

1 ENGROSSED HOUSE
2 BILL NO. 3508

By: Frix of the House

3 and

4 Quinn of the Senate

5
6
7 [work zone safety - authorizing the promulgation of
8 certain rules and procedures - effective date]
9
10
11

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 11-811 of Title 47, unless there
15 is created a duplication in numbering, reads as follows:

16 A. As used in this section:

17 1. "Work Zone Safety Division" means a division within the
18 Department of Public Safety that is responsible for maintaining and
19 deploying automated speed enforcement units as a means of speed
20 enforcement for road construction work zones in this state;

21 2. "Automated speed enforcement unit" means a system of
22 automatic number plate recognition (ANPR) cameras used to
23 electronically record the speed of passing vehicles and issue
24 tickets to the vehicles violating speed limit regulations; and

1 3. "Automatic number plate recognition (ANPR) camera" means a
2 fixed or mobile speed camera system that measures the time taken by
3 a vehicle to travel between two or more points. The camera measures
4 the speed of the passing vehicle and records license plate
5 information from the vehicle.

6 B. The Department of Public Safety is authorized to promulgate
7 any necessary rules to develop a Work Zone Safety Division. The
8 Division shall utilize automated speed enforcement units equipped
9 with ANPR cameras to detect speeding motorists and issue violations
10 in road construction zones in this state.

11 C. The Department shall fund the Work Zone Safety Division with
12 its share of the assessment apportioned to it pursuant to paragraph
13 1 of subsection C of Section 327.1 of Title 17 of the Oklahoma
14 Statutes.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1913 of Title 69, unless there
17 is created a duplication in numbering, reads as follows:

18 A. As used in this section, "smart work zone system" means an
19 application of computers, communications, and sensor technology to
20 highway transportation that possesses the following general
21 characteristics:

22 1. The system obtains and analyzes traffic-flow data in real
23 time, providing frequently updated information to motorists;
24

1 2. The system is portable, allowing its installation, with
2 minor modifications as necessary, at different locations;

3 3. The system operates in an automated manner with as minimal
4 supervision as possible by human operators; and

5 4. The system provides accurate and reliable information,
6 keeping in mind the serious consequences of misinforming motorists
7 in work zone situations.

8 B. The Department of Transportation is authorized to promulgate
9 any necessary rules to develop a smart work zone system. The
10 Department shall initiate at least two such systems before December
11 31, 2020.

12 C. The Department shall promulgate rules for contracting with
13 third parties who place or provide temporary traffic-control devices
14 within or near construction zones. The rules shall require the
15 Department to pay a daily agreed-upon rate for the use or rental of
16 such temporary traffic-control devices for each day the devices are
17 in use in a construction-zone area.

18 D. The Department shall fund the smart work zone system with
19 its share of the assessment apportioned to it pursuant to paragraph
20 2 of subsection C of Section 327.1 of Title 17 of the Oklahoma
21 Statutes.

22 SECTION 3. AMENDATORY Section 25, Chapter 27, O.S.L.
23 2018, as amended by Section 12, Chapter 82, O.S.L. 2019 (17 O.S.
24 Supp. 2019, Section 327.1), is amended to read as follows:

1 Section 327.1 A. Except as otherwise provided by this section,
2 there shall be an assessment of one cent (\$0.01) per gallon upon the
3 sale of each gallon of motor fuel used or consumed in this state.
4 The assessment imposed pursuant to the provisions of this section
5 shall be for the purposes of providing revenue to:

6 1. The Corporation Commission Revolving Fund pursuant to
7 subparagraph a of paragraph 4 3 of subsection C of this section;

8 2. The Petroleum Storage Tank Indemnity Fund pursuant to
9 ~~paragraphs~~ subparagraph d of paragraph 3 and 4 of subsection C of
10 this section;

11 3. The State Transportation Fund pursuant to division (2) of
12 subparagraph b e of paragraph 5 3 of subsection C of this section
13 and paragraph 2 of subsection C of this section;

14 4. The Corporation Commission Storage Tank Revolving Fund
15 pursuant to division (1) of subparagraph ~~a~~ e of paragraph ~~5~~ 3 of
16 subsection C of this section;

17 5. The Department of Environmental Quality Revolving Fund
18 pursuant to subparagraph b of paragraph ~~2~~ 3 of subsection C of this
19 section; ~~and~~

20 6. The Weigh Station Improvement Revolving Fund pursuant to
21 subparagraph c of paragraph 3 of subsection C of this section; and

22 7. The State Public Safety Fund pursuant to paragraph 1 of
23 subsection C of this section.
24

1 The assessment shall be imposed at the time of the sale of the
2 motor fuel and shall be precollected and remitted to the Oklahoma
3 Tax Commission in accordance with Section 500.1 et seq. of Title 68
4 of the Oklahoma Statutes and as provided by Section 327.2 of this
5 title.

