

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2302

By: Newberry

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; 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. 2009, Section
10 12-227), which relates to special restrictions on
11 lamps; authorizing use of flashing lights on certain
12 vehicles; amending 47 O.S. 2001, Section 12-401, as
13 amended by Section 50, Chapter 411, O.S.L. 2003 (47
14 O.S. Supp. 2009, Section 12-401), which relates to
15 horns and warning devices; authorizing use of sirens
16 on certain vehicles; authorizing certain volunteers
17 to use flashing lights and sirens under certain
18 conditions; specifying equipment; providing
19 conditions under which volunteers may disregard
20 certain laws; providing eligibility for application;
21 establishing procedure for application and processing
22 of application; directing departments to provide
23 lists of certain volunteers to State Fire Marshal or
24 Oklahoma Highway Patrol; requiring possession of copy
of certain statutes; requiring display of certain
decal; requiring display of certain tags;
establishing process for ineligibility; providing
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.
2009, Section 12-227), is amended to read as follows:

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

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

16 C. Flashing lights are prohibited except on:

17 1. An authorized emergency vehicle, as provided in Section 12-
18 218 of this title;

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

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

23 4. A wrecker or tow vehicle while at the scene of an emergency
24 or loading or unloading a vehicle in close proximity to traffic as

1 needed for safety precautions or as a means of indicating the
2 presence of a vehicular traffic hazard requiring unusual care in
3 approaching, overtaking or passing, as provided in Section 12-218.1
4 of this title;

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

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

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

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

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

18 10. Any vehicle used pursuant to Section 3 of this act.

19 D. Blue lights are prohibited except as allowed in Sections 12-
20 218, 12-218.1 and 12-229 of this title.

21 E. Any person violating the provisions of subsection B, C or D
22 of this section shall, upon conviction, be guilty of a misdemeanor
23 punishable by imprisonment in the county jail not exceeding six (6)

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1 months, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
2 or by both such fine and imprisonment.

3 SECTION 2. AMENDATORY 47 O.S. 2001, Section 12-401, as
4 amended by Section 50, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2009,
5 Section 12-401), is amended to read as follows:

6 Section 12-401. A. Every motor vehicle when operated upon a
7 highway shall be equipped with a horn in good working order and
8 capable of emitting sound audible under normal conditions from a
9 distance of not less than two hundred (200) feet, but no horn or
10 other warning device shall emit an unreasonably loud or harsh sound.
11 The driver of a motor vehicle shall, when reasonably necessary to
12 insure safe operation, give audible warning with a horn but shall
13 not otherwise use such horn when upon a highway.

14 B. No vehicle shall be equipped with nor shall any person use
15 upon a vehicle any siren, except as otherwise permitted in
16 subsection D of this section.

17 C. Any vehicle may be equipped with a theft alarm signal device
18 which is so arranged that it cannot be used by the driver as an
19 ordinary warning signal. A theft alarm signal device shall not use
20 a siren, as described in subsection D of this section.

21 D. Every authorized emergency vehicle shall, in addition to any
22 other equipment and distinctive markings required by this title, be
23 equipped with a siren, or similar device, capable of emitting sound
24 audible under normal conditions from a distance of not less than

1 five hundred (500) feet and of a type approved by the Department of
2 Public Safety, but such siren shall not be used except when such
3 vehicle is operated in response to an emergency call or in the
4 immediate pursuit of an actual or suspected violator of the law, in
5 which said latter events the driver of such vehicle shall sound said
6 siren when reasonably necessary to warn pedestrians and other
7 drivers of the approach thereof.

8 E. It shall be unlawful for any person to use a device capable
9 of producing auditory warning signals similar to that on an
10 authorized emergency vehicle or to use audible signal equipment from
11 a motor vehicle for the purpose of causing any other motor vehicle
12 operator to yield right-of-way and stop, or which actually causes
13 any other motor vehicle operator to yield the right-of-way and stop,
14 whether intended or not, except as otherwise provided in Section 3
15 of this act. The provisions of this subsection shall not apply to
16 the operators of authorized emergency vehicles.

