

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 3065

By: Hays of the House

and

Stephens of the Senate

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2021, Section 11-314, as amended by Section 1, Chapter 270, O.S.L. 2023 (47 O.S. Supp. 2023, Section 11-314), which relates to the Bernardo-Mills Law; modifying types of vehicles requiring certain approach; modifying provision related to reduction in speed; modifying name of offense; authorizing completion of certain program in lieu of monetary penalty in certain circumstance; modifying description of person offended; defining term; amending Section 2, Chapter 270, O.S.L. 2022 (47 O.S. Supp. 2023, Section 11-1304), which relates to Operation Work Zone Awareness; modifying educational scope of program; expanding invitation to participate to certain motorists; modifying provisions of program disqualification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 11-314, as amended by Section 1, Chapter 270, O.S.L. 2023 (47 O.S. Supp. 2023, Section 11-314), is amended to read as follows:

1 Section 11-314. A. This section shall be known and may be
2 cited as the "Bernardo-Mills Law".

3 B. The driver of a motor vehicle, upon approaching a stationary
4 ~~authorized emergency vehicle, a Department of Transportation~~
5 ~~maintenance vehicle, a Turnpike Authority maintenance vehicle, a~~
6 stationary vehicle that is displaying flashing lights ~~or a licensed~~
7 ~~wrecker that is displaying a flashing amber light, a combination red~~
8 ~~or blue light or any combination of amber, red or blue lights,~~
9 shall:

10 1. If traveling on a highway that consists of two or more lanes
11 that carry traffic in the same direction of travel as that of the
12 driver, the driver shall proceed with due caution and shall, if
13 possible and with due regard to the road, weather, and traffic
14 conditions, change lanes into a lane that is not adjacent to the
15 stationary ~~authorized emergency vehicle, a Department of~~
16 ~~Transportation maintenance vehicle, a Turnpike Authority maintenance~~
17 ~~vehicle, or licensed wrecker;~~ or if the driver is not able to change
18 lanes or if to do so would be unsafe, the driver shall proceed with
19 due caution and reduce the speed of the motor vehicle to a safe
20 speed that is below the posted speed limit; and

21 2. If traveling on a highway other than a highway described in
22 paragraph 1 of this subsection, the driver shall proceed with due
23 caution and reduce the speed of the motor vehicle to a safe speed
24 that is below the posted speed limit.

1 A person shall be guilty of the offense of roadway endangerment
2 ~~of an emergency worker, upon conviction, for any offense act or~~
3 omission committed in violation of this subsection.

4 C. This section does not relieve the operator of a stationary
5 ~~authorized emergency vehicle, a Department of Transportation~~
6 ~~maintenance vehicle, a Turnpike Authority maintenance vehicle, or~~
7 ~~licensed wrecker~~ from the consequences of reckless disregard for the
8 safety of all persons and property upon the highway.

9 D. Upon conviction for committing the offense of roadway
10 endangerment ~~of an emergency worker~~ pursuant to subsection B of this
11 section, if no injury or death of an ~~emergency worker~~ individual
12 resulted from the offense, and in addition to any other penalty
13 authorized by law, the person shall be subject to a fine of:

14 1. One Thousand Dollars (\$1,000.00) for a first offense; and

15 2. Two Thousand Five Hundred Dollars (\$2,500.00) for a second
16 offense.

17 A person committing a first offense in violation of this
18 subsection may complete the Operation Work Zone Awareness program
19 established in Section 11-1304 of this title to avoid the monetary
20 penalty of a first offense.

21 E. A person shall be deemed to commit the offense of aggravated
22 roadway endangerment ~~of an emergency worker~~ upon conviction for any
23 ~~offense pursuant to~~ act or omission constituting an offense under
24 subsection B of this section when such offense results in the injury

1 or death of an ~~emergency worker~~ individual. Upon conviction for
2 committing the offense of aggravated roadway endangerment ~~of an~~
3 ~~emergency worker~~, in addition to any other penalty authorized by
4 law, the person shall be subject to a fine ~~of~~ not more than Five
5 Thousand Dollars (\$5,000.00) if the offense resulted in injury ~~to an~~
6 ~~emergency worker~~ and not more than Ten Thousand Dollars (\$10,000.00)
7 if the offense resulted in the death of an ~~emergency worker~~
8 individual.

