ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 3508

By: Frix of the House

and

Quinn of the Senate

[ work zone safety - authorizing the promulgation of
certain rules and procedures - effective date ]

AUTHOR: Remove as principal Senate author Quinn and substitute as
principal Senate author Standridge. Retain Quinn as Senate
coauthor. Add the following Senate coauthor: Bergstrom

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

"An Act relating to motor vehicles; amending 47 O.S. 2011, Section 11-1110, which relates to prohibited
acts on highways; requiring certain liability
insurance for tractors carrying cargo; and providing
an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-1110, is
amended to read as follows:

Section 11-1110. A. No person shall throw or deposit upon any
highway any glass bottle, glass, nails, tacks, wire, cans or any
other substances likely to injure any person, animal or vehicle upon
such highway.
B. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

C. 1. Any person removing a wrecked or damaged vehicle from a highway, highway right-of-way or any other location as the result of an accident shall remove any glass or other injurious substance dropped upon the highway or highway right-of-way or other location from such vehicle. The owner or insurer of the owner of the vehicle if the owner’s insurance policy provides coverage for such expense, shall be responsible for the cost of removal of the vehicle and the glass or other injurious substance and any vehicle storage fees. The cost of the removal of the vehicle and any storage fees shall be the same as established by the Corporation Commission for nonconsensual tows.

2. Truck tractors carrying cargo on the roadways of this state shall maintain a general liability insurance policy that covers the costs of cleanup of any substance that is spilled or otherwise deposited on the roadway or right-of-way in violation of this section.

D. C. No person shall throw any substance at a standing vehicle or any occupant thereof, nor shall any person throw any substance at a person on or adjacent to a highway.

SECTION 2. This act shall become effective November 1, 2020."
Passed the Senate the 14th day of May, 2020.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of ________, 2020.

Presiding Officer of the House of Representatives
ENCROSSED HOUSE
BILL NO. 3508
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[ work zone safety - authorizing the promulgation of
  certain rules and procedures - effective date ]

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

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-811 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Work Zone Safety Division" means a division within the Department of Public Safety that is responsible for maintaining and deploying automated speed enforcement units as a means of speed enforcement for road construction work zones in this state;

2. "Automated speed enforcement unit" means a system of automatic number plate recognition (ANPR) cameras used to electronically record the speed of passing vehicles and issue tickets to the vehicles violating speed limit regulations; and
3. "Automatic number plate recognition (ANPR) camera" means a fixed or mobile speed camera system that measures the time taken by a vehicle to travel between two or more points. The camera measures the speed of the passing vehicle and records license plate information from the vehicle.

B. The Department of Public Safety is authorized to promulgate any necessary rules to develop a Work Zone Safety Division. The Division shall utilize automated speed enforcement units equipped with ANPR cameras to detect speeding motorists and issue violations in road construction zones in this state.

C. The Department shall fund the Work Zone Safety Division with its share of the assessment apportioned to it pursuant to paragraph 1 of subsection C of Section 327.1 of Title 17 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1913 of Title 69, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "smart work zone system" means an application of computers, communications, and sensor technology to highway transportation that possesses the following general characteristics:

1. The system obtains and analyzes traffic-flow data in real time, providing frequently updated information to motorists;
2. The system is portable, allowing its installation, with minor modifications as necessary, at different locations;

3. The system operates in an automated manner with as minimal supervision as possible by human operators; and

4. The system provides accurate and reliable information, keeping in mind the serious consequences of misinforming motorists in work zone situations.

B. The Department of Transportation is authorized to promulgate any necessary rules to develop a smart work zone system. The Department shall initiate at least two such systems before December 31, 2020.

C. The Department shall promulgate rules for contracting with third parties who place or provide temporary traffic-control devices within or near construction zones. The rules shall require the Department to pay a daily agreed-upon rate for the use or rental of such temporary traffic-control devices for each day the devices are in use in a construction-zone area.

D. The Department shall fund the smart work zone system with its share of the assessment apportioned to it pursuant to paragraph 2 of subsection C of Section 327.1 of Title 17 of the Oklahoma Statutes.

