

1 ENGROSSED SENATE AMENDMENTS
TO
2 ENGROSSED HOUSE
BILL NO. 2684

By: Hays, Cantrell, George,
Maynard, Duel, Kane,
Staires, Roe, Ford,
Dobrinski, and Dollens of
the House

and

Stephens of the Senate

9 [motor vehicles - stationary authorized vehicles on
10 the roadway - penalties - fines and penalties -
11 effective date]

14 AMENDMENT NO. 1. Page 1, restore the title

15 AMENDMENT NO. 2. Page 2, lines 13-14, delete the underlined
16 language from the word "that" on line 13 through
the word "limit" on line 14

17 AMENDMENT NO. 3. Page 2, lines 18-19, delete the underlined
18 language from the word "that" on line 18 through
the word "limit" on line 19

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1 Passed the Senate the 26th day of April, 2023.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2023.

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8 _____
9 Presiding Officer of the House
10 of Representatives

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2 BILL NO. 2684

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

15 SECTION 1. AMENDATORY 47 O.S. 2021, Section 11-314, is
16 amended to read as follows:

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

19 B. The driver of a motor vehicle, upon approaching a stationary
20 authorized emergency vehicle, a Department of Transportation
21 maintenance vehicle, a Turnpike Authority maintenance vehicle, a
22 stationary vehicle that is displaying flashing lights or a licensed
23 wrecker that is displaying a flashing amber light, a combination red
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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 for the existing road, weather, and traffic conditions~~ that is
14 at least ten (10) miles per hour below the posted speed limit; 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 ~~for the existing road, weather, and traffic conditions~~ that is at
19 least ten (10) miles per hour below the posted speed limit.

20 A person shall be guilty of the offense of endangerment of an
21 emergency worker for any offense committed in violation of this
22 subsection.

23 C. This section does not relieve the operator of a stationary
24 authorized emergency vehicle, a Department of Transportation

1 maintenance vehicle, a Turnpike Authority maintenance vehicle, or
2 licensed wrecker from the consequences of reckless disregard for the
3 safety of all persons and property upon the highway.

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

- 9 1. One Thousand Dollars (\$1,000.00) for a first offense; and
- 10 2. Two Thousand Five Hundred Dollars (\$2,500.00) for a second
11 offense.

12 E. A person shall be deemed to commit the offense of aggravated
13 endangerment of an emergency worker upon conviction for any offense
14 pursuant to subsection B of this section when such offense results
15 in the injury or death of an emergency worker. Upon conviction for
16 committing the offense of aggravated endangerment of an emergency
17 worker, in addition to any other penalty authorized by law, the
18 person shall be subject to a fine of not more than Five Thousand
19 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 F. No person shall be cited or convicted for endangerment of an
23 emergency worker or aggravated endangerment of an emergency worker,
24 for any act or omission otherwise constituting an offense under

1 subsection B of this section, if such act or omission resulted, in
2 whole or in part, from mechanical failure of the vehicle of the
3 person or from the negligence of another person or an emergency
4 worker.

5 SECTION 2. This act shall become effective November 1, 2023.

6 Passed the House of Representatives the 14th day of March, 2023.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2023.

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Presiding Officer of the Senate

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