9 F. No person shall be cited or convicted for roadway
10 endangerment ~~of an emergency worker~~ or aggravated roadway
11 endangerment ~~of an emergency worker~~ for any act or omission
12 otherwise constituting an offense under subsection B of this section
13 if such act or omission resulted, in whole or in part, from
14 mechanical failure of the vehicle of the person or from the
15 negligence of another person ~~or an emergency worker~~.

16 G. As used in this section, the term "stationary vehicle" shall
17 include, but may not be limited to, any: stationary vehicle;
18 authorized emergency vehicle; Department of Transportation
19 maintenance vehicle; Oklahoma Turnpike Authority maintenance
20 vehicle; service vehicle belonging to a utility company; or licensed
21 wrecker that is displaying flashing amber lights, a combination of
22 red or blue lights, or any combination of amber, red, or blue
23 lights.

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SECTION 2. AMENDATORY Section 2, Chapter 270, O.S.L.

2022 (47 O.S. Supp. 2023, Section 11-1304), is amended to read as follows:

Section 11-1304. A. The Department of Public Safety is authorized to establish Operation Work Zone Awareness. Operation Work Zone Awareness is a program designed to educate the motoring public on the dangers of committing moving violations while traveling in highway construction work zones or motorists failing to move over or slow down pursuant to subsection D of Section 11-314 of this title. The Department is authorized to develop and house on its website an online work zone awareness presentation that may include, but not be limited to, facts and figures representing the dangers of motorists committing work zone moving violations, testimonials from highway construction workers and their families, information on the importance of awareness and slowing down in work zones, the importance of moving over or slowing down, and a question-and-answer section to ensure participants understand and retain the information presented. The Department is authorized to contract for the production, development, and maintenance of the webpage through a vendor. The Department shall maintain in its database a record of those completing the program.

B. Motorists receiving a citation for committing moving violations within a work zone or for failure to move over or slow down may receive information regarding an invitation to participate

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

20 C. Moving violations that qualify an offender to participate in
21 the Operation Work Zone Awareness program shall include, but not be
22 limited to, speeding, distracted driving, failure to move over,
23 failure to obey flagger, and failure to obey traffic control
24 devices. Motorists committing impaired driving offenses, as defined

1 in Title 47 of the Oklahoma Statutes, in work zones or otherwise,
2 including driving under the influence, driving while intoxicated,
3 driving under the influence under twenty-one (21) years of age, or a
4 commercial driver license holder refusing a chemical test while
5 driving any vehicle, shall be disqualified from the program.

6 D. The fee paid by a motorist for his or her participation in
7 the Operation Work Zone Awareness program shall be Seventy-five
8 Dollars (\$75.00) and shall be apportioned as follows:

9 1. Thirty-five Dollars (\$35.00) to be deposited in the
10 Department of Public Safety Revolving Fund, created in Section 2-
11 144.1 of Title 47 of the Oklahoma Statutes, to be used for
12 maintenance of the Operation Work Zone Awareness program;

13 2. Fifteen Dollars (\$15.00) to be deposited in the Department
14 of Public Safety Patrol Vehicle Revolving Fund, created in Section
15 2-143 of Title 47 of the Oklahoma Statutes; and

16 3. Twenty-five Dollars (\$25.00) to be deposited in the Oklahoma
17 Court Information System Revolving Fund, created in Section 1315 of
18 Title 20 of the Oklahoma Statutes, to be used to offset expenses
19 related to this program.

20 The Department is authorized to determine the manner in which
21 fees may be paid.

22 SECTION 3. This act shall become effective November 1, 2024.

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