SECTION 5. AMENDATORY Section 25, Chapter 27, O.S.L. 2018, as amended by Section 12, Chapter 82, O.S.L. 2019 (17 O.S. Supp. 2019, Section 327.1), is amended to read as follows:
Section 327.1  A.  Except as otherwise provided by this section, there shall be an assessment of one cent ($0.01) per gallon upon the sale of each gallon of motor fuel used or consumed in this state. The assessment imposed pursuant to the provisions of this section shall be for the purposes of providing revenue to:

1. The Corporation Commission Revolving Fund pursuant to subparagraph a of paragraph 3 of subsection C of this section;

2. The Petroleum Storage Tank Indemnity Fund pursuant to paragraphs subparagraph d of paragraph 3 and 4 of subsection C of this section;

3. The State Transportation Fund pursuant to division (2) of subparagraph b of paragraph 3 of subsection C of this section and paragraph 2 of subsection C of this section;

4. The Corporation Commission Storage Tank Revolving Fund pursuant to division (1) of subparagraph a of paragraph 3 of subsection C of this section;

5. The Department of Environmental Quality Revolving Fund pursuant to subparagraph b of paragraph 3 of subsection C of this section; and

6. The Weigh Station Improvement Revolving Fund pursuant to subparagraph c of paragraph 3 of subsection C of this section; and

7. The State Public Safety Fund pursuant to paragraph 1 of subsection C of this section.
The assessment shall be imposed at the time of the sale of the motor fuel and shall be precollected and remitted to the Oklahoma Tax Commission in accordance with Section 500.1 et seq. of Title 68 of the Oklahoma Statutes and as provided by Section 327.2 of this title.

B. 1. Exempt from the assessment imposed pursuant to subsection A of this section are:

   a. the state government,
   b. the federal government,
   c. Class I and Class II railroads, and
   d. sales for exportation outside of this state by a licensed exporter.

2. Exempt from the assessment imposed for purposes specified in paragraph 3 of subsection A of this section are sales of:

   a. motor fuel used solely and exclusively in district-owned or -leased public school buses, FFA and 4-H Club trucks for the purposes of legally transporting public school children, or in the operation of vehicles used in driver training,
   b. motor fuels used solely and exclusively to propel motor vehicles on the public roads and highways of this state when leased or owned and being operated for the sole benefit of a county, city, town, volunteer fire department with a state certification and rating,
rural electric cooperative, rural water and sewer
district, rural ambulance service district, or
federally recognized Indian tribe as specified by
Section 500.10 of Title 68 of the Oklahoma Statutes,
c. motor fuel to counties and cities and towns,
d. diesel fuel for off-road purposes specified by Section
500.10 of Title 68 of the Oklahoma Statutes,
e. motor fuel used for agricultural purposes specified by
Section 500.10 of Title 68 of the Oklahoma Statutes,
and
f. motor fuel used in aircraft or in aircraft engines
pursuant to Section 500.10 of Title 68 of the Oklahoma
Statutes.

C. The assessment imposed by subsection A of this section shall
be distributed in the following manner:

1. The Ten percent (10%) of the assessment shall be deposited
into the State Public Safety Fund created in Section 2-147 of Title
47 of the Oklahoma Statutes for development and maintenance of the
Department of Public Safety Work Zone Safety Division;

2. Ten percent (10%) of the assessment shall be deposited into
the State Highway Construction and Maintenance Fund created in
Section 1501.1 of Title 69 of the Oklahoma Statutes for development
and maintenance of the Oklahoma Department of Transportation smart
work zone system;
3. Eighty percent (80%) of the assessment shall be distributed as follows:

a. the first One Million Dollars ($1,000,000.00) collected during each fiscal year shall be deposited into the Corporation Commission Revolving Fund created in Section 180.7 of Title 17 of the Oklahoma Statutes.

2. After

b. after deduction of the amount required pursuant to paragraph 1 subparagraph a of this subsection, eight percent (8%) of the remainder of the revenue collected during each fiscal year shall be deposited into the Department of Environmental Quality Revolving Fund created in Section 2-3-401 of Title 27A of the Oklahoma Statutes.