6 B. 1. Exempt from the assessment imposed pursuant to
7 subsection A of this section are:

- 8 a. the state government,
- 9 b. the federal government,
- 10 c. Class I and Class II railroads, and
- 11 d. sales for exportation outside of this state by a
12 licensed exporter.

13 2. Exempt from the assessment imposed for purposes specified in
14 paragraph 3 of subsection A of this section are sales of:

- 15 a. motor fuel used solely and exclusively in district-
16 owned or lleased public school buses, FFA and 4-H Club
17 trucks for the purposes of legally transporting public
18 school children, or in the operation of vehicles used
19 in driver training,
- 20 b. motor fuels used solely and exclusively to propel
21 motor vehicles on the public roads and highways of
22 this state when leased or owned and being operated for
23 the sole benefit of a county, city, town, volunteer
24 fire department with a state certification and rating,

1 rural electric cooperative, rural water and sewer
2 district, rural ambulance service district, or
3 federally recognized Indian tribe as specified by
4 Section 500.10 of Title 68 of the Oklahoma Statutes,
5 c. motor fuel to counties and cities and towns,
6 d. diesel fuel for off-road purposes specified by Section
7 500.10 of Title 68 of the Oklahoma Statutes,
8 e. motor fuel used for agricultural purposes specified by
9 Section 500.10 of Title 68 of the Oklahoma Statutes,
10 and
11 f. motor fuel used in aircraft or in aircraft engines
12 pursuant to Section 500.10 of Title 68 of the Oklahoma
13 Statutes.

14 C. The assessment imposed by subsection A of this section shall
15 be distributed in the following manner:

16 1. The Ten percent (10%) of the assessment shall be deposited
17 into the State Public Safety Fund created in Section 2-147 of Title
18 47 of the Oklahoma Statutes for development and maintenance of the
19 Department of Public Safety Work Zone Safety Division;

20 2. Ten percent (10%) of the assessment shall be deposited into
21 the State Highway Construction and Maintenance Fund created in
22 Section 1501.1 of Title 69 of the Oklahoma Statutes for development
23 and maintenance of the Oklahoma Department of Transportation smart
24 work zone system;

1 3. Eighty percent (80%) of the assessment shall be distributed

2 as follows:

3 a. the first One Million Dollars (\$1,000,000.00)
4 collected during each fiscal year shall be deposited
5 into the Corporation Commission Revolving Fund created
6 in Section 180.7 of Title 17 of the Oklahoma
7 Statutes~~7,~~

8 ~~2. After~~

9 b. after deduction of the amount required pursuant to
10 ~~paragraph 1~~ subparagraph a of this ~~subsection~~
11 paragraph, eight percent (8%) of the remainder of the
12 revenue collected during each fiscal year shall be
13 deposited into the Department of Environmental Quality
14 Revolving Fund created in Section 2-3-401 of Title 27A
15 of the Oklahoma Statutes~~7,~~

16 ~~3. Until~~

17 c. until the total amount deposited since July 1, 2008,
18 in the Weigh Station Improvement Revolving Fund totals
19 Eighty-one Million Dollars (\$81,000,000.00), Five
20 Hundred Thousand Dollars (\$500,000.00) per month of
21 all revenue from the assessment received over the
22 amount required by ~~paragraphs 1 and 2 of this~~
23 ~~subsection~~ subparagraphs a and b of this paragraph
24 shall be deposited in the Weigh Station Improvement

1 Revolving Fund, created in Section 1167 of Title 47 of
2 the Oklahoma Statutes and shall be used solely for the
3 purpose of constructing weigh stations~~†,~~

