

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
BILL NO. 2629

By: Echols of the House

and

Kirt of the Senate

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7 An Act relating to motor vehicles; amending 47 O.S.
2011, Section 11-314, as amended by Section 1,
8 Chapter 114, O.S.L. 2015 (47 O.S. Supp. 2018, Section
11-314), which relates to the approach of stationary
9 authorized vehicles; requiring drivers to proceed
with caution upon approach of tow trucks displaying
10 amber flashing lamps; and providing an effective
date.

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13 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

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15 "An Act relating to motor vehicles; amending 47 O.S.
2011, Section 11-314, as amended by Section 1,
16 Chapter 114, O.S.L. 2015 (47 O.S. Supp. 2018, Section
11-314), which relates to the approach of stationary
17 authorized vehicles; requiring drivers to proceed
with caution upon approach of tow trucks displaying
18 amber flashing lamps; amending 47 O.S. 2011, Section
954, which relates to enforcement; modifying
19 inclusions of prohibited services by an unlicensed
operator; providing certain misdemeanor penalty;
20 allowing for certain action by law enforcement; and
providing an effective date.

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23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-314, as
2 amended by Section 1, Chapter 114, O.S.L. 2015 (47 O.S. Supp. 2018,
3 Section 11-314), is amended to read as follows:

4 Section 11-314. A. The driver of a motor vehicle, upon
5 approaching a stationary authorized emergency vehicle, a Department
6 of Transportation maintenance vehicle, a Turnpike Authority
7 maintenance vehicle, or a licensed ~~Class-AA~~ wrecker that is
8 displaying a flashing amber light, a combination red or blue light
9 or any combination of amber, red or blue lights, shall:

10 1. If traveling on a highway that consists of two or more lanes
11 that carry traffic in the same direction of travel as that of the
12 driver, the driver shall proceed with due caution and shall, if
13 possible and with due regard to the road, weather, and traffic
14 conditions, change lanes into a lane that is not adjacent to the
15 stationary authorized emergency vehicle, a Department of
16 Transportation maintenance vehicle, a Turnpike Authority maintenance
17 vehicle, or licensed ~~Class-AA~~ wrecker; or if the driver is not able
18 to change lanes or if to do so would be unsafe, the driver shall
19 proceed with due caution and reduce the speed of the motor vehicle
20 to a safe speed for the existing road, weather, and traffic
21 conditions; and

22 2. If traveling on a highway other than a highway described in
23 paragraph 1 of this subsection, the driver shall proceed with due
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1 caution and reduce the speed of the motor vehicle to a safe speed
2 for the existing road, weather, and traffic conditions.

3 B. This section does not relieve the operator of a stationary
4 authorized emergency vehicle, a Department of Transportation
5 maintenance vehicle, a Turnpike Authority maintenance vehicle, or
6 licensed ~~Class-AA~~ wrecker from the consequences of reckless
7 disregard for the safety of all persons and property upon the
8 highway.

9 SECTION 2. AMENDATORY 47 O.S. 2011, Section 954, is
10 amended to read as follows:

11 Section 954. A. The Department of Public Safety shall be
12 charged with the duty of enforcing the provisions of Section 951 et
13 seq. of this title for licensed wreckers and towing services
14 operating in this state.

15 B. Duly appointed peace officers of the political subdivisions
16 of this state shall have authority to detain and arrest any person
17 operating a wrecker or tow truck or offering towing services to the
18 public for a charge without a valid license issued pursuant to the
19 provisions of Section 951 et seq. of this title. Such officers,
20 upon reasonable belief that any wrecker or tow truck is being
21 operated without proper authority or without a valid license issued
22 pursuant to Section 951 et seq. of this title, shall be authorized
23 to require the operator thereof to stop and exhibit such
24 documentation as may be required to establish his or her authority

1 to tow or transport another vehicle or to prove possession of a
2 valid wrecker or tow service license issued in this state. Any
3 person convicted of operating a wrecker or tow truck or offering
4 towing services to the public for a charge in this state without a
5 license shall be guilty of a misdemeanor and punished as provided in
6 Section 958 of this title with a fine of One Thousand Dollars
7 (\$1,000.00). Law enforcement shall impound the tow truck being used
8 in violation of this section.

9 SECTION 3. This act shall become effective November 1, 2019."

10 Passed the Senate the 24th day of April, 2019.

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12 _____
13 Presiding Officer of the Senate

14 Passed the House of Representatives the ____ day of _____,
15 2019.

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17 _____
18 Presiding Officer of the House
19 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 2629

By: Echols of the House

3 and

4 Kirt of the Senate

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7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 11-314, as amended by Section 1,
9 Chapter 114, O.S.L. 2015 (47 O.S. Supp. 2018, Section
10 11-314), which relates to the approach of stationary
11 authorized vehicles; requiring drivers to proceed
12 with caution upon approach of tow trucks displaying
13 amber flashing lamps; and providing an effective
14 date.

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

16 SECTION 4. AMENDATORY 47 O.S. 2011, Section 11-314, as
17 amended by Section 1, Chapter 114, O.S.L. 2015 (47 O.S. Supp. 2018,
18 Section 11-314), is amended to read as follows:

19 Section 11-314. A. The driver of a motor vehicle, upon
20 approaching a stationary authorized emergency vehicle, a Department
21 of Transportation maintenance vehicle, a Turnpike Authority
22 maintenance vehicle, or a licensed Class AA wrecker that is
23 displaying a flashing amber light, a combination red or blue light
24 or any combination of amber, red or blue lights, shall:

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

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

17 B. This section does not relieve the operator of a stationary
18 authorized emergency vehicle, a Department of Transportation
19 maintenance vehicle, a Turnpike Authority maintenance vehicle, or
20 licensed Class AA wrecker from the consequences of reckless
21 disregard for the safety of all persons and property upon the
22 highway.

23 SECTION 5. This act shall become effective November 1, 2019.

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1 Passed the House of Representatives the 7th day of March, 2019.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2019.

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8 _____
9 Presiding Officer of the Senate