

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1272

By: Hays

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2021, Section 11-314, as amended by Section 1,
9 Chapter 270, O.S.L. 2023 (47 O.S. Supp. 2023, Section
10 11-314), which relates to the Bernardo-Mills Law;
11 modifying types of vehicles requiring certain
12 approach; modifying provision related to reduction in
13 speed; modifying name of offense; authorizing
14 completion of certain program in lieu of monetary
15 penalty in certain circumstance; modifying
16 description of person offended; defining term;
17 amending Section 2, Chapter 270, O.S.L. 2022 (47 O.S.
18 Supp. 2023, Section 11-1304), which relates to
19 Operation Work Zone Awareness; modifying educational
20 scope of program; expanding invitation to participate
21 to certain motorists; modifying provisions of program
22 disqualification; and providing an effective date.

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

24 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~~

1 ~~maintenance vehicle, a Turnpike Authority maintenance vehicle, a~~
2 ~~stationary vehicle that is displaying flashing lights or a licensed~~
3 ~~wrecker that is displaying a flashing amber light, a combination red~~
4 ~~or blue light or any combination of amber, red or blue lights,~~
5 shall:

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

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

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

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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 roadway
7 ~~endangerment of an emergency worker~~ pursuant to subsection B of this
8 section, if no injury or death of an ~~emergency worker~~ individual
9 resulted from the offense, and in addition to any other penalty
10 authorized by law, the person 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 11-1304 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 roadway ~~endangerment of an emergency worker~~ upon conviction for any
20 ~~offense pursuant to~~ act or omission constituting an offense under
21 subsection B of this section when such offense results in the injury
22 or death of an ~~emergency worker~~ individual. Upon conviction for
23 committing the offense of aggravated roadway ~~endangerment of an~~
24 ~~emergency worker~~, in addition to any other penalty authorized by

1 law, the person shall be subject to a fine ~~of~~ not more than Five
2 Thousand Dollars (\$5,000.00) if the offense resulted in injury ~~to an~~
3 ~~emergency worker~~ and not more than Ten Thousand Dollars (\$10,000.00)
4 if the offense resulted in the death of an ~~emergency worker~~
5 individual.

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

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

21 SECTION 2. AMENDATORY Section 2, Chapter 270, O.S.L.
22 2022 (47 O.S. Supp. 2023, Section 11-1304), is amended to read as
23 follows:
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1 Section 11-1304. A. The Department of Public Safety is
2 authorized to establish Operation Work Zone Awareness. Operation
3 Work Zone Awareness is a program designed to educate the motoring
4 public on the dangers of committing moving violations while
5 traveling in highway construction work zones or motorists failing to
6 move over or slow down pursuant to subsection D of Section 11-314 of
7 this title. The Department is authorized to develop and house on
8 its website an online work zone awareness presentation that may
9 include, but not be limited to, facts and figures representing the
10 dangers of motorists committing work zone moving violations,
11 testimonials from highway construction workers and their families,
12 information on the importance of awareness and slowing down in work
13 zones, the importance of moving over or slowing down, and a
14 question-and-answer section to ensure participants understand and
15 retain the information presented. The Department is authorized to
16 contract for the production, development, and maintenance of the
17 webpage through a vendor. The Department shall maintain in its
18 database a record of those completing the program.

19 B. Motorists receiving a citation for committing moving
20 violations within a work zone or for failure to move over or slow
21 down may receive information regarding an invitation to participate
22 in the Operation Work Zone Awareness program. A motorist who
23 participates in and completes the online program shall receive a
24 certificate designed and issued by the Department. Any person

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

17 C. Moving violations that qualify an offender to participate in
18 the Operation Work Zone Awareness program shall include, but not be
19 limited to, speeding, distracted driving, failure to move over,
20 failure to obey flagger, and failure to obey traffic control
21 devices. Motorists committing impaired driving offenses, as defined
22 in Title 47 of the Oklahoma Statutes, in work zones or otherwise,
23 including driving under the influence, driving while intoxicated,
24 driving under the influence under twenty-one (21) years of age, or a

1 commercial driver license holder refusing a chemical test while
2 driving any vehicle, shall be disqualified from the program.

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

6 1. Thirty-five Dollars (\$35.00) to be deposited in the
7 Department of Public Safety Revolving Fund, created in Section 2-
8 144.1 of Title 47 of the Oklahoma Statutes, to be used for
9 maintenance of the Operation Work Zone Awareness program;

10 2. Fifteen Dollars (\$15.00) to be deposited in the Department
11 of Public Safety Patrol Vehicle Revolving Fund, created in Section
12 2-143 of Title 47 of the Oklahoma Statutes; and

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

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

19 SECTION 3. This act shall become effective November 1, 2025.

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21 60-1-10281 JBH 12/09/24

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