

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3186

By: Duncan

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; prohibiting state  
8 agencies from using photographs of license plates for  
9 certain reasons; providing exceptions; amending 47  
10 O.S. 2001, Sections 11-405.1, as renumbered by  
11 Section 35, Chapter 397, O.S.L. 2002, and as amended  
12 by Section 1, Chapter 69, O.S.L. 2008, Section 36,  
13 Chapter 411, O.S.L. 2003, as amended by Section 1,  
14 Chapter 101, O.S.L. 2009, 12-227, as last amended by  
15 Section 2, Chapter 193, O.S.L. 2005, 12-228, as  
16 amended by Section 45, Chapter 411, O.S.L. 2003 and  
17 12-229, as amended by Section 46, Chapter 411, O.S.L.  
18 2003 (47 O.S. Supp. 2009, Sections 11-314, 12-218.1,  
19 12-227, 12-228 and 12-229), which relate to red and  
20 blue lights on vehicles; prohibiting use of red and  
21 blue lights by certain vehicles; providing for  
22 codification; and providing an effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1113.1 of Title 47, unless there  
is created a duplication in numbering, reads as follows:

A. Except as provided in subsection B of this section, no state  
agency shall base any civil or criminal penalty or prosecution upon  
inspection of photographs, microphotographs, videotape or other  
recorded images produced by a photo-monitoring system.

1 B. The following practice shall be exempt from the prohibition  
2 created by this section:

3 Any use of photo-monitoring systems by the Oklahoma Turnpike  
4 Authority for toll collection and enforcement of violations of toll  
5 collection regulations.

6 C. This section shall in no way prohibit a county or municipal  
7 civil or criminal penalty or prosecution upon inspection of  
8 photographs, microphotographs, videotape or other recorded images  
9 produced by a photo-monitoring system if the practice has been  
10 approved by a resolution of the board of county commissioners or an  
11 ordinance of the municipality in accordance with law.

12 SECTION 2. AMENDATORY 47 O.S. 2001, Section 11-405.1, as  
13 renumbered by Section 35, Chapter 397, O.S.L. 2002, and as amended  
14 by Section 1, Chapter 69, O.S.L. 2008 (47 O.S. Supp. 2009, Section  
15 11-314), is amended to read as follows:

16 Section 11-314. A. The driver of a motor vehicle, upon  
17 approaching a stationary authorized emergency vehicle, ~~wrecker, or~~  
18 ~~tow vehicle~~ that is displaying a flashing combination red or blue  
19 light or any combination of red or blue lights, shall:

20 1. If traveling on a highway that consists of two or more lanes  
21 that carry traffic in the same direction of travel as that of the  
22 driver, the driver shall proceed with due caution and shall, if  
23 possible and with due regard to the road, weather, and traffic  
24 conditions, change lanes into a lane that is not adjacent to the

1 stationary authorized emergency vehicle, ~~wrecker, or tow vehicle~~; or  
2 if the driver is not able to change lanes or if to do so would be  
3 unsafe, the driver shall proceed with due caution and reduce the  
4 speed of the motor vehicle to a safe speed for the existing road,  
5 weather, and traffic conditions; and

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

10 B. This section does not relieve the operator of a stationary  
11 authorized emergency vehicle, ~~wrecker, or tow vehicle~~ from the  
12 consequences of reckless disregard for the safety of all persons and  
13 property upon the highway.

14 SECTION 3. AMENDATORY Section 36, Chapter 411, O.S.L.  
15 2003, as amended by Section 1, Chapter 101, O.S.L. 2009 (47 O.S.  
16 Supp. 2009, Section 12-218.1), is amended to read as follows:

17 Section 12-218.1 ~~Flashing red or blue lights or a combination~~  
18 ~~of flashing red and blue lights may be used on wreckers, wrecker~~  
19 ~~support vehicles, and tow vehicles at the scene of an emergency.~~

20 Any wrecker, wrecker support vehicle or tow vehicle may be  
21 equipped with a lamp displaying an amber light, visible from a  
22 distance of not less than five hundred (500) feet to the front of  
23 the vehicle or from a distance of not less than five hundred (500)  
24 feet to the rear of the vehicle. Such lamp shall only be used when

1 leaving the scene of a tow service call and for the purpose of  
2 warning the operators of other vehicles to exercise care in  
3 approaching, overtaking or passing such vehicle.

4 SECTION 4. AMENDATORY 47 O.S. 2001, Section 12-227, as  
5 last amended by Section 2, Chapter 193, O.S.L. 2005 (47 O.S. Supp.  
6 2009, Section 12-227), is amended to read as follows:

7 Section 12-227. A. Any lighted lamp or illuminating device  
8 upon a motor vehicle, other than headlamps, spot lamps, auxiliary  
9 driving lamps, flashing turn signals, vehicular hazard warning  
10 lamps, authorized emergency vehicle lamps, snow removal and  
11 construction and maintenance vehicle warning lamps, and school bus  
12 and church bus warning lamps, which projects a beam of light of an  
13 intensity greater than three hundred (300) candlepower shall be so  
14 directed that no part of the high intensity portion of the beam will  
15 strike the level of the roadway on which the vehicle stands at a  
16 distance of more than seventy-five (75) feet from the vehicle.