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

20 A. Volunteer police or fire personnel may display flashing
21 lights on a privately owned motor vehicle, and/or sound an audible
22 siren equipped upon that vehicle, when responding to an emergency
23 call within the service district of the volunteer, or within the
24 state when responding to a call for mutual aid from a department or

1 state emergency agency beyond that volunteer's district. The lights
2 and siren shall be of a standard configuration to be jointly
3 determined by the State Fire Marshal and Oklahoma Highway Patrol
4 which may include:

5 1. Red, blue, or amber lights pursuant to the provisions of
6 subsection A of Section 12-218 of Title 47 of the Oklahoma Statutes,
7 provided, however, that such lights are temporarily mountable and
8 mounted for display only when responding to an emergency call;

9 2. Headlamp strobes, designed to automatically flash the high
10 beam portion of the headlamps in either an alternate or simultaneous
11 flash, to be used only during the hours of daylight, from one-half
12 hour after sunrise to one-half hour before sunset; and

13 3. Any type of siren capable of giving an audible signal
14 pursuant to the provisions of subsection C of Section 12-401 of
15 Title 47 of the Oklahoma Statutes.

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

1 C. The following requirements shall apply to any volunteer
2 making application to the State Fire Marshal or Oklahoma Highway
3 Patrol, as applicable, for a flashing light and siren permit
4 pursuant to the provisions 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 State
16 Fire Marshal or Oklahoma Highway Patrol, 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 and siren
20 permit and processing the application shall be as follows:

21 1. The application for a flashing light and siren permit shall
22 be uniform, whether pertaining to volunteer fire or police
23 personnel, and shall be as the State Fire Marshal and Oklahoma
24 Highway Patrol, by joint rule, may direct. The State Fire Marshal

1 or Oklahoma Highway Patrol, as applicable, shall provide
2 applications to department chiefs as requested;

3 2. Any volunteer may request an application for a flashing
4 light and siren permit from that volunteer's department chief. A
5 volunteer shall submit to that volunteer's department chief, along
6 with the completed application, a reasonable processing fee, which
7 shall be jointly determined by the State Fire Marshal and Oklahoma
8 Highway Patrol. The processing fee shall be in the form of a money
9 order, cashier's check, or personal check made payable to the State
10 Fire Marshal or Oklahoma Highway Patrol, 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 State Fire Marshal or Oklahoma
14 Highway Patrol, as applicable, along with a statement from the
15 department chief stating that the volunteer is active and in good
16 standing;

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

1 application. Discovery of any item in the criminal history of the
2 applicant which violates the provisions of subsection C of this
3 section shall constitute grounds for denial of the application. The
4 processing fee shall not be refundable to the applicant in the event
5 of a denial;

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

16 6. The State Fire Marshal and Oklahoma Highway Patrol shall
17 have a period of ninety (90) days from the date of receipt of an
18 application from a department chief to deny or approve that
19 application; and

20 7. Department chiefs shall have discretion to revoke the
21 flashing light and siren permit from a volunteer at any time.

22 E. By January 15 of each year, each fire and police department
23 will submit to the State Fire Marshal or Oklahoma Highway Patrol a
24 list of all active volunteers in the department in good standing who

1 have flashing light and siren permits. A list of all volunteers who
2 had the permits but who are no longer active or in good standing
3 shall also be submitted.

4 F. Any volunteer police or fire personnel making use of
5 flashing lights and sirens must read and keep in their vehicle a
6 copy of the statutes pertaining to the use of flashing lights and
7 sirens. They must have the decal authorizing use of flashing lights
8 and sirens prominently displayed on the front, left windshield of
9 their vehicle. They must also have an Oklahoma state firefighter or
10 police license tag and a department front plate on the vehicle.

11 G. If a volunteer firefighter or policeman leaves a department,
12 becomes inactive, or is no longer in good standing with the
13 department, the department chief shall immediately issue a letter to
14 the former volunteer and the State Fire Marshal or Oklahoma Highway
15 Patrol informing them of the ineligibility of the former volunteer
16 to use flashing lights and sirens. Failure to remove the emergency
17 decal and flashing lights and siren equipment from their vehicle
18 upon receipt of this letter by the former volunteer shall be a
19 felony punishable by not less than one hundred twenty (120) days in
20 the county jail and a fine of Two Thousand Five Hundred Dollars
21 (\$2,500.00).

22 H. Any department using flashing lights and sirens pursuant to
23 this section shall provide information to the public regarding the
24 purpose and proper use of flashing lights and sirens through

1 advertising, public service announcements, and any other appropriate
2 medium.

3 SECTION 4. This act shall become effective November 1, 2010.

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