

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1584

By: Dollens

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5
6 AS INTRODUCED

7 An Act relating to tow trucks; amending 47 O.S. 2011,
8 Section 11-314, as last amended by Section 26,
9 Chapter 161, O.S.L. 2020 (47 O.S. Supp. 2020, Section
10 11-314), which relates to approaching stationary
11 authorized vehicles on the roadway; creating
12 Bernardo's Law; and providing an effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-314, as
15 last amended by Section 26, Chapter 161, O.S.L. 2020 (47 O.S. Supp.
16 2020, Section 11-314), is amended to read as follows:

17 Section 11-314. A. This section shall be known and may be
18 cited as "Bernardo's 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
24 or blue light 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 wrecker; or if the driver is not able to change
9 lanes or if to do so would be unsafe, the driver shall proceed with
10 due caution and reduce the speed of the motor vehicle to a safe
11 speed for the existing road, weather, and traffic conditions; and

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

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

22 SECTION 2. This act shall become effective November 1, 2021.

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24 58-1-5708 JBH 12/21/20