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

22 C. Flashing lights are prohibited except on:

23 1. An authorized emergency vehicle, as provided in Section 12-  
24 218 of this title;

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

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

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

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

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

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

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

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

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

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

8 SECTION 5. AMENDATORY 47 O.S. 2001, Section 12-228, as  
9 amended by Section 45, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2009,  
10 Section 12-228), is amended to read as follows:

11 Section 12-228. A. In addition to any other equipment and  
12 distinctive markings required by this title, every school bus and  
13 every church bus shall be equipped with signal lamps mounted as high  
14 and as widely spaced laterally as practicable, which shall display  
15 to the front two alternately flashing red lights located at the same  
16 level and to the rear two alternately flashing red lights located at  
17 the same level. These lights shall be visible at five hundred (500)  
18 feet in normal sunlight.

19 B. Every school bus shall bear upon the front and rear thereof  
20 plainly visible signs containing the words "SCHOOL BUS" in letters  
21 not less than eight (8) inches in height, located between the  
22 warning signal lights as high as possible without impairing  
23 visibility of the lettering, and have no other lettering on the  
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1 front or rear of the vehicle, except as required by 47 C.F.R., Part  
2 571.

3 C. Every church bus shall bear upon the front and rear thereof  
4 plainly visible signs containing the words "CHURCH BUS" in letters  
5 not less than eight (8) inches in height, located between the  
6 warning signal lights as high as possible without impairing  
7 visibility of the lettering. In addition, such church bus may be  
8 equipped with visual signals meeting the requirements of subsection  
9 A of this section.

10 D. Every school bus manufactured on or after September 1, 1992,  
11 shall be equipped with a stop signal arm that complies with 49  
12 C.F.R., Section 571.131.

13 E. In addition to the lights required by subsection A of this  
14 section, any school bus shall be equipped with amber signal lamps  
15 mounted near each of the four red lamps and at the same level but  
16 closer to the vertical center line of the bus, which shall display  
17 two alternately flashing amber lights to the front and two  
18 alternately flashing amber lights to the rear. These lights shall  
19 be visible at five hundred (500) feet in normal sunlight. These  
20 lights shall be displayed by the school bus driver at least one  
21 hundred (100) feet, but not more than five hundred (500) feet,  
22 before every stop at which the alternately flashing red lights  
23 required by subsection A will be actuated.

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1 F. The State Board of Education, with the approval of the  
2 Commissioner of Public Safety, is authorized to adopt standards and  
3 specifications applicable to lighting equipment on and special  
4 warning devices to be carried by school buses consistent with, and  
5 supplemental to, the provisions of this chapter. Such standards and  
6 specifications shall be identical to any Federal Motor Vehicle  
7 Safety Standard which regulates the same aspect of performance of  
8 the same equipment or device. Where there is no applicable Federal  
9 Motor Vehicle Safety Standard, the standards and specifications  
10 shall conform to the greatest extent feasible with any other  
11 relevant standard issued or endorsed by federal agencies or  
12 recognized standard-setting organizations.

13 G. During the time any school bus or church bus is operating,  
14 the school bus or church bus shall have its headlights activated.

15 H. It shall be unlawful to operate any red flashing warning  
16 signal light on any school bus ~~except when any said school bus is~~  
17 ~~stopped on a highway for the purpose of permitting school children~~  
18 ~~to board or discharge from said school bus.~~

19 I. It shall be unlawful to operate any red flashing warning  
20 signal light on any church bus ~~except when any said bus is stopped~~  
21 ~~on a highway for the purpose of permitting passengers to board or~~  
22 ~~discharge from said bus.~~

23 J. The use of the signal equipment described herein shall  
24 impose upon drivers of other vehicles the obligation to yield right-

1 of-way and stop for school buses, as prescribed in Section 11-705 of  
2 this title, and for church buses, as prescribed in Section 11-705.1  
3 of this title.

4 K. The loading lamps on school buses converted for purposes  
5 other than transporting pupils to or from school shall be  
6 disconnected, except for buses purchased for use by religious  
7 organizations as church buses.

8 SECTION 6. AMENDATORY 47 O.S. 2001, Section 12-229, as  
9 amended by Section 46, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2009,  
10 Section 12-229), is amended to read as follows:

11 Section 12-229. A. The Department of Transportation shall  
12 adopt standards and specifications applicable to headlamps,  
13 clearance lamps, identification and other lamps on snow-removal  
14 equipment, when operated on the highways of this state in lieu of  
15 the lamps otherwise required on motor vehicles by this chapter.  
16 Such standards and specifications may permit the use of flashing  
17 lights for purposes of identification on snow-removal equipment when  
18 in service upon the highways. The standards and specifications for  
19 lamps referred to in this section shall correlate with and, so far  
20 as possible, conform with those approved by the American Association  
21 of State Highway Officials.

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

3 C. ~~Flashing red or blue lights or a combination of flashing red~~  
4 ~~and blue~~ amber lights may be used on vehicles or machinery owned or  
5 operated by any agency of the state or by any county or city when  
6 engaged in the performance of emergency work or on the construction  
7 or maintenance of highways.

8 SECTION 7. This act shall become effective November 1, 2010.

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