

1 **SENATE FLOOR VERSION**

2 April 11, 2024

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 3065

By: Hays of the House

and

Stephens of the Senate

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9 An Act relating to motor vehicles; amending 47 O.S.  
10 2021, Section 11-314, as amended by Section 1,  
Chapter 270, O.S.L. 2023 (47 O.S. Supp. 2023, Section  
11 11-314), which relates to the Bernardo-Mills Law;  
12 modifying types of vehicles requiring certain  
approach; modifying provision related to reduction in  
13 speed; modifying name of offense; authorizing  
completion of certain program in lieu of monetary  
14 penalty in certain circumstance; modifying  
description of person offended; defining term;  
15 amending Section 2, Chapter 270, O.S.L. 2022 (47 O.S.  
Supp. 2023, Section 11-1304), which relates to  
16 Operation Work Zone Awareness; modifying educational  
scope of program; expanding invitation to participate  
17 to certain motorists; modifying provisions of program  
disqualification; and providing an effective date.

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

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

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

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

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

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

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.

24

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.

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
24 April 11, 2024 - DO PASS AS AMENDED BY CS