3. Until

c. until the total amount deposited since July 1, 2008, in the Weigh Station Improvement Revolving Fund totals Eighty-one Million Dollars ($81,000,000.00), Five Hundred Thousand Dollars ($500,000.00) per month of all revenue from the assessment received over the amount required by paragraphs 1 and 2 of this subsection subparagraphs a and b of this paragraph shall be deposited in the Weigh Station Improvement Fund.
Revolving Fund, created in Section 1167 of Title 47 of the Oklahoma Statutes and shall be used solely for the purpose of constructing weigh stations.

4. After
   d. after the total amount deposited in the Weigh Station Improvement Revolving Fund totals Eighty-one Million Dollars ($81,000,000.00), any revenue from the assessment received over the amounts required in paragraphs 1 and 2 of this subsection subparagaphs a and b of this paragraph shall be deposited in the Petroleum Storage Tank Indemnity Fund as provided in this section in amounts necessary to maintain the maintenance level of the Indemnity Fund pursuant to subsection D of this section and

5. The
   e. the balance of any revenue from the assessment remaining above the amount required in paragraphs 1 through 4 of this subsection subparagaphs a through d of this paragraph shall be deposited as follows:

   (1) the first One Million Dollars ($1,000,000.00) collected during each fiscal year shall be deposited in the Corporation Commission Storage Tank Revolving Fund for the purpose of
implementing the provisions of the Oklahoma Petroleum Storage Tank Consolidation Act and the rules promulgated thereunder, and

(2) the balance of the monies collected during each fiscal year shall be deposited in the State Transportation Fund and shall be used solely for the purpose of matching Federal-Aid funds for the construction of highways and roads in this state. The distribution required by this division shall be in addition to the distribution made under paragraph 2 of this subsection.

D. 1. If at any time the Petroleum Storage Tank Indemnity Fund falls below the required maintenance level on or before December 31, 2032, the Administrator shall notify the Tax Commission that the Indemnity Fund has fallen below the required maintenance level and that the assessment is to be deposited into the Indemnity Fund for at least three (3) calendar months pursuant to the provisions of paragraph 2 of this subsection.

2. At least fifteen (15) days prior to the calendar month in which the assessment is to be collected for credit to the Indemnity Fund, the Tax Commission, upon notification by the Administrator that the Indemnity Fund has fallen below the required maintenance level, shall notify the suppliers, licensed importers or other
appropriate persons that the assessment is being imposed for purposes of maintaining the Indemnity Fund. The notice shall include a date certain upon which to begin collecting the assessment for credit to the Indemnity Fund and a date certain for ending the assessment for credit to the Indemnity Fund. Upon notice by the Tax Commission that the assessment imposed is for credit to the Indemnity Fund, the supplier, licensed importer or other appropriate person shall also assess, for the specified period required by the Tax Commission, the sales of:

a. motor fuel used solely and exclusively in district-owned or leased public school buses, FFA and 4-H Club trucks for the purposes of legally transporting public school children or in the operation of vehicles used in driver's training,

b. motor fuels used solely and exclusively to propel motor vehicles on the public roads and highways of the state when leased or owned and being operated for the sole benefit of a county, city or town, volunteer fire department with a state certification and rating, rural electric cooperative, rural water and sewer district, rural ambulance service district, or federally recognized Indian tribe as specified by Section 500.10 of Title 68 of the Oklahoma Statutes,

c. motor fuel to counties and cities and towns,
d. diesel fuel for off-road purposes specified by Section 500.10 of Title 68 of the Oklahoma Statutes,

e. motor fuel used for agricultural purposes specified by Section 500.10 of Title 68 of the Oklahoma Statutes,

and

f. motor fuel used in aircraft and aircraft engines pursuant to Section 500.10 of Title 68 of the Oklahoma Statutes.

3. After the collection period required by this subsection has expired, the revenue collected from the assessment shall be again deposited in the Corporation Commission Storage Tank Revolving Fund and the State Transportation Fund as provided in subparagraph e of paragraph § 3 of subsection C of this section.

SECTION 6. This act shall become effective November 1, 2020.

Passed the House of Representatives the 11th day of March, 2020.

Presiding Officer of the House of Representatives

Passed the Senate the ___ day of _______, 2020.

Presiding Officer of the Senate