

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2379

By: Roan

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2001, 11-106, which relates to authorized emergency vehicles; authorizing Department of Public Safety to pursue violators without use of audible or visual signals under certain circumstances; defining terms; prohibiting inattentive driving; stating exception; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-106, is amended to read as follows:

Section 11-106. 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. 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~~;
and

5. Disregard regulations governing turning in specified directions.

C. The exemptions herein granted to the driver of an authorized emergency vehicle shall apply only when ~~such vehicle~~ the driver 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. The exemptions in paragraphs 3 and 5 of subsection B of this section shall be granted to a commissioned officer of the Department of Public Safety operating an authorized emergency vehicle for law enforcement purposes without using audible and visual signals required by this section if the officer is following a suspected violator of the law with probable cause to believe that:

1. Knowledge of the presence of the officer will cause the suspect to:

- a. destroy or lose evidence of a suspected felony,
- b. end a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest, or
- c. evade apprehension or identification of the suspect or the vehicle of the suspect; or

2. Because of traffic conditions, vehicles moving in response to the audible or visual signals may increase the potential for a collision.

The exceptions granted in this subsection shall not apply to an officer who is in actual pursuit of a person who is eluding or

attempting to elude the officer in violation of Section 540A of Title 21 of the Oklahoma Statutes.

E. The 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. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-1115 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Drive while distracted" means the operation of a motor vehicle while engaged in a distractive activity in a manner that interferes with the free and proper use of the public highways or endangers users of the public highways; and

2. "Distractive activity" means an activity not directly related to the operation of the motor vehicle including, but not limited to:

- a. reading,
- b. writing,
- c. consuming or preparing food, beverages, or tobacco,
- d. changing garments,
- e. using mobile telephones, other than by hands-free operation,
- f. using radios including, but limited to AM, FM, XM, or CB radios,
- g. using audio cassette, video cassette, compact disc (CD), or digital video disc (DVD) players, televisions, or any other audio or video devices,
- h. using pagers, portable computers, two-way radios, radar detectors, scanners, personal digital

assistants, geographic positioning system (GPS)
receivers, or similar devices,

- i. applying make-up, shaving, combing hair, or attending to other forms of personal grooming,
- j. reaching for objects, or
- k. interacting with passengers or pets.

B. It shall be unlawful for any person to drive while distracted on any street or highway. Each such violation shall constitute a separate and distinct offense.

C. No person shall be deemed to have committed the offense of driving while distracted unless the person has engaged in a distractive activity in a manner that causes or contributes to a concurrent and separate moving violation.

SECTION 3. This act shall become effective November 1, 2002.

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