

SHORT TITLE: Crimes and punishments; prohibiting use of motor vehicle or cycle to falsely personate an officer; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 43

By: Leftwich

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 1533, and 47 O.S. 1991, Sections 12-101, 12-217, 12-218 and 12-227, which relate to false personation of an officer, penalties, and vehicle equipment; increasing penalty; prohibiting use of a motor vehicle or cycle to falsely personate an officer; prohibiting use of spot lamp and audible signal to cause vehicle operators to stop; stating exceptions; setting penalties; modifying language; modifying reference; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1533, is amended to read as follows:

Section 1533. A. Every person who falsely personates any public officer, civil or military, ~~or~~ any fireman, ~~or~~ any law enforcement officer, any emergency medical technician or other emergency medical care provider, or any private individual having special authority by law to perform any act affecting the rights or interests of another, or who assumes, without authority, any uniform or badge by which such officers or persons are usually distinguished, and in such assumed character does any act whereby another person is injured, defrauded, harrassed, vexed or annoyed,

upon conviction, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

B. Every person who uses any motor vehicle or motor-driven cycle usually distinguished as a law enforcement vehicle or equips any motor vehicle or motor-driven cycle with any spot lamps, audible sirens, or flashing red lights, in violation of Sections 12-217, 12-218 or 12-227 of Title 47 of the Oklahoma Statutes for the purpose of falsely personating a law enforcement officer and who in such assumed character commits any act whereby another person is injured, defrauded, harrassed, vexed or annoyed shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the State Penitentiary not exceeding one (1) year, or by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 12-101, is amended to read as follows:

Section 12-101. ~~(a) It is~~ A. Except as otherwise provided, it shall be a misdemeanor, upon conviction, punishable by fine of not more than Ten Dollars (\$10.00), for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

~~(b)~~ B. Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with provisions of this chapter, and compliance

with regulations of the Interstate Commerce Commission governing motor carriers operating in interstate commerce shall be deemed to be a compliance with all provisions of this chapter.

~~(e)~~ C. The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 12-217, is amended to read as follows:

Section 12-217. A. Any motor vehicle may be equipped with not to exceed two spot lamps which shall not be used in substitution of headlamps.

B. Every spot lamp mounted upon a motor vehicle shall be located with the center of such lamps at a height of not less than thirty inches, nor more than seventy-two (72) inches above the level surface upon which the vehicle stands and every spot lamp shall be so directed when in use:

1. That no portion of the main substantially parallel beam of light will strike the roadway to the left of the prolongation of the left side of the vehicle; and

2. That the top of the beam will not strike the roadway at a distance in excess of five hundred (500) feet from the vehicle.

C. The operator of any motor vehicle which has in use a spot lamp attached thereto shall upon discerning the approach of another vehicle immediately turn said spot lamp off. The operator of a motor vehicle shall not use or turn on a spot lamp when following another motor vehicle within five hundred (500) feet or to cause a vehicle to yield right-of-way and stop. The provisions of this ~~paragraph~~ subsection shall not apply to vehicles of any fire department, fire patrol, ~~police~~ law enforcement vehicles ~~and,~~ ambulances, or other authorized emergency vehicles.

D. Any motor vehicles may be equipped with not to exceed two fog lamps or two auxiliary lamps mounted upon the front below the level of the center of headlamps.

~~2.~~ Fog lamps shall not be used in substitution of headlamps, except under conditions of rain or fog rendering disadvantageous the use of headlamps.

Whenever fog lamps are used in substitution of headlamps, as permitted herein, two such fog lamps mounted on opposite sides of the front of the vehicle must be lighted.

Every fog lamp or auxiliary lamp used upon a motor vehicle ~~should~~ shall be so adjusted and aimed that no part of the high intensity portion of the beam shall, at a distance of twenty-five (25) feet, rise above the horizontal plane passing through the center of the lamp. Every such fog lamp or auxiliary lamp, or driving lamps, shall meet the requirements and limitations set forth in this section.

~~It is~~ E. Any violation of this section shall be, upon conviction, a misdemeanor ~~and~~ punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) ~~for any person convicted of violation of this paragraph.~~

SECTION 4. AMENDATORY 47 O.S. 1991, Section 12-218, is amended to read as follows:

Section 12-218. ~~(a)~~ A. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this act, be equipped with a siren, exhaust whistle or bell capable of giving an audible signal.

~~(b)~~ B. Every school bus used for transportation of school children and every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located

at the same level, and these lights shall have sufficient intensity to be visible at five hundred (500) feet in normal sunlight or, as an alternative, authorized emergency vehicles may use one red signal lamp so located at or near the top of the vehicle which when lighted is visible for a distance of five hundred (500) feet in normal sunlight both to the front and to the rear of the vehicle.

~~(c)~~ C. A ~~police~~ law enforcement vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately-flashing red lights specified herein.

~~(d)~~ D. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed in Sections 11-405 and 11-705 of this act.

E. It shall be unlawful for any person to use audible signal equipment from a motor vehicle for the purpose of causing any other motor vehicle operator to yield right-of-way and stop. The provisions of this subsection shall not apply to vehicles of any fire department, fire patrol, law enforcement vehicles, ambulances, or other authorized emergency vehicles.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 12-227, is amended to read as follows:

Section 12-227. ~~(a)~~ A. Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, construction and maintenance vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

~~(b)~~ B. No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red

light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this act.

~~(c)~~ C. Flashing lights are prohibited except on an authorized emergency vehicle, school bus, church bus as defined in Section ~~±~~ 11-705.1 of this ~~act~~ title, snow-removal equipment, or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing. Flashing red lights may be used on vehicles or machinery owned or operated by any agency of the state or by any county or city when engaged in the performance of emergency work or on the construction or maintenance of highways or bridges.

E. Any person violating the provisions of subsection B or C of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

SECTION 6. 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.

44-1-0148

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