

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 367

BY: DOUGLASS

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; CREATING CERTAIN LIABILITY FOR COSTS OF EMERGENCY RESPONSE UNDER CERTAIN CONDITIONS; DEFINING TERMS; CONSTRUING LIABILITY FOR EMERGENCY RESPONSE TO BE DEBT; STATING MANNER OF COLLECTION OF DEBT; PROHIBITING INSURANCE FOR DEBT; LIMITING LIABILITY; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 762 of Title 47, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Expense of an emergency response" means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, including the costs of providing police, fire fighting, rescue, and emergency medical services at the scene of the incident but shall only include those costs directly arising because of the response to the particular incident;

2. "Public agency" means the state and any city, county, municipal corporation, district, or public authority located, in

whole or in part, within this state which provides or may provide fire fighting, police, ambulance, medical, or other emergency services; and

3. "Intentionally wrongful conduct" means conduct intended to injure another person or property.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 763 of Title 47, unless there is created a duplication in numbering, reads as follows:

Any person:

1. Who is under the influence of any intoxicating or nonintoxicating beverage as defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes or any drug, or the combined influence of any such beverage and any drug, whose negligent operation of a motor vehicle caused by that influence proximately causes any incident resulting in an appropriate emergency response; or

2. Whose intentionally wrongful conduct involving the operation of a motor vehicle proximately causes any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response by a public agency to the incident.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 764 of Title 47, unless there is created a duplication in numbering, reads as follows:

For purposes of this act, a person is under the influence of an intoxicating or nonintoxicating beverage defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes or any drug, or the combined influence of any such beverage and drug, when as a result of drinking any such beverage or using a drug, or both, his physical or mental abilities are impaired to a degree that he no longer has the ability to operate a motor vehicle with the caution characteristic of a sober person of ordinary prudence under the same

or similar circumstances. For purposes of this act, the presumptions described in Sections 756 and 11-902 of Title 47 of the Oklahoma Statutes shall apply.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 765 of Title 47, unless there is created a duplication in numbering, reads as follows:

The costs of an emergency response shall be a charge against the person liable for expenses under this act. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied, except that liability for the expenses provided for in this act shall not be insurable and no insurance policy shall provide or pay for the expenses. In no event shall a person's liability under this act for the expense of an emergency response exceed One Thousand Dollars (\$1,000.00) for a particular incident.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-542

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