

1 **SENATE FLOOR VERSION**

2 April 8, 2019

3 ENGROSSED HOUSE
4 BILL NO. 2629

By: Echols of the House

and

Kirt of the Senate

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9 An Act relating to motor vehicles; amending 47 O.S.
10 2011, Section 11-314, as amended by Section 1,
11 Chapter 114, O.S.L. 2015 (47 O.S. Supp. 2018, Section
12 11-314), which relates to the approach of stationary
13 authorized vehicles; requiring drivers to proceed
14 with caution upon approach of tow trucks displaying
15 amber flashing lamps; amending 47 O.S. 2011, Section
16 954, which relates to enforcement; modifying
17 inclusions of prohibited services by an unlicensed
18 operator; providing certain misdemeanor penalty;
19 allowing for certain action by law enforcement; and
20 providing an effective date.

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

22 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-314, as
23 amended by Section 1, Chapter 114, O.S.L. 2015 (47 O.S. Supp. 2018,
24 Section 11-314), is amended to read as follows:

Section 11-314. A. The driver of a motor vehicle, upon
approaching a stationary authorized emergency vehicle, a Department
of Transportation maintenance vehicle, a Turnpike Authority

1 maintenance vehicle, or a licensed Class AA wrecker that is
2 displaying a flashing amber light, a combination red or blue light
3 or any combination of amber, red or blue lights, 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 Class AA wrecker; or if the driver is not able
12 to change lanes or if to do so would be unsafe, the driver shall
13 proceed with due caution and reduce the speed of the motor vehicle
14 to a safe speed for the existing road, weather, and traffic
15 conditions; 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.

20 B. This section does not relieve the operator of a stationary
21 authorized emergency vehicle, a Department of Transportation
22 maintenance vehicle, a Turnpike Authority maintenance vehicle, or
23 licensed Class AA wrecker from the consequences of reckless
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1 disregard for the safety of all persons and property upon the
2 highway.

3 SECTION 2. AMENDATORY 47 O.S. 2011, Section 954, is
4 amended to read as follows:

5 Section 954. A. The Department of Public Safety shall be
6 charged with the duty of enforcing the provisions of Section 951 et
7 seq. of this title for licensed wreckers and towing services
8 operating in this state.

9 B. Duly appointed peace officers of the political subdivisions
10 of this state shall have authority to detain and arrest any person
11 operating a wrecker or tow truck or offering towing services to the
12 public without a valid license issued pursuant to the provisions of
13 Section 951 et seq. of this title. Such officers, upon reasonable
14 belief that any wrecker or tow truck is being operated without
15 proper authority or without a valid license issued pursuant to
16 Section 951 et seq. of this title, shall be authorized to require
17 the operator thereof to stop and exhibit such documentation as may
18 be required to establish his or her authority to tow or transport
19 another vehicle or to prove possession of a valid wrecker or tow
20 service license issued in this state. Any person convicted of
21 operating a wrecker or tow truck or offering towing services to the
22 public in this state without a license shall be guilty of a
23 misdemeanor and ~~punished as provided in Section 958 of this title~~

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1 with a fine of One Thousand Dollars (\$1,000.00). Law enforcement
2 shall impound the tow truck being used in violation of this section.

3 SECTION 3. This act shall become effective November 1, 2019.

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
5 April 8, 2019 - DO PASS AS AMENDED
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