

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2969

By: Sanders

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; amending 47 O.S.  
9 2001, Section 11-405.1, as renumbered by Section 35,  
10 Chapter 397, O.S.L. 2002, and as amended by Section  
11 1, Chapter 69, O.S.L. 2008 (47 O.S. Supp. 2009,  
12 Section 11-314), which relates to approaching  
13 stationary emergency vehicles; clarifying driving  
14 requirements when approaching certain vehicles;  
15 amending Section 36, Chapter 411, O.S.L. 2003, as  
16 amended by Section 1, Chapter 101, O.S.L. 2009 and 47  
17 O.S. 2001, Sections 12-227, as last amended by  
18 Section 2, Chapter 193, O.S.L. 2005 and 12-229, as  
19 amended by Section 46, Chapter 411, O.S.L. 2003 (47  
20 O.S. Supp. 2009, Sections 12-218.1, 12-227 and 12-  
21 229), which relate to lights on vehicles; clarifying  
22 which vehicles may display certain lights; deleting  
23 certain statutory references; authorizing use of  
24 flashing amber lights on certain vehicles; directing  
wrecker and tow service operators to provide certain  
information to law enforcement agencies subsequent to  
vehicle repossession; 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 11-405.1, as  
renumbered by Section 35, Chapter 397, O.S.L. 2002, and as amended

1 by Section 1, Chapter 69, O.S.L. 2008 (47 O.S. Supp. 2009, Section  
2 11-314), is amended to read as follows:

3 Section 11-314. A. The driver of a motor vehicle, upon  
4 approaching a stationary authorized emergency vehicle, or a licensed  
5 Class AA wrecker, ~~or tow vehicle~~ that is displaying a flashing  
6 combination red or blue light or any combination of red or blue  
7 lights, shall:

8 1. If traveling on a highway that consists of two or more lanes  
9 that carry traffic in the same direction of travel as that of the  
10 driver, the driver shall proceed with due caution and shall, if  
11 possible and with due regard to the road, weather, and traffic  
12 conditions, change lanes into a lane that is not adjacent to the  
13 stationary authorized emergency vehicle, or licensed Class AA  
14 wrecker, ~~or tow vehicle~~; or if the driver is not able to change  
15 lanes or if to do so would be unsafe, the driver shall proceed with  
16 due caution and reduce the speed of the motor vehicle to a safe  
17 speed for the existing road, weather, and traffic conditions; and

18 2. If traveling on a highway other than a highway described in  
19 paragraph 1 of this subsection, the driver shall proceed with due  
20 caution and reduce the speed of the motor vehicle to a safe speed  
21 for the existing road, weather, and traffic conditions.

22 B. This section does not relieve the operator of a stationary  
23 authorized emergency vehicle, or licensed Class AA wrecker, ~~or tow~~  
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1 ~~vehicle~~ from the consequences of reckless disregard for the safety  
2 of all persons and property upon the highway.

3 SECTION 2. AMENDATORY Section 36, Chapter 411, O.S.L.  
4 2003, as amended by Section 1, Chapter 101, O.S.L. 2009 (47 O.S.  
5 Supp. 2009, Section 12-218.1), is amended to read as follows:

6 Section 12-218.1 Flashing red or blue lights or a combination  
7 of flashing red and blue lights may be used on licensed Class AA  
8 wreckers, or wrecker support vehicles, ~~and tow vehicles~~ at the scene  
9 of an emergency.

10 Any licensed Class AA wrecker, or wrecker support vehicle ~~or tow~~  
11 ~~vehicle~~ may be equipped with a lamp displaying an amber light,  
12 visible from a distance of not less than five hundred (500) feet to  
13 the front of the vehicle or from a distance of not less than five  
14 hundred (500) feet to the rear of the vehicle. Such lamp shall only  
15 be used when leaving the scene of a tow service call and for the  
16 purpose of warning the operators of other vehicles to exercise care  
17 in approaching, overtaking or passing such vehicle.

18 SECTION 3. AMENDATORY 47 O.S. 2001, Section 12-227, as  
19 last amended by Section 2, Chapter 193, O.S.L. 2005 (47 O.S. Supp.  
20 2009, Section 12-227), is amended to read as follows:

21 Section 12-227. A. Any lighted lamp or illuminating device  
22 upon a motor vehicle, other than headlamps, spot lamps, auxiliary  
23 driving lamps, flashing turn signals, vehicular hazard warning  
24 lamps, authorized emergency vehicle lamps, snow removal and

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

7 B. Except as provided in Sections 12-218, 12-218.1~~7~~ and 12-228  
8 ~~and 12-229~~ of this title, no person shall drive or move any vehicle  
9 or equipment upon any highway with any lamp or device thereon  
10 displaying or capable of displaying a red or blue light visible from  
11 directly in front of the center thereof.

12 C. Flashing lights are prohibited except on:

13 1. An authorized emergency vehicle, as provided in Section 12-  
14 218 of this title;

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

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

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

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

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

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

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

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

14       D. Blue lights are prohibited except as allowed in Sections 12-  
15 218, and 12-218.1 ~~and 12-229~~ of this title.

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

21       SECTION 4.        AMENDATORY        47 O.S. 2001, Section 12-229, as  
22 amended by Section 46, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2009,  
23 Section 12-229), is amended to read as follows:

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1 Section 12-229. A. The Department of Transportation shall  
2 adopt standards and specifications applicable to headlamps,  
3 clearance lamps, identification and other lamps on snow-removal  
4 equipment, when operated on the highways of this state in lieu of  
5 the lamps otherwise required on motor vehicles by this chapter.  
6 Such standards and specifications may permit the use of flashing  
7 lights for purposes of identification on snow-removal equipment when  
8 in service upon the highways. The standards and specifications for  
9 lamps referred to in this section shall correlate with and, so far  
10 as possible, conform with those approved by the American Association  
11 of State Highway Officials.

12 B. It shall be unlawful to operate any snow-removal equipment  
13 on any highway unless the lamps thereon comply with and are lighted  
14 when and as required by the standards and specifications adopted as  
15 provided in this section.

16 C. ~~Flashing red or blue lights or a combination of flashing red~~  
17 ~~and blue~~ amber lights may be used on vehicles or machinery owned or  
18 operated by any agency of the state or by any county or city when  
19 engaged in the performance of emergency work or on the construction  
20 or maintenance of highways.

21 SECTION 5. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 965 of Title 47, unless there is  
23 created a duplication in numbering, reads as follows:

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1 Any wrecker or towing service that repossesses a vehicle at the  
2 request of the lien holder of record shall, within two (2) hours of  
3 the time the vehicle is repossessed, notify either the local law  
4 enforcement authority or sheriff's office of the county where the  
5 vehicle was located. The wrecker or towing service operator shall  
6 furnish the law enforcement agency with information concerning the  
7 tow including, but not limited to, a description of the vehicle, the  
8 physical address or approximate location of where the vehicle was  
9 repossessed, the name of the owner of the vehicle and the name of  
10 the lien holder of the vehicle. The wrecker or towing service  
11 operator shall further be required to provide to the law enforcement  
12 agency the name, address and business telephone number of the  
13 wrecker or towing service provider.

14 SECTION 6. This act shall become effective November 1, 2010.

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