

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1754

By: Nelson

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5  
6 AS INTRODUCED

7 An Act relating to public safety; amending 47 O.S.  
8 2001, Section 11-106, as last amended by Section 12,  
9 Chapter 418, O.S.L. 2004 (47 O.S. Supp. 2010, Section  
10 11-106), which relates to authorized emergency  
11 vehicles; modifying duty of care standard; and  
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-106, as  
15 last amended by Section 12, Chapter 418, O.S.L. 2004 (47 O.S. Supp.  
16 2010, Section 11-106), is amended to read as follows:

17 Section 11-106. A. The driver of an authorized emergency  
18 vehicle, when responding to an emergency call or when in the pursuit  
19 of an actual or suspected violator of the law or when responding to  
20 but not upon returning from a fire alarm, may exercise the privilege  
21 set forth in this section, but subject to the conditions herein  
22 stated.

23 B. The driver of an authorized emergency vehicle may:  
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1 1. Park, or stand, irrespective of the provisions of this  
2 chapter;

3 2. Proceed past a red or stop signal or stop sign, but only  
4 after slowing down as may be necessary for safe operation;

5 3. Exceed the maximum speed limits so long as speeding does not  
6 endanger life or property;

7 4. Disregard regulations governing direction of movement; and

8 5. Disregard regulations governing turning in specified  
9 directions.

10 C. The exemptions herein granted to the driver of an authorized  
11 emergency vehicle shall apply only when the driver is properly and  
12 lawfully making use of an audible signal or of flashing red or blue  
13 lights or a combination of flashing red and blue lights meeting the  
14 requirements of Section 12-218 of this title, except that an  
15 authorized emergency vehicle operated as a police vehicle need not  
16 be equipped with or display a red or blue light visible from in  
17 front of the vehicle. This subsection shall not be construed as  
18 requiring a peace officer operating a police vehicle properly and  
19 lawfully in response to a crime in progress to use audible signals.

20 D. The exemptions in paragraphs 3 and 5 of subsection B of this  
21 section shall be granted to a law enforcement officer operating an  
22 authorized emergency vehicle for law enforcement purposes without  
23 using audible and visual signals required by this section as long as  
24 the action does not endanger life or property if the officer is

1 following a suspected violator of the law with probable cause to  
2 believe that:

3 1. Knowledge of the presence of the officer will cause the  
4 suspect to:

5 a. destroy or lose evidence of a suspected felony,

6 b. end a suspected continuing felony before the officer  
7 has obtained sufficient evidence to establish grounds  
8 for arrest, or

9 c. evade apprehension or identification of the suspect or  
10 the vehicle of the suspect; or

11 2. Because of traffic conditions, vehicles moving in response  
12 to the audible or visual signals may increase the potential for a  
13 collision.

14 The exceptions granted in this subsection shall not apply to an  
15 officer who is in actual pursuit of a person who is eluding or  
16 attempting to elude the officer in violation of Section 540A of  
17 Title 21 of the Oklahoma Statutes.

18 E. The provisions of this section shall not relieve the driver  
19 of an authorized emergency vehicle from the duty to drive with due  
20 regard for the safety of all persons, ~~nor shall such provisions~~  
21 ~~protect the driver from the consequences of reckless disregard for~~  
22 ~~the safety of others.~~

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SECTION 2. This act shall become effective November 1, 2011.

53-1-6264            GRS            01/14/11