

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2383

By: Cargill

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 12-227, as last amended by Section 2, Chapter 193, O.S.L. 2005 (47 O.S. Supp. 2005, Section 12-227), which relates to special restrictions on lamps; providing statutory reference; authorizing use of blue lights on vehicles used for volunteer police or fire services; specifying lights to be used; authorizing permitting process; stating how eligibility to display blue light is withdrawn; stating penalty for violation; requiring certain information be provided to public; providing for codification; and providing an effective date.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 12-227, as last amended by Section 2, Chapter 193, O.S.L. 2005 (47 O.S. Supp. 2005, 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 headlamps, spot lamps, auxiliary driving lamps, flashing turn signals, vehicular hazard warning lamps, authorized emergency vehicle lamps, snow removal and construction and maintenance vehicle warning lamps, and school bus and church 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. Except as provided in Sections 12-218, 12-218.1, 12-228 and 12-229 of this title and in Section 2 of this act, no person shall drive or move any vehicle or equipment upon any highway with any

lamp or device thereon displaying or capable of displaying a red or blue light visible from directly in front of the center thereof.

C. Flashing lights are prohibited except on:

1. An authorized emergency vehicle, as provided in Section 12-218 of this title;

2. A school bus or a church bus, as provided in Section 12-228 of this title;

3. Any snow-removal and construction, and maintenance equipment, as provided in Section 12-229 of this title;

4. A wrecker or tow vehicle while at the scene of an emergency or loading or unloading a vehicle in close proximity to traffic as needed for safety precautions or as a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-218.1 of this title;

5. Any vehicle as a means of indicating a right or left turn, as provided in Sections 12-206.1 and 12-606 of this title;

6. Any vehicle as means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-220 of this title;

7. Any vehicle displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps, as provided in Section 12-220 of this title;

8. A farm tractor or an implement of husbandry, as provided in Section 12-215 of this title; or

9. Any vehicle used while performing official duties as a rural or contract route mail carrier of the United States Postal Service, as provided in Section 12-218.2 of this title.

D. Blue lights are prohibited except as allowed in Sections 12-218, 12-218.1 and 12-229 of this title and in Section 2 of this act.

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 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-232 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Volunteer police and fire personnel may display a blue courtesy light when responding to an emergency call. The blue light can only be used in the service district of the volunteer police or firefighter. The blue light is a courtesy light only. Display of the light does not entitle the volunteer personnel to disregard any law, rule, or regulation applicable to the general citizenry, including the observation of speed limits, stop signs, traffic lights and the duty to yield to emergency red light vehicles. The light shall be roof mountable and displayed only when in use. The light shall have a blue lens and must be revolving or flashing. It shall not exceed seven and one-half (7 1/2) inches in diameter with a lamp of not more than fifty-one (51) candlepower without a lens.

B. Any volunteer fire or police personnel may request that the chief of the department submit the name of the volunteer fire or police personnel to the State Fire Marshal or Oklahoma Highway Patrol for a permit to use a blue light in response to emergency calls. Department chiefs shall have the discretion to submit or not submit the request of the volunteer for a blue light permit to the State Fire Marshal or Oklahoma Highway Patrol. The application shall include a statement from the chief of the department stating that the volunteer is active and in good standing. After an appropriate background check of the applicant, the State Fire Marshal or Oklahoma Highway Patrol may issue a blue light permit and window decal to the applicant. Department chiefs shall have discretion to revoke the permit of the volunteer to display a blue light at any time.

C. By January 15 of each year, each fire and police department will submit to the State Fire Marshal or Oklahoma Highway Patrol a list of all active volunteers in the department in good standing who have blue light permits. A list of all volunteers who had the permits but who are no longer active or in good standing shall also be submitted.

D. Any volunteer police or fire personnel making use of a blue light must read and keep in their vehicle a copy of the statutes pertaining to the use of a blue light. They must have the decal authorizing use of a blue light prominently displayed on the front, left windshield of their vehicle. They must also have an Oklahoma state firefighter or police license tag and a department front plate on the vehicle.

E. If a volunteer firefighter or policeman leaves a department, becomes inactive, or is no longer in good standing with the department, the department chief shall immediately issue a letter to the former volunteer and the State Fire Marshal or Oklahoma Highway Patrol informing them of the ineligibility of the former volunteer to display a blue light. Failure to remove the emergency decal and blue light from their vehicle upon receipt of this letter by the former volunteer shall be a felony punishable by not less than one hundred twenty (120) days in the county jail and a fine of Two Thousand Five Hundred Dollars (\$2,500.00).

F. Any department using a blue courtesy light pursuant to this section shall provide information to the public regarding the purpose and proper use of the blue light through advertising, public service announcements, and any other appropriate medium.

SECTION 3. This act shall become effective November 1, 2006.

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