

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1667

By: Paddack

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5  
6 AS INTRODUCED

7 An Act relating to public safety; amending 47 O.S.  
8 2001, Section 12-227, as last amended by Section 2,  
9 Chapter 193, O.S.L. 2005 (47 O.S. Supp. 2007, Section  
10 12-227), which relates to special restrictions on  
11 lamps; authorizing use of flashing lights on certain  
12 vehicles; authorizing certain volunteers to use  
13 flashing lights under certain conditions; specifying  
14 equipment; providing conditions under which  
15 volunteers may disregard certain laws; providing  
16 eligibility for application; establishing procedure  
17 for application and processing of application;  
18 directing departments to provide lists of certain  
19 volunteers to the State Fire Marshal Commission or  
20 the Department of Public Safety; requiring possession  
21 of a copy of certain statutes; requiring display of  
22 certain decal; requiring display of certain tags;  
23 establishing process for ineligibility; providing  
24 penalty for violation; requiring certain information  
be provided to public; providing for codification;  
and providing an effective date.

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

20 SECTION 1. AMENDATORY 47 O.S. 2001, Section 12-227, as  
21 last amended by Section 2, Chapter 193, O.S.L. 2005 (47 O.S. Supp.  
22 2007, Section 12-227), is amended to read as follows:

23 Section 12-227. A. Any lighted lamp or illuminating device  
24 upon a motor vehicle, other than headlamps, spot lamps, auxiliary

1 driving lamps, flashing turn signals, vehicular hazard warning  
2 lamps, authorized emergency vehicle lamps, snow removal and  
3 construction and maintenance vehicle warning lamps, and school bus  
4 and church bus warning lamps, which projects a beam of light of an  
5 intensity greater than three hundred (300) candlepower shall be so  
6 directed that no part of the high intensity portion of the beam will  
7 strike the level of the roadway on which the vehicle stands at a  
8 distance of more than seventy-five (75) feet from the vehicle.

9 B. Except as provided in Sections 12-218, 12-218.1, 12-228 and  
10 12-229 of this title, no person shall drive or move any vehicle or  
11 equipment upon any highway with any lamp or device thereon  
12 displaying or capable of displaying a red or blue light visible from  
13 directly in front of the center thereof.

14 C. Flashing lights are prohibited except on:

15 1. An authorized emergency vehicle, as provided in Section 12-  
16 218 of this title;

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

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

21 4. A wrecker or tow vehicle while at the scene of an emergency  
22 or loading or unloading a vehicle in close proximity to traffic as  
23 needed for safety precautions or as a means of indicating the  
24 presence of a vehicular traffic hazard requiring unusual care in

1 approaching, overtaking or passing, as provided in Section 12-218.1  
2 of this title;

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

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

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

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

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

16 10. Any vehicle used pursuant to Section 2 of this act.

17 D. Blue lights are prohibited except as allowed in Sections 12-  
18 218, 12-218.1 and 12-229 of this title.

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

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

4           A. Volunteer police or fire personnel may display flashing  
5 lights on a privately owned motor vehicle when responding to an  
6 emergency call within the service district of the volunteer, or  
7 within the state when responding to a call for mutual aid from a  
8 department or state emergency agency beyond such volunteer's  
9 district. The lights shall be of a standard configuration to be  
10 jointly determined by the State Fire Marshal Commission and the  
11 Department of Public Safety, which may include red, blue, or amber  
12 lights pursuant to the provisions of subsection A of Section 12-218  
13 of Title 47 of the Oklahoma Statutes; provided, however, such lights  
14 shall be temporarily mountable and mounted for display only when  
15 responding to an emergency call.

16           B. Display of the lights shall only entitle volunteer personnel  
17 to disregard any law, rule, or regulation applicable to the general  
18 citizenry, including the observation of speed limits, stop signs,  
19 traffic lights, if pedestrians and other motor vehicles are visibly  
20 aware of and yield to the approach of the volunteer; provided,  
21 however, volunteer personnel shall yield to authorized emergency  
22 vehicles. It shall be at the discretion of pedestrians and other  
23 motor vehicles to yield to the approach of any volunteer displaying  
24 lights.

