

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 59th Legislature (2024)

4   HOUSE BILL 3065

By: Hays of the House

5   and

6   **Stephens** of the Senate

7  
8                               AS INTRODUCED

9           An Act relating to motor vehicles; amending 47 O.S.  
10          2021, Section 11-314, as amended by Section 1,  
Chapter 270, O.S.L. 2023 (47 O.S. Supp. 2023, Section  
11          11-314), which relates to the Bernardo-Mills Law;  
12          modifying types of vehicles requiring certain  
approach; modifying name of offense; modifying  
13          description of person offended; defining term; and  
providing an effective date.

14  
15   BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16           SECTION 1.        AMENDATORY        47 O.S. 2021, Section 11-314, as  
17          amended by Section 1, Chapter 270, O.S.L. 2023 (47 O.S. Supp. 2023,  
18          Section 11-314), is amended to read as follows:

19           Section 11-314.   A.   This section shall be known and may be  
20          cited as the "Bernardo-Mills Law".

21           B.   The driver of a motor vehicle, upon approaching a stationary  
22          ~~authorized emergency vehicle, a Department of Transportation~~  
23          ~~maintenance vehicle, a Turnpike Authority maintenance vehicle, a~~  
24          ~~stationary~~ vehicle that is displaying flashing lights ~~or a licensed~~

1 ~~wrecker that is displaying a flashing amber light, a combination red~~  
2 ~~or blue light or any combination of amber, red or blue lights,~~  
3 shall:

4 1. If traveling on a highway that consists of two or more lanes  
5 that carry traffic in the same direction of travel as that of the  
6 driver, the driver shall proceed with due caution and shall, if  
7 possible and with due regard to the road, weather, and traffic  
8 conditions, change lanes into a lane that is not adjacent to the  
9 stationary ~~authorized emergency vehicle, a Department of~~  
10 ~~Transportation maintenance vehicle, a Turnpike Authority maintenance~~  
11 ~~vehicle, or licensed wrecker;~~ or if the driver is not able to change  
12 lanes or if to do so would be unsafe, the driver shall proceed with  
13 due caution and reduce the speed of the motor vehicle to a safe  
14 speed; and

15 2. If traveling on a highway other than a highway described in  
16 paragraph 1 of this subsection, the driver shall proceed with due  
17 caution and reduce the speed of the motor vehicle to a safe speed.

18 A Upon conviction, a person shall be guilty of the offense of  
19 roadway endangerment ~~of an emergency worker~~ for any ~~offense~~ act or  
20 omission committed in violation of this subsection.

21 C. This section does not relieve the operator of a stationary  
22 ~~authorized emergency vehicle, a Department of Transportation~~  
23 ~~maintenance vehicle, a Turnpike Authority maintenance vehicle, or~~  
24

1 ~~licensed wrecker~~ from the consequences of reckless disregard for the  
2 safety of all persons and property upon the highway.

3 D. Upon conviction for committing the offense of roadway  
4 endangerment ~~of an emergency worker~~ pursuant to subsection B of this  
5 section, if no injury or death of an ~~emergency worker~~ individual  
6 resulted from the offense, and in addition to any other penalty  
7 authorized by law, the person shall be subject to a fine of:

8 1. One Thousand Dollars (\$1,000.00) for a first offense; and

9 2. Two Thousand Five Hundred Dollars (\$2,500.00) for a second  
10 offense.

11 E. A person shall be deemed to commit the offense of aggravated  
12 roadway endangerment ~~of an emergency worker~~ upon conviction for any  
13 ~~offense pursuant to~~ act or omission constituting an offense under  
14 subsection B of this section when such offense results in the injury  
15 or death of an ~~emergency worker~~ individual. Upon conviction for  
16 committing the offense of aggravated roadway endangerment ~~of an~~  
17 ~~emergency worker~~, in addition to any other penalty authorized by  
18 law, the person shall be subject to a fine of not more than Five  
19 Thousand Dollars (\$5,000.00) if the offense resulted in injury ~~to an~~  
20 ~~emergency worker~~ and not more than Ten Thousand Dollars (\$10,000.00)  
21 if the offense resulted in the death of an ~~emergency worker~~  
22 individual.

23 F. No person shall be cited or convicted for roadway  
24 endangerment ~~of an emergency worker~~ or aggravated roadway

1   endangerment ~~of an emergency worker~~ for any act or omission  
2   otherwise constituting an offense under subsection B of this section  
3   if such act or omission resulted, in whole or in part, from  
4   mechanical failure of the vehicle of the person or from the  
5   negligence of another person ~~or an emergency worker~~.

6       G. As used in this section, the term "stationary vehicle" shall  
7   include, but may not be limited to, any stationary vehicle,  
8   authorized emergency vehicle, Department of Transportation  
9   maintenance vehicle, Oklahoma Turnpike Authority maintenance  
10   vehicle, a service vehicle belonging to a utility company, or a  
11   licensed wrecker that is displaying flashing amber lights, a  
12   combination red or blue lights, or any combination of amber, red, or  
13   blue lights.

14       SECTION 2. This act shall become effective November 1, 2024.

16   COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/13/2024 -  
17   DO PASS, As Coauthored.