

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2684

By: Hays

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5  
6 AS INTRODUCED

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

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

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

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

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

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