1 C. The following requirements shall apply to any volunteer  
2 making application to the Commission or the Department, as  
3 applicable, for a flashing light permit pursuant to the provisions  
4 of this act. The volunteer must:

- 5 1. Not be less than twenty-one (21) years of age;
- 6 2. Have no prior felony convictions;
- 7 3. Possess a valid driver license issued by this state;
- 8 4. Have had no convictions on the driving record of the  
9 volunteer related to the use of alcohol or any other intoxicating  
10 substance while driving for not less than three (3) years prior to  
11 the date of application;
- 12 5. Have been active and in good standing with a state-approved  
13 volunteer fire or police department for not less than one year;
- 14 6. Have completed a minimum standard of training, including  
15 emergency vehicle driving training, to be determined by the  
16 Commission or the Department, as applicable; and
- 17 7. Submit the required processing fee and complete the  
18 application process as provided in subsection D of this section.

19 D. The procedure for applying for a flashing light permit and  
20 processing the application shall be as follows:

- 21 1. The application for a flashing light permit shall be  
22 uniform, whether pertaining to volunteer fire or police personnel,  
23 and shall be as the Commission and the Department, by joint rule,  
24

1 may direct. The Commission or the Department, as applicable, shall  
2 provide applications to department chiefs as requested;

3 2. Any volunteer may request an application for a flashing  
4 light permit from that volunteer's department chief. A volunteer  
5 shall submit to that volunteer's department chief, along with the  
6 completed application, a reasonable processing fee, which shall be  
7 jointly determined by the Commission and the Department. The  
8 processing fee shall be in the form of a money order, cashier's  
9 check, or personal check made payable to the Commission or the  
10 Department, as applicable;

11 3. Upon receipt of the completed application and processing fee  
12 from the volunteer, the department chief shall submit the  
13 application and processing fee to the Commission or the Department,  
14 as applicable, along with a statement from the department chief  
15 stating that the volunteer is active and in good standing;

16 4. Upon receipt of the completed application, processing fee,  
17 and statement from the department chief, the Commission or the  
18 Department, as applicable, shall perform a criminal background check  
19 on the applicant, the cost of which shall be paid from the  
20 processing fee submitted by the applicant. The Commission or the  
21 Department may request of the department chief or applicant any  
22 additional information needed to conduct the background check if  
23 adequate information is not included in the application. Discovery  
24 of any item in the criminal history of the applicant which violates

1 the provisions of subsection C of this section shall constitute  
2 grounds for denial of the application. The processing fee shall not  
3 be refundable to the applicant in the event of a denial;

4 5. Upon approval of the application, the Commission or the  
5 Department, as applicable, may issue a flashing light permit and  
6 window decal to the applicant. The design of the decal shall be  
7 uniform, whether issued to volunteer fire or police personnel, and  
8 shall be as the Commission and the Department, by joint rule, may  
9 direct, but shall be designed so as to provide effective and  
10 dependable visibility. Any costs associated with the design or  
11 issuance of either the permit or decal shall be paid from the  
12 processing fee submitted by the applicant;

13 6. The Commission and the Department shall have a period of  
14 ninety (90) days from the date of receipt of an application from a  
15 department chief to deny or approve that application; and

16 7. Department chiefs shall have discretion to revoke the  
17 flashing light permit from a volunteer at any time.

18 E. By January 15 of each year, each fire and police department  
19 will submit to the Commission or the Department, as applicable, a  
20 list of all active volunteers in the department in good standing who  
21 have flashing light permits. A list of all volunteers who had the  
22 permits but who are no longer active or in good standing shall also  
23 be submitted.

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1 F. Any volunteer police or fire personnel making use of  
2 flashing lights shall:

3 1. Read and keep in their vehicle a copy of the statutes  
4 pertaining to the use of flashing lights;

5 2. Have the decal authorizing use of flashing lights  
6 prominently displayed on the left side of the front windshield of  
7 their vehicle; and

8 3. Have an Oklahoma state firefighter or police license tag and  
9 a department front plate on their vehicle.

10 G. If a volunteer firefighter or policeman leaves a department,  
11 becomes inactive, or is no longer in good standing with the  
12 department, the department chief shall immediately issue a letter to  
13 such volunteer and the Commission or the Department, as applicable,  
14 providing notice of the ineligibility of such volunteer to use  
15 flashing lights. Failure by any volunteer or former volunteer to  
16 remove the window decal and flashing lights from a vehicle upon  
17 receipt of such letter shall be a felony punishable by not less than  
18 one hundred twenty (120) days in the county jail and a fine of not  
19 less than Two Thousand Five Hundred Dollars (\$2,500.00).

20 H. Any volunteer department using flashing lights pursuant to  
21 this section shall provide information to the public regarding the  
22 purpose and proper use of flashing lights by volunteers through  
23 advertising, public service announcements, and any other appropriate  
24 medium.

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SECTION 3. This act shall become effective November 1, 2008.

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