

THE HOUSE OF REPRESENTATIVES
Monday, February 11, 2008

Committee Substitute for
House Bill No. 2474

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2474 - By: WALKER of the House and IVESTER of the Senate.

An Act relating to motor vehicles; making certain acts within a construction or maintenance zone unlawful; providing penalties upon conviction; providing exceptions; providing for naming of certain highways after certain persons; providing for codification; and providing an effective date.

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

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

4 A. A person shall be deemed to commit the offense of endangerment of a highway
5 worker upon conviction for any of the following when the offense occurs within a
6 maintenance or construction zone:

- 7 1. Exceeding the posted speed limit by fifteen miles (15) per hour or more;
- 8 2. Failing to merge as required in subsection D of Section 11-1302 of Title 47 of the
9 Oklahoma Statutes;

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

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

7 5. Intentionally striking, moving or altering barrels, barriers, signs, or other
8 devices erected to control the flow of traffic to protect highway workers and motorists in
9 the construction or maintenance area for a reason other than avoidance of an obstacle, an
10 emergency, or to protect the health and safety of an occupant of the motor vehicle or of
11 another person;

12 6. Reckless driving, as provided in Section 11-901 of Title 47 of the Oklahoma
13 Statutes;

14 7. Driving under the influence of alcohol or other intoxicating substance, as
15 provided in Section 11-902 of Title 47 of the Oklahoma Statutes; or

16 8. Any felony involving the use of a motor vehicle.

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

21 C. A person shall be deemed to commit the offense of aggravated endangerment of
22 a highway worker upon conviction for any offense pursuant to subsection A of this section

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

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

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND
20 TRANSPORTATION, dated 02-07-08 - DO PASS, As Amended and Coauthored.