

EHB 2969

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THE STATE SENATE
Wednesday, March 17, 2010

ENGROSSED

House Bill No. 2969

ENGROSSED HOUSE BILL NO. 2969 - By: Sanders, Duncan and Tibbs of the House and Justice of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 11-405.1, as renumbered by Section 35, Chapter 397, O.S.L. 2002, and as amended by Section 1, Chapter 69, O.S.L. 2008 (47 O.S. Supp. 2009, Section 11-314), which relates to approaching stationary emergency vehicles; clarifying driving requirements when approaching certain vehicles; amending Section 36, Chapter 411, O.S.L. 2003, as amended by Section 1, Chapter 101, O.S.L. 2009 and 47 O.S. 2001, Sections 12-227, as last amended by Section 2, Chapter 193, O.S.L. 2005 and 12-229, as amended by Section 46, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2009, Sections 12-218.1, 12-227 and 12-229), which relate to lights on vehicles; clarifying which vehicles may display certain lights; deleting certain statutory references; authorizing use of 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 by Section 1, Chapter 69, O.S.L. 2008 (47 O.S. Supp. 2009, Section 11-314), is amended to read as follows:

Section 11-314. A. The driver of a motor vehicle, upon approaching a stationary authorized emergency vehicle, or a licensed Class AA wrecker, or tow vehicle that is displaying a flashing

1 combination red or blue light or any combination of red or blue
2 lights, shall:

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

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

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

21 SECTION 2. AMENDATORY Section 36, Chapter 411, O.S.L.
22 2003, as amended by Section 1, Chapter 101, O.S.L. 2009 (47 O.S.
23 Supp. 2009, Section 12-218.1), is amended to read as follows:

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

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

13 SECTION 3. AMENDATORY 47 O.S. 2001, Section 12-227, as
14 last amended by Section 2, Chapter 193, O.S.L. 2005 (47 O.S. Supp.
15 2009, Section 12-227), is amended to read as follows:

16 Section 12-227. A. Any lighted lamp or illuminating device
17 upon a motor vehicle, other than headlamps, spot lamps, auxiliary
18 driving lamps, flashing turn signals, vehicular hazard warning
19 lamps, authorized emergency vehicle lamps, snow removal and
20 construction and maintenance vehicle warning lamps, and school bus
21 and church bus warning lamps, which projects a beam of light of an
22 intensity greater than three hundred (300) candlepower shall be so
23 directed that no part of the high intensity portion of the beam will

1 strike the level of the roadway on which the vehicle stands at a
2 distance of more than seventy-five (75) feet from the vehicle.

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

8 C. Flashing lights are prohibited except on:

9 1. An authorized emergency vehicle, as provided in Section 12-
10 218 of this title;

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

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

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

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

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

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

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

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

12 D. Blue lights are prohibited except as allowed in Sections 12-
13 218, and 12-218.1 ~~and 12-229~~ of this title.

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

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

22 Section 12-229. A. The Department of Transportation shall
23 adopt standards and specifications applicable to headlamps,

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

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

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

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

22 Any wrecker or towing service that repossesses a vehicle at the
23 request of the lien holder of record shall, within two (2) hours of

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
14 dated 3-16-10 - DO PASS.