

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 4100

By: Frix and Bashore

AS INTRODUCED

An Act relating to work zone safety; creating the Operation Safety Vest Program Act; authorizing establishment of Operation Safety Vest Program; stating requirements of program; allowing for the procurement of speed-measuring guns; providing for the storage and maintenance of certain equipment; authorizing the promulgation of certain rules and procedures; creating the Operation Work Zone Awareness Act; authorizing the establishment of Operation Work Zone Awareness; stating purpose; authorizing development of certain webpage; stating details of webpage content; authorizing certain contract; requiring the maintenance of certain records; allowing offenders to participate in program; requiring issuance and design of certain certificate; allowing dismissal of charge; allowing dismissal of certain fees; allowing court to access certain records; setting certain limit on participation; allowing for nonparticipation; providing for certain ineligibility; providing list of qualifying offenses; making certain exceptions; 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 Section 2 of this act shall be known and may be cited as the
2 "Operation Safety Vest Program 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 The Department of Public Safety (DPS) is authorized to
7 coordinate with the Oklahoma Department of Transportation (ODOT) and
8 the Oklahoma Turnpike Authority (OTA) to establish the Operation
9 Safety Vest Program. The Operation Safety Vest Program allows for
10 off-duty Oklahoma Highway Patrol Troopers assigned to work in the
11 area, out of their typical Highway Patrol uniform and dressed in
12 apparel to appear to the public as though they are highway
13 construction workers, to be stationed in road construction work
14 zones. Troopers assigned to work zones shall be tasked with
15 observing traffic to detect and identify drivers disobeying traffic
16 laws. The troopers shall be equipped with speed-measuring guns to
17 detect speed violations along with any other moving violations that
18 occur in the work zone. After the trooper stationed within the work
19 zone witnesses or records a moving violation, he or she shall notify
20 other troopers waiting outside of the work zone. These troopers
21 shall take action by making traffic stops of violating drivers from
22 the information received from the trooper stationed in the work
23 zone. Work zones participating in the Operation Safety Vest Program
24 shall be determined by coordination between DPS, ODOT, and OTA.

1 Speed-measuring guns used in the program may be acquired through
2 contributions from private industry donation, grants, or other means
3 acceptable to DPS. The speed-measuring guns shall be housed and
4 maintained by the Oklahoma Highway Patrol. DPS, ODOT, and OTA are
5 authorized to promulgate any rules and procedures necessary to
6 effectuate the provisions of this section.

7 SECTION 3. NEW LAW A new section of law not to be
8 codified in the Oklahoma Statutes reads as follows:

9 Section 4 of this act shall be known and may be cited as the
10 "Operation Work Zone Awareness Act".

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 11-1305 of Title 47, unless
13 there is created a duplication in numbering, reads as follows:

14 A. The Department of Public Safety is authorized to establish
15 Operation Work Zone Awareness. Operation Work Zone Awareness is a
16 program designed to educate the motoring public on the dangers of
17 committing moving violations while traveling in highway construction
18 work zones. The Department is authorized to develop and house on
19 its website an online work zone awareness presentation that may
20 include, but shall not be limited to, facts and figures representing
21 the dangers of motorists committing work zone moving violations,
22 testimonials from highway construction workers and their families,
23 information on the importance of awareness and slowing down in work
24 zones, and a question-and-answer section to ensure participants

1 understand and retain the information presented. The Department is
2 authorized to contract for the production, development, and
3 maintenance of the webpage through a vendor. The Department shall
4 maintain in its database a record of those completing the program.

5 B. Motorists receiving a citation for committing moving
6 violations within a work zone may receive information regarding an
7 invitation to participate in the Operation Work Zone Awareness
8 program. A motorist who participates in and completes the online
9 program shall receive a certificate designed and issued by the
10 Department. Any person producing the certificate as proof in court
11 that the program was successfully completed shall be entitled to
12 dismissal of the charge. If proof of successful completion of the
13 program is presented to the court no later than the business day
14 preceding the first scheduled court appearance date, the dismissal
15 shall be without payment of court costs. The court may access
16 information from the Department's system to confirm completion of
17 the program. Offenders may participate and complete the program a
18 maximum of one time. After completing the program, a motorist who
19 receives another citation in a work zone will be disqualified from
20 utilizing the program benefits a second time. If a motorist so
21 chooses, he or she may not participate in the program and instead
22 pay the fine imposed on the issued citation. Holders of commercial
23 driver licenses cited while driving a commercial motor vehicle are
24 not eligible to participate in the program.

1 C. Moving violations that qualify an offender to participate in
2 the Operation Work Zone Awareness program shall include, but shall
3 not be limited to, speeding, distracted driving, failure to move
4 over, failure to obey flagger, and failure to obey traffic control
5 devices. Motorists committing impaired driving offenses, as defined
6 in Title 47 of the Oklahoma Statutes, in work zones, including
7 driving under the influence, driving while intoxicated, driving
8 under the influence under twenty-one (21) years of age, or a
9 commercial driver license holder refusing a chemical test while
10 driving any vehicle, shall be disqualified from the program.

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

SECTION 5. This act shall become effective November 1, 2022.

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