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THE STATE SENATE
Thursday, February 18, 1999

Senate Bill No. 84

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 1, Chapter 55, O.S.L. 1998, and 12-227, as last amended by Section 1, Chapter 26, O.S.L. 1998 (47 O.S. Supp. 1998, Sections 11-106, 12-218 and 12-227), which relate to emergency vehicles and authorized equipment; modifying types of lights that may be used on emergency vehicles; clarifying language; 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;

1 2. Proceed past a red or stop signal or stop sign, but only
2 after slowing down as may be necessary for safe operation;

3 3. Exceed the maximum speed limits so long as speeding does not
4 endanger life or property;

5 4. Disregard regulations governing direction of movement or
6 turning in specified directions.

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

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

1 SECTION 2. AMENDATORY 47 O.S. 1991, Section 12-218, as
2 last amended by Section 1, Chapter 55, O.S.L. 1998 (47 O.S. Supp.
3 1998, Section 12-218), is amended to read as follows:

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

8 B. Every school bus used for transportation of school children
9 and every authorized emergency vehicle shall, in addition to any
10 other equipment and distinctive markings required by this act, be
11 equipped with signal lamps mounted as high and as widely spaced
12 laterally as practicable, which shall be capable of displaying to
13 the front two alternately flashing red, or for authorized emergency
14 vehicles, flashing red or blue lights or a combination of flashing
15 red and blue lights located at the same level, and these lights
16 shall have sufficient intensity to be visible at five hundred (500)
17 feet in normal sunlight or, as an alternative, authorized emergency
18 vehicles may use one red or blue signal lamp so located at or near
19 the top of the vehicle which when lighted is visible for a distance
20 of five hundred (500) feet in normal sunlight both to the front and
21 to the rear of the vehicle.

1 C. A law enforcement vehicle when used as an authorized
2 emergency vehicle may but need not be equipped with alternately-
3 flashing red lights specified herein.

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

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

14 SECTION 3. AMENDATORY 47 O.S. 1991, Section 12-227, as
15 last amended by Section 1, Chapter 26, O.S.L. 1998 (47 O.S. Supp.
16 1998, Section 12-227), is amended to read as follows:

17 Section 12-227. A. Any lighted lamp or illuminating device
18 upon a motor vehicle, other than head lamps, spot lamps, auxiliary
19 lamps, flashing turn signals, emergency vehicle warning lamps,
20 construction and maintenance vehicle warning lamps, and school bus
21 warning lamps, which projects a beam of light of an intensity
22 greater than three hundred (300) candlepower shall be so directed
23 that no part of the high intensity portion of the beam will strike

1 the level of the roadway on which the vehicle stands at a distance
2 of more than seventy-five (75) feet from the vehicle.

3 B. No person shall drive or move any vehicle or equipment upon
4 any highway with any lamp or device thereon displaying a red light
5 visible from directly in front of the center thereof. This section
6 shall not apply to any vehicle upon which a red light visible from
7 the front is expressly authorized or required by this title.

8 C. Flashing lights are prohibited except on an authorized
9 emergency vehicle, school bus, church bus as defined in Section 11-
10 705.1 of this title, snow-removal equipment, wreckers and tow
11 vehicles while at the scene of an emergency, or on any vehicle as a
12 means of indicating a right or left turn, or the presence of a
13 vehicular traffic hazard requiring unusual care in approaching,
14 overtaking or passing. Flashing red or blue lights or a combination
15 of flashing red and blue lights may be used on authorized emergency
16 vehicles, or on vehicles or machinery owned or operated by any
17 agency of the state or by any county or city when engaged in the
18 performance of emergency work or on the construction or maintenance
19 of highways or bridges, or on wreckers and tow vehicles at the scene
20 of an emergency.

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

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

6 SECTION 4. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
11 PUBLIC SAFETY, dated 2-9-99 - DO PASS, As Coauthored.