

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2904

By: Biggs

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5
6 AS INTRODUCED

7 An Act relating to emergency responders; defining
8 terms; making certain acts unlawful; providing
9 penalties; providing an exception; providing for
10 codification; and providing an effective date.

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 11-1304 of Title 47, unless
14 there is created a duplication in numbering, reads as follows:

15 A. As used in this section:

16 1. "Active emergency" means any incident occurring on a public
17 road, highway, street or turnpike that requires emergency services
18 from any emergency responder;

19 2. "Active emergency zone" means any area upon or around any
20 public road, highway, street or turnpike which is visibly marked by
21 emergency responders performing work for the purpose of emergency
22 response and where an active emergency or incident removal is
23 temporarily occurring. This area includes the lanes of public
24 roads, highways, streets or turnpikes leading up to an active

1 emergency or incident removal, beginning within three hundred (300)
2 feet of visual sighting of:

- 3 a. appropriate signs or traffic control devices posted or
4 placed by emergency responders, or
- 5 b. an authorized emergency vehicle displaying active
6 emergency lights or signals; and

7 3. "Emergency responder" means any paid or volunteer
8 firefighter, emergency medical worker or other emergency personnel
9 responding to an emergency on a public road, highway, street or
10 turnpike.

11 B. A person shall be guilty of the offense of endangerment of
12 an emergency responder if the person commits any of the following
13 offenses when the offense occurs within an active emergency zone:

14 1. Exceeding the posted speed limit by fifteen (15) miles per
15 hour or more;

16 2. Passing or overtaking another motor vehicle within an active
17 emergency zone;

18 3. Failing to stop for an active emergency zone flagman or
19 emergency responder or failing to obey traffic control devices
20 erected for purposes of warning or guiding the public into and
21 through the active emergency zone;

22 4. Driving through or around an active emergency zone by any
23 lane not clearly designated to motorists for the flow of traffic
24 through or around the active emergency zone; or

1 5. Intentionally striking, moving or altering barrels,
2 barriers, signs or other devices erected to control the flow of
3 traffic to protect emergency responders and motorists in the active
4 emergency zone for a reason other than avoidance of an obstacle, an
5 emergency or to protect the health and safety of an occupant of the
6 motor vehicle or of another person.

7 C. Upon conviction for committing the offense of endangerment
8 of an emergency responder pursuant to the provisions of subsection B
9 of this section, if no injury or death of an emergency responder
10 resulted from the offense, in addition to any other penalty
11 authorized by law, the person shall be subject to a fine of not more
12 than One Thousand Dollars (\$1,000.00).

13 D. A person shall be guilty of the offense of aggravated
14 endangerment of an emergency responder upon conviction for any
15 offense pursuant to subsection B of this section when such offense
16 occurs in an active emergency zone and results in the injury or
17 death of an emergency responder. Upon conviction for committing the
18 offense of aggravated endangerment of an emergency responder, in
19 addition to any other penalty authorized by law, the person shall be
20 subject to a fine of not more than Five Thousand Dollars (\$5,000.00)
21 if the offense resulted in injury to an emergency responder and not
22 more than Ten Thousand Dollars (\$10,000.00) if the offense resulted
23 in the death of an emergency responder.
24

1 E. No person shall be cited or convicted for endangerment of an
2 emergency responder or aggravated endangerment of an emergency
3 responder for any act or omission otherwise constituting an offense
4 under subsection B of this section if such act or omission resulted,
5 in whole or in part, from mechanical failure of the vehicle of the
6 person or from the negligence of another person or an emergency
7 responder.

8 SECTION 2. This act shall become effective November 1, 2016.

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10 55-2-7960 JM 01/11/16