

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 445

By: Haste

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7 AS INTRODUCED

8 An Act relating to motor vehicles; amending 47 O.S.
9 2011, Section 11-1208, which relates to overtaking
10 bicycles; clarifying manner by which motor vehicles
11 may overtake and pass cyclists; modifying penalties;
12 defining terms; allowing prosecution in addition to
13 other chargeable offenses; providing for certain
14 right-of-way; making certain allowable actions;
15 prohibiting certain violations; providing for
16 codification; and providing an effective date.

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

18 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-1208, is
19 amended to read as follows:

20 Section 11-1208. A. When overtaking and passing a bicycle
21 proceeding in the same direction, a person driving a motor vehicle
22 shall exercise due care ~~by leaving a safe distance between the motor~~
23 ~~vehicle and the bicycle of not~~ and:

24 1. If there is more than one lane for traffic proceeding in the
same direction, a motorist passing a cyclist shall move the vehicle
to the lane to the immediate left if the lane is available and

1 moving into the lane is reasonably safe. The motorist shall not
2 move back into the travel lane until the vehicle is safely clear of
3 the overtaken person operating a bicycle;

4 2. If there is only one lane for traffic proceeding in the same
5 direction, a motorist shall not overtake or pass a bicycle at a
6 distance of less than three (3) feet until the motor vehicle is
7 safely past the overtaken bicycle, and shall not move again to the
8 right side of the highway until the vehicle is safely clear of the
9 overtaken person operating a bicycle; or

10 3. May drive to the left of the center of the roadway,
11 including when a no-passing zone is marked as defined in Section 11-
12 307 of this title, to pass a person operating a bicycle only if the
13 roadway to the left of the center is unobstructed for a sufficient
14 distance to permit the driver to pass the person operating the
15 bicycle safely and avoid interference with oncoming traffic. The
16 provisions of this paragraph do not authorize driving on the left
17 side of the center of the roadway when prohibited under Section 11-
18 303, 11-305 or 11-306 of this title.

19 B. If a Any person who violates the provision of subsection A
20 of this section shall, upon conviction, be guilty of a misdemeanor
21 punishable by a fine of not more than One Hundred Dollars (\$100.00).
22 Any second or subsequent conviction shall be a misdemeanor
23 punishable by a term of imprisonment in the county jail for a term
24 not to exceed thirty (30) days, or a fine of not less than One

1 Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars
2 (\$500.00), or by both such fine and imprisonment.

3 C. Any person who violates the provisions of subsection A of
4 this section and the violation results in a collision causing
5 serious physical personal injury to another person, the person shall
6 be subject to shall, upon conviction, be guilty of a misdemeanor
7 punishable by a term of imprisonment in the county jail for a term
8 not to exceed six (6) months, or a fine of not more than Five
9 Hundred Dollars (\$500.00) One Thousand Dollars (\$1,000.00), or by
10 both such fine and imprisonment.

11 E. If a D. 1. Any person who violates the provisions of
12 subsection A of this section and the violation results in causing
13 great bodily injury to another person shall, upon conviction, be
14 guilty of a felony punishable by imprisonment in the custody of the
15 Department of Corrections for a term not to exceed one (1) year, or
16 by a fine of not more than Three Thousand Dollars (\$3,000.00), or by
17 both such fine and imprisonment.

18 2. As used in this subsection, "great bodily injury" means
19 bodily injury which creates a substantial risk of death or which
20 causes serious, permanent disfigurement or protracted loss or
21 impairment of the function of any bodily member or organ.

22 E. Any person who violates the provisions of subsection A of
23 this section and the violation results in the death of another
24 person, the person shall, upon conviction, be subject to guilty of a

1 felony punishable by imprisonment in the custody of the Department
2 of Corrections for a term not to exceed three (3) years, or by a
3 fine of not more than ~~One Thousand Dollars (\$1,000.00), in addition~~
4 to any other penalties prescribed by law Five Thousand Dollars
5 (\$5,000.00), or by both such fine and imprisonment.

6 F. A person may be charged under the provisions of this section
7 in addition to any other chargeable offenses allowed by law.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 11-1209 of Title 47, unless
10 there is created a duplication in numbering, reads as follows:

11 A. A person operating a bicycle approaching a stop sign shall
12 reduce their speed and, if required for safety, stop before entering
13 the intersection. After slowing to a reasonable speed or stopping,
14 the person shall yield the right of way to any vehicle or pedestrian
15 in the intersection or approaching on another highway so closely as
16 to constitute an immediate hazard during the time the person is
17 moving across or within the intersection or junction of highways,
18 except that a person after slowing to a reasonable speed and
19 yielding the right-of-way if required may cautiously make a turn or
20 proceed through the intersection without stopping.

21 B. Notwithstanding any other provision of law, a person
22 operating a bicycle facing any steady red signal may cautiously
23 proceed through the intersection only if:

1 1. The bicycle has been brought to a complete stop as required
2 by Sections 11-201 and Section 11-202 of Title 47 of the Oklahoma
3 Statutes;

4 2. The traffic control signal failed to detect the arrival of
5 the cyclist because of its size or weight; and

6 3. No motor vehicle or person is approaching on the roadway to
7 be crossed or entered, or the motor vehicle or person is at a
8 distance from the intersection that does not constitute an immediate
9 hazard.

10 The driver of any vehicle approaching the intersection, which
11 lawfully may enter the intersection, shall have the right-of-way
12 over any cyclist proceeding through a red light and, in no event
13 where an accident results from the cyclist proceeding into the
14 intersection on a red light, shall such driver of the vehicle be
15 charged with any violation pursuant to Sections 11-310, 11-401 or
16 11-403 of Title 47 of the Oklahoma Statutes.

17 In the event that an official traffic control signal is erected
18 and maintained at a place other than at an intersection, the
19 provisions of this section shall be applicable except as to those
20 provisions which by their nature can have no application. Any stop
21 required by a signal light shall be made at a sign or marking on the
22 pavement indicating where the stop shall be made, but in the absence
23 of such sign or marking the stop shall be made at the signal.

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

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