4 ~~4. After~~

5 d. after the total amount deposited in the Weigh Station
6 Improvement Revolving Fund totals Eighty-one Million
7 Dollars (\$81,000,000.00), any revenue from the
8 assessment received over the amounts required in
9 ~~paragraphs 1 and 2 of this subsection~~ subparagraphs a
10 and b of this paragraph shall be deposited in the
11 Petroleum Storage Tank Indemnity Fund as provided in
12 this section in amounts necessary to maintain the
13 maintenance level of the Indemnity Fund pursuant to
14 subsection D of this section~~†,~~ and

15 ~~5. The~~

16 e. the balance of any revenue from the assessment
17 remaining above the amount required in ~~paragraphs 1~~
18 ~~through 4 of this subsection~~ subparagraphs a through d
19 of this paragraph shall be deposited as follows:

20 a.

21 (1) the first One Million Dollars (\$1,000,000.00)
22 collected during each fiscal year shall be
23 deposited in the Corporation Commission Storage
24 Tank Revolving Fund for the purpose of

1 implementing the provisions of the Oklahoma
2 Petroleum Storage Tank Consolidation Act and the
3 rules promulgated thereunder, and

4 ~~b.~~

5 (2) the balance of the monies collected during each
6 fiscal year shall be deposited in the State
7 Transportation Fund and shall be used solely for
8 the purpose of matching Federal-Aid funds for the
9 construction of highways and roads in this state.
10 The distribution required by this division shall
11 be in addition to the distribution made under
12 paragraph 2 of this subsection.

13 D. 1. If at any time the Petroleum Storage Tank Indemnity Fund
14 falls below the required maintenance level on or before December 31,
15 2032, the Administrator shall notify the Tax Commission that the
16 Indemnity Fund has fallen below the required maintenance level and
17 that the assessment is to be deposited into the Indemnity Fund for
18 at least three (3) calendar months pursuant to the provisions of
19 paragraph 2 of this subsection.

20 2. At least fifteen (15) days prior to the calendar month in
21 which the assessment is to be collected for credit to the Indemnity
22 Fund, the Tax Commission, upon notification by the Administrator
23 that the Indemnity Fund has fallen below the required maintenance
24 level, shall notify the suppliers, licensed importers or other

1 appropriate persons that the assessment is being imposed for
2 purposes of maintaining the Indemnity Fund. The notice shall
3 include a date certain upon which to begin collecting the assessment
4 for credit to the Indemnity Fund and a date certain for ending the
5 assessment for credit to the Indemnity Fund. Upon notice by the Tax
6 Commission that the assessment imposed is for credit to the
7 Indemnity Fund, the supplier, licensed importer or other appropriate
8 person shall also assess, for the specified period required by the
9 Tax Commission, the sales of:

10 a. motor fuel used solely and exclusively in district-
11 owned or lleased public school buses, FFA and 4-H Club
12 trucks for the purposes of legally transporting public
13 school children or in the operation of vehicles used
14 in driver's training,

15 b. motor fuels used solely and exclusively to propel
16 motor vehicles on the public roads and highways of the
17 state when leased or owned and being operated for the
18 sole benefit of a county, city or town, volunteer fire
19 department with a state certification and rating,
20 rural electric cooperative, rural water and sewer
21 district, rural ambulance service district, or
22 federally recognized Indian tribe as specified by
23 Section 500.10 of Title 68 of the Oklahoma Statutes,

24 c. motor fuel to counties and cities and towns,

d. diesel fuel for off-road purposes specified by Section 500.10 of Title 68 of the Oklahoma Statutes,

e. motor fuel used for agricultural purposes specified by
Section 500.10 of Title 68 of the Oklahoma Statutes,
and

f. motor fuel used in aircraft and aircraft engines pursuant to Section 500.10 of Title 68 of the Oklahoma Statutes.

3. After the collection period required by this subsection has expired, the revenue collected from the assessment shall be again deposited in the Corporation Commission Storage Tank Revolving Fund and the State Transportation Fund as provided in subparagraph e of paragraph 5 3 of subsection C of this section.

SECTION 4. This act shall become effective November 1, 2020.

Passed the House of Representatives the 11th day of March, 2020.

Presiding Officer of the House
of Representatives

Passed the Senate the day of , 2020.

Presiding Officer of the Senate