474

By: Walker, Brannon, Glenn,
Smithson, McDaniel
(Jeannie) and Rousselot of
the House

7 and

8 Ivester and Garrison of the
9 Senate

10
11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to motor vehicles; making certain
13 acts within a construction or maintenance zone
14 unlawful; providing penalties upon conviction;
15 providing exceptions; prohibiting application of
16 fines and penalties under certain circumstances;
17 providing for naming of certain highways after
18 certain persons; providing for codification; and
19 providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 11-1303 of Title 47, unless
23 there is created a duplication in numbering, reads as follows:

24 A. A person shall be guilty of the offense of endangerment of a
highway worker if the person commits any of the following when the
act occurs within a maintenance or construction zone:

1 1. Exceeding the posted speed limit by fifteen (15) miles per
2 hour or more;

3 2. Failing to merge as required in subsection D of Section 11-
4 1302 of Title 47 of the Oklahoma Statutes;

5 3. Failing to stop for a work-zone flagman or failing to obey
6 traffic-control devices that have been erected for purposes of
7 warning or guiding the public into and through the construction or
8 maintenance area;

9 4. Driving through or around a construction or maintenance area
10 by any lane not clearly designated to motorists for the flow of
11 traffic through or around the construction or maintenance area; or

12 5. Intentionally striking, moving or altering barrels,
13 barriers, signs, or other devices erected to control the flow of
14 traffic to protect highway workers and motorists in the construction
15 or maintenance area for a reason other than avoidance of an
16 obstacle, an emergency, or to protect the health and safety of an
17 occupant of the motor vehicle or of another person.

18 B. Upon conviction for committing the offense of endangerment
19 of a highway worker pursuant to subsection A of this section, if no
20 injury or death of a highway worker resulted from the offense, in
21 addition to any other penalty authorized by law, the person shall be
22 subject to a fine of not more than One Thousand Dollars (\$1,000.00).

23 C. A person shall be deemed to commit the offense of aggravated
24 endangerment of a highway worker upon conviction for any offense

1 pursuant to subsection A of this section when such offense occurs in
2 a construction or maintenance area and results in the injury or
3 death of a highway worker. Upon conviction for committing the
4 offense of aggravated endangerment of a highway worker, in addition
5 to any other penalty authorized by law, the person shall be subject
6 to a fine of not more than Five Thousand Dollars (\$5,000.00) if the
7 offense resulted in injury to a highway worker and not more than Ten
8 Thousand Dollars (\$10,000.00) if the offense resulted in the death
9 of a highway worker.

10 D. Except for the offense provided for in paragraph 5 of
11 subsection A of this section, no person shall be deemed to commit
12 the offense of endangerment of a highway worker except when the act
13 or omission constituting the offense occurred when one or more
14 highway workers were in the construction or maintenance area.

15 E. No person shall be cited or convicted for endangerment of a
16 highway worker or aggravated endangerment of a highway worker, for
17 any act or omission otherwise constituting an offense under
18 subsection A of this section, if such act or omission resulted, in
19 whole or in part, from mechanical failure of the vehicle of the
20 person or from the negligence of another person or a highway worker.

21 F. Upon the expiration of any contract for maintenance or
22 construction on a section of roadway, any increased fines or
23 penalties otherwise imposed by law shall not apply.

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G. Any highway worker killed while working on a section of highway after the effective date of this act shall have that mile of road named in honor of their memory.

SECTION 2. This act shall become effective November 1, 2008.

51-2-11459 GRS 05/23/08