

SS SCS SB 872, 754 & 669 -- Safety of Workers along the Roadways

Sponsor: Gibbons

This substitute changes the laws regarding the safety of highway workers, emergency workers, and other motorists.

HIGHWAY WORK ZONE SAFETY

The substitute increases various penalties for offenses occurring within highway work zones or construction zones. Any person convicted of a second or subsequent moving violation within a work zone will be assessed a fine of \$75. A person convicted of speeding or passing a vehicle within a work zone when a highway worker is present a second or subsequent time will be assessed a fine of \$300 in addition to any other fine authorized by law. The crime of endangerment of a highway worker is created. If a person commits the crime of endangerment of a highway worker in which no injury or death results, the person will be subject to a fine of not more than \$1,000 and will have eight points assessed against his or her driver's license. A person will be guilty of aggravated endangerment of a highway worker if a death or injury results. If a highway worker is injured or killed in a work zone, the person will be subject to a fine of not more than \$5,000 for an injury and not more than \$10,000 if death resulted and will have 12 points assessed against his or her driver's license.

A person commits the crime of endangerment of a highway worker if the motorist:

- (1) Exceeds the posted speed limit by 15 miles per hour or more;
- (2) Passes another vehicle in a work zone causing the death or injury of a highway worker;
- (3) Fails to stop for a work zone flagman or fails to obey traffic control signals erected in the work zone;
- (4) Physically assaults or attempts to assault a highway worker with a motor vehicle or other instrument;
- (5) Intentionally strikes or moves barrels, barriers, signs, or other devices erected to control the flow of traffic for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of another person; or
- (6) Commits various offenses in which points may be assessed.

CLUTCH'S LAW (FAILURE TO YIELD)

The substitute imposes an additional penalty and driver's license suspension on any person failing to yield the right-of-way when the violation results in physical injury, serious physical injury, or death to a person. This provision becomes effective January 1, 2007.

MOVE OVER LAW

The penalty for motorists who fail to move over when approached by an oncoming emergency vehicle or when approaching a stationary emergency vehicle is increased from a class B misdemeanor to a class A misdemeanor.

SCHOOL BUSES

The penalties for motorists who fail to stop for school buses that are loading or unloading children are increased. Any person who fails to properly yield for a school bus and the failure results in the injury of any child will be guilty of a class D felony. Any person who fails to properly yield for a school bus causing the death of a child will be guilty of a class C felony.

STREETCAR MOTORMEN

The substitute repeals the duty of a streetcar motorman to stop or yield the streetcar to passing emergency vehicles.