

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2474

By: Walker

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; making certain  
8 acts within a construction or maintenance zone  
9 unlawful; providing penalties upon conviction;  
10 providing exceptions; providing for codification; and  
11 providing an effective date.

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

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

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

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

22 2. Failing to merge as required in subsection D of Section 11-  
23 1302 of Title 47 of the Oklahoma Statutes;

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

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

8 5. Physically assaulting, attempting to assault, or threatening  
9 to assault a highway worker in a construction or maintenance area  
10 with a motor vehicle or other instrument;

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

17 7. Reckless driving, as provided in Section 11-901 of Title 47  
18 of the Oklahoma Statutes;

19 8. Driving under the influence of alcohol or other intoxicating  
20 substance, as provided in Section 11-902 of Title 47 of the Oklahoma  
21 Statutes; or

22 9. Any felony involving the use of a motor vehicle.

23 B. Upon conviction for committing the offense of endangerment  
24 to a highway worker pursuant to subsection A of this section, if no

1 injury or death to a highway worker resulted from the offense, in  
2 addition to any other penalty authorized by law, the person shall be  
3 subject to a fine of not more than One Thousand Dollars (\$1,000.00).

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

15 D. Except for the offense provided for in paragraph 6 of  
16 subsection A of this section, no person shall be deemed to commit  
17 the offense of endangerment of a highway worker except when the act  
18 or omission constituting the offense occurred when one or more  
19 highway workers were in the construction or maintenance area.

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

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

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