ENGROSSED HOUSE
BILL NO. 1896

By: Lamons of the House

and

Helton of the Senate

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 11-1001 and 11-1002, as amended by Sections 1 and 2, Chapter 100, O.S.L. 2003 (47 O.S. Supp. 2003, Sections 11-1001 and 11-1002), which relate to stopping, standing, or parking; modifying requirement for stopped vehicles on highways; defining term; modifying payment requirement for removal of certain vehicles; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-1001, as amended by Section 1, Chapter 100, O.S.L. 2003 (47 O.S. Supp. 2003, Section 11-1001), is amended to read as follows:

Section 11-1001. A. 1. Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of ~~two hundred (200)~~ four hundred (400) feet in each direction upon such highway.

2. As used in this section and Section 11-1002 of this title, "highway" means any public road, street, or turnpike used for vehicular travel.

B. 1. The owner or operator of a vehicle or its cargo which obstructs the regular flow of traffic shall make every reasonable

effort to remove the obstructing vehicle or cargo from the roadway so the regular flow of traffic is not blocked. This subsection shall not apply to collisions resulting in the injury or death of any person.

2. This subsection shall not apply to vehicles transporting "hazardous materials" as defined in paragraph 5 of Section 230.3 of this title.

3. Nothing in this subsection shall be construed to relieve any person from complying with Section 10-103 of this title.

4. ~~a. Until January 1, 2004, any person violating this subsection shall be issued a written warning of the violation.~~

~~b. Beginning January 1, 2004, any~~ Any person violating this subsection shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 11-1002, as amended by Section 2, Chapter 100, O.S.L. 2003 (47 O.S. Supp. 2003, Section 11-1002), is amended to read as follows:

Section 11-1002. A. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of subsection A of Section 11-1001 of this title, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

B. 1. Law enforcement officers, using reasonable care, may remove from the roadway to the nearest safe place any disabled or damaged vehicle or cargo as described in subsection B of Section 11-1001 of this title.

2. Absent a showing of gross negligence, the law enforcement officer, the employing agency, or any person acting under the direction of the law enforcement officer is not liable for damage to

a vehicle or damage or loss to any portion of the contents or cargo of the vehicle when carrying out the provisions of this subsection.

C. Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any underpass where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

D. When any vehicle is left standing or abandoned upon a highway in violation of this section and at such a place or in such manner as to interfere or prevent the maintenance of said highway, the Oklahoma Department of Transportation, Oklahoma Transportation Authority or their authorized agents may remove such vehicle or request the driver or other persons in charge thereof to move the same to some place of safety off the highway ~~without~~ with charge to the owner of the vehicle.

SECTION 3. This act shall become effective November 1, 2004.

Passed the House of Representatives the 11th day of March, 2004.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2004.

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Presiding Officer of the Senate