

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3072

By: Hays

AS INTRODUCED

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 actions a driver shall take upon approach of certain vehicles; allowing completion of certain program to avoid penalty; modifying requirements of the Operation Work Zone Awareness program; allowing certain offenders to participate in the program; 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:

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

B. The driver of a motor vehicle, upon approaching a stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, a stationary vehicle that is displaying flashing lights or a licensed

1 wrecker that is displaying a flashing amber light, a combination red
2 or blue light or any combination of amber, red or blue lights,
3 shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

8 B. Motorists receiving a citation for committing moving
9 violations within a work zone or for failure to move over or slow
10 down, may receive information regarding an invitation to participate
11 in the Operation Work Zone Awareness program. A motorist who
12 participates in and completes the online program shall receive a
13 certificate designed and issued by the Department. Any person
14 producing the certificate as proof in court that the program was
15 successfully completed shall be entitled to dismissal of the fine.
16 If proof of successful completion of the program is presented to the
17 court in person or electronically, no later than the business day
18 preceding the first scheduled court appearance date, the dismissal
19 shall be without payment of court costs. The court may access
20 information from the Department's system to confirm completion of
21 the program. Offenders may participate in and complete the program
22 a maximum of one time. After completing the program, a motorist who
23 receives another citation in a work zone or for failure to move over
24 or slow down will be disqualified from utilizing the program

1 benefits a second time. If a motorist so chooses, he or she may not
2 participate in the program and instead pay the fine imposed on the
3 issued citation. Holders of commercial driver licenses cited while
4 driving a commercial motor vehicle are not eligible to participate
5 in the program.

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

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

19 1. Thirty-five Dollars (\$35.00) to be deposited in the
20 Department of Public Safety Revolving Fund, created in Section 2-
21 144.1 of Title 47 of the Oklahoma Statutes, to be used for
22 maintenance of the Operation Work Zone Awareness program;
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1 2. Fifteen Dollars (\$15.00) to be deposited in the Department
2 of Public Safety Patrol Vehicle Revolving Fund created in Section 2-
3 143 of Title 47 of the Oklahoma Statutes; and

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

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

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

12 59-2-9318 JBH 01/09/24

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