

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 2684

 By: Hays

7 AS INTRODUCED

8 An Act relating to motor vehicles; modifying name of
9 section; amending 47 O.S. 2021, Section 11-314, which
10 relates to approaching stationary authorized vehicles
11 on the roadway; modifying actions a driver shall take
12 upon approach of certain vehicles; making certain
 acts unlawful; providing penalties upon conviction;
 prohibiting application of fines and penalties under
 certain circumstances; and providing an effective
 date.

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

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

19 Section 11-314. A. This section shall be known and may be
20 cited as ~~"Bernardo's Law"~~ 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 ~~for the existing road, weather, and traffic conditions~~ that is
15 at least ten (10) miles per hour below the posted speed limit; and

16 2. If traveling on a highway other than a highway described in
17 paragraph 1 of this subsection, the driver shall proceed with due
18 caution and reduce the speed of the motor vehicle to a safe speed
19 ~~for the existing road, weather, and traffic conditions~~ that is at
20 least ten (10) miles per hour below the posted speed limit.

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

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1 C. This section does not relieve the operator of a stationary
2 authorized emergency vehicle, a Department of Transportation
3 maintenance vehicle, a Turnpike Authority maintenance vehicle, or
4 licensed wrecker from the consequences of reckless disregard for the
5 safety of all persons and property upon the highway.

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

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

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

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

1 F. No person shall be cited or convicted for endangerment of an
2 emergency worker or aggravated endangerment of an emergency worker,
3 for any act or omission otherwise constituting an offense under
4 subsection B of this section, if such act or omission resulted, in
5 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 worker.

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

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10 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/14/2023 -
11 DO PASS.

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