# An Act

ENROLLED 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

An Act relating to motor vehicles; amending 47 O.S. 2021, Section 11-314, which relates to approaching stationary authorized vehicles on the roadway; modifying name of section; modifying actions a driver shall take 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.

SUBJECT: Motor vehicles

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

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

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

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

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

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

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

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

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

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

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

E. A person shall be deemed to commit the offense of aggravated endangerment of an emergency worker upon conviction for any offense pursuant to subsection B of this section when such offense results in the injury or death of an emergency worker. Upon conviction for

committing the offense of aggravated endangerment of an emergency worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) if the offense resulted in injury to an emergency worker and not more than Ten Thousand Dollars ($10,000.00) if the offense resulted in the death of an emergency worker.

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

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

Passed the House of Representatives the 17th day of May, 2023.

Presiding Officer of the House
of Representatives

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

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 18th

day of May, 20 23, at 10:10 o'clock a. M.

By: Primu Curry

Approved by the Governor of the State of Oklahoma this 22nd

day of May, 20 23, at 8:41 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 22nd

day of May, 20 23, at 9:11 o'clock A M.

By: Brian Bingman