

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4100

By: Frix and Bashore

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9 COMMITTEE SUBSTITUTE

10 An Act relating to work zone safety; creating the
11 Operation Work Zone Awareness Act; authorizing the
12 establishment of Operation Work Zone Awareness;
13 stating purpose; authorizing development of certain
14 webpage; stating details of webpage content;
15 authorizing certain contract; requiring the
16 maintenance of certain records; allowing offenders to
17 participate in program; requiring issuance and design
18 of certain certificate; allowing dismissal of charge;
19 allowing dismissal of certain fees; allowing court to
20 access certain records; setting certain limit on
21 participation; allowing for nonparticipation;
22 providing for certain ineligibility; providing list
23 of qualifying offenses; making certain exceptions;
24 establishing fee for participation; authorizing fee
 payment determination; stating the apportionment of
 collected fees; providing for noncodification;
 providing for codification; and providing an
 effective date.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

1 This act shall be known and may be cited as the "Operation Work
2 Zone Awareness Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 11-1304 of Title 47, unless
5 there is created a duplication in numbering, reads as follows:

6 A. The Department of Public Safety is authorized to establish
7 Operation Work Zone Awareness. Operation Work Zone Awareness is a
8 program designed to educate the motoring public on the dangers of
9 committing moving violations while traveling in highway construction
10 work zones. The Department is authorized to develop and house on
11 its website an online work zone awareness presentation that may
12 include, but shall not be limited to, facts and figures representing
13 the dangers of motorists committing work zone moving violations,
14 testimonials from highway construction workers and their families,
15 information on the importance of awareness and slowing down in work
16 zones, and a question-and-answer section to ensure participants
17 understand and retain the information presented. The Department is
18 authorized to contract for the production, development, and
19 maintenance of the webpage through a vendor. The Department shall
20 maintain in its database a record of those completing the program.

21 B. Motorists receiving a citation for committing moving
22 violations within a work zone may receive information regarding an
23 invitation to participate in the Operation Work Zone Awareness
24 program. A motorist who participates in and completes the online

1 program shall receive a certificate designed and issued by the
2 Department. Any person producing the certificate as proof in court
3 that the program was successfully completed shall be entitled to
4 dismissal of the charge. If proof of successful completion of the
5 program is presented to the court no later than the business day
6 preceding the first scheduled court appearance date, the dismissal
7 shall be without payment of court costs. The court may access
8 information from the Department's system to confirm completion of
9 the program. Offenders may participate and complete the program a
10 maximum of one time. After completing the program, a motorist who
11 receives another citation in a work zone will be disqualified from
12 utilizing the program benefits a second time. If a motorist so
13 chooses, he or she may not participate in the program and instead
14 pay the fine imposed on the issued citation. Holders of commercial
15 driver licenses cited while driving a commercial motor vehicle are
16 not eligible to participate in the program.

17 C. Moving violations that qualify an offender to participate in
18 the Operation Work Zone Awareness program shall include, but shall
19 not be limited to, speeding, distracted driving, failure to move
20 over, failure to obey flagger, and failure to obey traffic control
21 devices. Motorists committing impaired driving offenses, as defined
22 in Title 47 of the Oklahoma Statutes, in work zones, including
23 driving under the influence, driving while intoxicated, driving
24 under the influence under twenty-one (21) years of age, or a

1 commercial driver license holder refusing a chemical test while
2 driving any vehicle, shall be disqualified from the program.

3 D. The fee paid by a motorist for his or her participation in
4 the Operation Work Zone Awareness program shall be Forty Dollars
5 (\$40.00). The Department is authorized to determine the manner in
6 which fees may be paid. Fifty percent (50%) of the fees collected
7 shall be deposited in the Department of Public Safety Patrol Vehicle
8 Revolving Fund established in Section 2-143 of Title 47 of the
9 Oklahoma Statutes, and fifty percent (50%) of the fees shall be
10 distributed to the vendor that develops and maintains the webpage
11 until such time as the vendor is paid in full for the work performed
12 on the webpage. After the vendor is paid in full, one hundred
13 percent (100%) of the fees collected shall be deposited in the
14 Department of Public Safety Patrol Vehicle Revolving Fund.

15 SECTION 3. This act shall become effective November 1, 2022.

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17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
18 03/01/2022 - DO PASS, As Amended.
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