

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3065

By: Hays

AS INTRODUCED

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

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

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

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

B. The driver of a motor vehicle, upon approaching a stationary ~~authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, a stationary~~ vehicle that is displaying flashing lights ~~or a licensed wrecker that is displaying a flashing amber light, a combination red~~

1 ~~or blue light or any combination of amber, red or blue lights,~~
2 shall:

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

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

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

20 C. This section does not relieve the operator of a stationary
21 ~~authorized emergency vehicle, a Department of Transportation~~
22 ~~maintenance vehicle, a Turnpike Authority maintenance vehicle, or~~
23 ~~licensed wrecker~~ from the consequences of reckless disregard for the
24 safety of all persons and property upon the highway.
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1 D. Upon conviction for committing the offense of roadway
2 endangerment ~~of an emergency worker~~ pursuant to subsection B of this
3 section, if no injury or death of an ~~emergency worker~~ individual
4 resulted from the offense, and in addition to any other penalty
5 authorized by law, the person shall be subject to a fine of:

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

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

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

21 F. No person shall be cited or convicted for roadway
22 endangerment ~~of an emergency worker~~ or aggravated roadway
23 endangerment ~~of an emergency worker~~ for any act or omission
24 otherwise constituting an offense under subsection B of this section
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1 if such act or omission resulted, in whole or in part, from
2 mechanical failure of the vehicle of the person or from the
3 negligence of another person ~~or an emergency worker~~.

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

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

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