

ENROLLED SENATE
BILL NO. 84

By: Herbert of the Senate

and

Paulk of the House

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 11-106, as amended by Section 1, Chapter 168, O.S.L. 1998, 12-218, as last amended by Section 3 of Enrolled House Bill No. 1212 of the 1st Session of the 47th Oklahoma Legislature, 12-227, as last amended by Section 1, Chapter 26, O.S.L. 1998, and 12-228, as amended by Section 1, Chapter 81, O.S.L. 1992 (47 O.S. Supp. 1998, Sections 11-106, 12-227 and 12-228), which relate to school buses, emergency vehicles and authorized equipment; requiring that school buses in operation shall have headlights activated; clarifying statutory reference; modifying types of lights that may be used on emergency vehicles; clarifying language; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 11-106, as amended by Section 1, Chapter 168, O.S.L. 1998 (47 O.S. Supp. 1998, Section 11-106), is amended to read as follows:

Section 11-106. ~~(a)~~ A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privilege set forth in this section, but subject to the conditions herein stated.

~~(b)~~ B. The driver of an authorized emergency vehicle may:

1. Park, or stand, irrespective of the provisions of this chapter;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the maximum speed limits so long as speeding does not endanger life or property;
4. Disregard regulations governing direction of movement or turning in specified directions.

~~(c)~~ C. The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is properly and lawfully making use of an audible signal or of flashing red or blue lights or a combination of flashing red and blue lights meeting the requirements of Section 12-218 of this title, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or blue light visible from in front of the vehicle. This subsection shall not be construed as requiring a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals.

~~(d)~~ D. The ~~foregoing~~ provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 12-218, as last amended by Section 3 of Enrolled House Bill No. 1212 of the 1st Session of the 47th Oklahoma Legislature, is amended to read as follows:

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

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, or for authorized emergency vehicles, flashing red or blue lights or a combination of flashing red and blue 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 or blue 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. A law enforcement vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately-flashing red or blue lights specified herein. An unmarked vehicle used as a law enforcement vehicle for routine traffic enforcement shall be equipped with the following combination of lights:

1. Three flashing red, blue, or a combination of red and blue lights emitting the flashing lights to the front of the vehicle;

2. Two flashing white lights emitting the flashing white lights to the front of the vehicle;

3. Flashing red, blue, white or any combination of red, blue or white lights placed at and emitting the flashing lights from the

four corners of the vehicle so that they are visible for three hundred sixty (360) degrees; and

4. One flashing red, blue, yellow, or any combination of red, blue, or yellow lights emitting the flashing light to the rear of the vehicle.

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~~ title.

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 3. AMENDATORY 47 O.S. 1991, Section 12-227, as last amended by Section 1, Chapter 26, O.S.L. 1998 (47 O.S. Supp. 1998, Section 12-227), is amended to read as follows:

Section 12-227. 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. No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red or blue light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which a red or blue light visible from the front is expressly authorized or required by this title.

C. Flashing lights are prohibited except on an authorized emergency vehicle, school bus, church bus as defined in Section 11-705.1 of this title, snow-removal equipment, wreckers and tow vehicles while at the scene of an emergency, 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 or blue lights or a combination of flashing red and blue lights may be used on authorized emergency vehicles, or 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, or on wreckers and tow vehicles at the scene of an emergency.

D. Blue lights are prohibited except as allowed in subsection C of this section.

E. Any person violating the provisions of subsection B, C or D 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 4. AMENDATORY 47 O.S. 1991, Section 12-228, as amended by Section 1, Chapter 81, O.S.L. 1992 (47 O.S. Supp. 1998, Section 12-228), is amended to read as follows:

Section 12-228. ~~(a)~~ A. The Commissioner of Public Safety and the State Board of Education are authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the Society of Automotive Engineers. During the time any school bus is operating, the school bus ~~may, at the option of the school board within each school district,~~ shall have its headlights activated.

~~(b)~~ B. It shall be unlawful to operate any red flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children to board or alight from said school bus.

~~(c)~~ C. It shall be unlawful to operate any red flashing warning signal light on any church bus as defined in Section ~~±~~ 11-705.1 of this ~~act~~ title, except when any said bus is stopped on a highway for the purpose of permitting passengers to board or alight from said bus.

SECTION 5. This act shall become effective July 1, 1999.

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.

Passed the Senate the 17th day of May, 1999.

President of the Senate

Passed the House of Representatives the 18th day of May, 1999.

Speaker of the House of
Representatives