

1 STATE OF OKLAHOMA

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

3 SENATE BILL 947

By: Crain

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; 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; stating legislative findings; and providing
12 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:

24 1. Park, or stand, irrespective of the provisions of this
chapter;

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

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

5 4. Disregard regulations governing direction of movement; and

6 5. Disregard regulations governing turning in specified
7 directions.

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

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

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

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

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

7 c. evade apprehension or identification of the suspect or
8 the vehicle of the suspect; or

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

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

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

21 F. The Legislature finds that the public benefit to be achieved
22 by pursuit of violators outweighs any potential harm caused by the
23 violators being pursued, who are under a duty to stop; a law
24 enforcement officer who initiates a pursuit of a violator does an

1 act that public policy encourages and protects. The privileges
2 pursuant to this section and the liability thereunder extend to the
3 driving or operation of an emergency vehicle and not the decision to
4 pursue a violator or to respond to emergency calls.

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

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