

1 ENGROSSED HOUSE
2 BILL NO. 3072

By: Hays of the House

3 and

4 Stephens of the Senate

5
6 [motor vehicles - Bernardo-Mills Law - actions a
7 driver shall take upon approach of certain vehicles -
8 completion of program to avoid penalty - requirements
9 of the Operation Work Zone Awareness program -
10 effective date]
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

19 B. The driver of a motor vehicle, upon approaching a stationary
20 authorized emergency vehicle, a Department of Transportation
21 maintenance vehicle, a Turnpike Authority maintenance vehicle, a
22 stationary vehicle that is displaying flashing lights or a licensed
23 wrecker that is displaying a flashing amber light, a combination red
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1 or blue light or any combination of amber, red or blue lights,
2 shall:

3 1. If traveling on a highway that consists of two or more lanes
4 that carry traffic in the same direction of travel as that of the
5 driver, the driver shall proceed with due caution and shall, if
6 possible and with due regard to the road, weather, and traffic
7 conditions, change lanes into a lane that is not adjacent to the
8 stationary authorized emergency vehicle, a Department of
9 Transportation maintenance vehicle, a Turnpike Authority maintenance
10 vehicle, or licensed wrecker; or if the driver is not able to change
11 lanes or if to do so would be unsafe, the driver shall proceed with
12 due caution and reduce the speed of the motor vehicle to a safe
13 speed that is at least ten (10) miles per hour below the posted
14 speed limit; and

15 2. If traveling on a highway other than a highway described in
16 paragraph 1 of this subsection, the driver shall proceed with due
17 caution and reduce the speed of the motor vehicle to a safe speed
18 that is at least ten (10) miles per hour below the posted speed
19 limit.

20 A person shall be guilty of the offense of endangerment of an
21 emergency worker for any offense committed in violation of this
22 subsection.

23 C. This section does not relieve the operator of a stationary
24 authorized emergency vehicle, a Department of Transportation

1 maintenance vehicle, a Turnpike Authority maintenance vehicle, or
2 licensed wrecker from the consequences of reckless disregard for the
3 safety of all persons and property upon the highway.

4 D. Upon conviction for committing the offense of endangerment
5 of an emergency worker pursuant to subsection B of this section, if
6 no injury or death of an emergency worker resulted from the offense,
7 and in addition to any other penalty authorized by law, the person
8 shall be subject to a fine of:

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

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

12 A person committing a first offense in violation of this
13 subsection may complete the Operation Work Zone Awareness program
14 established in Section 11-304 of this title to avoid the monetary
15 penalty of a first offense.

16 E. A person shall be deemed to commit the offense of aggravated
17 endangerment of an emergency worker upon conviction for any offense
18 pursuant to subsection B of this section when such offense results
19 in the injury or death of an emergency worker. Upon conviction for
20 committing the offense of aggravated endangerment of an emergency
21 worker, in addition to any other penalty authorized by law, the
22 person shall be subject to a fine of not more than Five Thousand
23 Dollars (\$5,000.00) if the offense resulted in injury to an
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1 emergency worker and not more than Ten Thousand Dollars (\$10,000.00)
2 if the offense resulted in the death of an emergency worker.

3 F. No person shall be cited or convicted for endangerment of an
4 emergency worker or aggravated endangerment of an emergency worker
5 for any act or omission otherwise constituting an offense under
6 subsection B of this section if such act or omission resulted, in
7 whole or in part, from mechanical failure of the vehicle of the
8 person or from the negligence of another person or an emergency
9 worker.

10 SECTION 2. AMENDATORY Section 2, Chapter 270, O.S.L.
11 2022 (47 O.S. Supp. 2023, Section 11-1304), is amended to read as
12 follows:

13 Section 11-1304. A. The Department of Public Safety is
14 authorized to establish Operation Work Zone Awareness. Operation
15 Work Zone Awareness is a program designed to educate the motoring
16 public on the dangers of committing moving violations while
17 traveling in highway construction work zones or motorists failing to
18 move over or slow down pursuant to subsection D of Section 11-314 of
19 this title. The Department is authorized to develop and house on
20 its website an online work zone awareness presentation that may
21 include, but not be limited to, facts and figures representing the
22 dangers of motorists committing work zone moving violations,
23 testimonials from highway construction workers and their families,
24 information on the importance of awareness and slowing down in work

1 zones, the importance of failure to move over or slow down, and a
2 question-and-answer section to ensure participants understand and
3 retain the information presented. The Department is authorized to
4 contract for the production, development, and maintenance of the
5 webpage through a vendor. The Department shall maintain in its
6 database a record of those completing the program.

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

1 participate in the program and instead pay the fine imposed on the
2 issued citation. Holders of commercial driver licenses cited while
3 driving a commercial motor vehicle are not eligible to participate
4 in the program.

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

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

18 1. Thirty-five Dollars (\$35.00) to be deposited in the
19 Department of Public Safety Revolving Fund, created in Section 2-
20 144.1 of Title 47 of the Oklahoma Statutes, to be used for
21 maintenance of the Operation Work Zone Awareness program;

22 2. Fifteen Dollars (\$15.00) to be deposited in the Department
23 of Public Safety Patrol Vehicle Revolving Fund created in Section 2-
24 143 of Title 47 of the Oklahoma Statutes; and

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

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

SECTION 2. This act shall become effective November 1, 2024.

Passed the House of Representatives the 13th day of March, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2024.

Presiding Officer of the Senate