

1 **SENATE FLOOR VERSION**

2 April 5, 2021

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1770

By: Dobrinski, Fugate and
Kendrix of the House

6 and

7 Weaver and Stephens of the
8 Senate

9
10 An Act relating to public safety; defining terms;
11 providing certain exceptions for bicyclists at
12 traffic-control devices; prohibiting certain action;
13 providing for misdemeanor offense; amending 47 O.S.
14 2011, Section 11-202, as amended by Section 1,
15 Chapter 62, O.S.L. 2019 (47 O.S. Supp. 2020, Section
16 11-202), which relates to traffic-control signals;
17 modifying certain exceptions; amending 47 O.S. 2011,
18 Section 11-606, which relates to arm and hand
19 signals; allowing bicyclists to make certain signals;
20 amending 47 O.S. 2011, Section 12-401, which relates
21 to horn and warning devices; prohibiting certain uses
22 of motor vehicle horns; providing for codification;
23 and providing an effective date.
24

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 11-202.1 of Title 47, unless
there is created a duplication in numbering, reads as follows:

A. For the purposes of this section:

1 1. "Bicycle" means a device as defined in subsection A of
2 Section 1-104 of Title 47 of the Oklahoma Statutes; and

3 2. "Immediate hazard" means a vehicle approaching a person
4 operating a bicycle at a proximity and rate of speed sufficient to
5 indicate to a reasonably careful person that there is a danger of
6 collision or accident.

7 B. 1. A person operating a bicycle approaching a stop sign
8 shall:

9 a. slow down,

10 b. if required to avoid an immediate hazard, stop at the
11 stop sign before entering the intersection, and

12 c. cautiously enter the intersection and yield the right-
13 of-way to pedestrians lawfully within an adjacent
14 crosswalk and to other traffic lawfully using the
15 intersection.

16 2. If a person operating a bicycle determines there is no
17 immediate hazard, he or she may cautiously make a right or left
18 turn, or proceed through the intersection without stopping at the
19 stop sign.

20 C. 1. A person operating a bicycle approaching a steady red
21 traffic-control signal shall:

22 a. make a complete stop at the steady red traffic-control
23 signal before entering the intersection, and

24

1 b. yield the right-of-way to all oncoming traffic that
2 constitutes an immediate hazard during the time that
3 he or she is moving across or within the intersection.

4 2. If a person operating a bicycle determines there is no
5 immediate hazard, he or she may proceed through the steady red
6 traffic-control signal with caution.

7 3. A person operating a bicycle may make a:

8 a. right-hand turn at a steady red traffic-control signal
9 without stopping after slowing to a reasonable speed
10 and yielding the right-of-way, if required, to
11 oncoming traffic that constitutes an immediate hazard,
12 or

13 b. left-hand turn onto a one-way street at a steady red
14 traffic-control signal after stopping and yielding to
15 oncoming traffic that constitutes an immediate hazard.

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 11-1210 of Title 47, unless
18 there is created a duplication in numbering, reads as follows:

19 It shall be unlawful for any person to maliciously throw an
20 object at or in the direction of any person riding a bicycle, equine
21 or animal drawn vehicle. Any person convicted of the provisions of
22 this section shall be guilty of a misdemeanor punishable by
23 imprisonment in the county jail for a term of not more than one (1)
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1 year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or
2 by both such fine and imprisonment.

3 SECTION 3. AMENDATORY 47 O.S. 2011, Section 11-202, as
4 amended by Section 1, Chapter 62, O.S.L. 2019 (47 O.S. Supp. 2020,
5 Section 11-202), is amended to read as follows:

6 Section 11-202. Whenever traffic is controlled by ~~traffic~~
7 ~~control~~ traffic-control signals exhibiting different colored lights
8 or colored lighted arrows successively one at a time, or in
9 combination, only the colors green, red and yellow shall be used,
10 except for special pedestrian signals carrying a word legend, and
11 the lights shall indicate and apply to drivers of vehicles and
12 pedestrians as follows:

13 1. Green indication:

14 a. vehicular traffic facing a circular green signal,
15 except when prohibited under Section 11-1302 of this
16 title, may proceed straight through or turn right or
17 left unless a sign at such place prohibits either such
18 turn. But vehicular traffic, including vehicles
19 turning right or left, shall yield the right-of-way to
20 other vehicles and to pedestrians lawfully within the
21 intersection or an adjacent crosswalk at the time such
22 signal is exhibited,

23 b. vehicular traffic facing a green arrow signal, shown
24 alone or in combination with another indication, may

1 cautiously enter the intersection only to make the
2 movement indicated by such arrow, or such other
3 movement as is permitted by other indications shown at
4 the same time. Such vehicular traffic shall yield the
5 right-of-way to pedestrians lawfully within an
6 adjacent crosswalk and to other traffic lawfully using
7 the intersection, and

- 8 c. unless otherwise directed by a pedestrian-control
9 signal, as provided in Section 11-203 of this title,
10 pedestrians facing any green signal, except when the
11 sole green signal is a turn arrow, may proceed across
12 the roadway within any marked or unmarked crosswalk;

13 2. Steady yellow indication:

- 14 a. vehicular traffic facing a steady circular yellow or
15 yellow arrow signal is thereby warned that the related
16 green movement is being terminated or that a red
17 indication will be exhibited immediately thereafter,
18 and
- 19 b. pedestrians facing a steady circular yellow or yellow
20 arrow signal, unless otherwise directed by a
21 pedestrian-control signal as provided in Section 11-
22 203 of this title, are thereby advised that there is
23 insufficient time to cross the roadway before a red
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1 indication is shown, and no pedestrian shall then
2 start to cross the roadway; and

3 3. Steady red indication:

4 a. vehicular traffic facing a steady circular red signal
5 alone shall stop at a clearly marked stop line, but if
6 none, before entering the crosswalk on the near side
7 of the intersection or, if none, then before entering
8 the intersection and shall remain standing until an
9 indication to proceed is shown except as provided in
10 subparagraphs b and d of this paragraph,

11 b. except when a sign is in place prohibiting a turn,
12 vehicular traffic facing any steady red signal may
13 cautiously enter the intersection to turn right or to
14 turn left from a one-way street into a one-way street
15 after stopping as required by subparagraph a of this
16 paragraph. Such vehicular traffic shall yield the
17 right-of-way to pedestrians lawfully within an
18 adjacent crosswalk and to other traffic lawfully using
19 the intersection,

20 c. in order to prohibit right turns or left turns as
21 prescribed in subparagraph b of this paragraph, on the
22 red signal after the required stop, a municipality
23 must erect clear, concise signs informing drivers that
24 such turns are prohibited. The Highway Department

1 shall specify the design of the sign to be used for
2 this purpose, and it shall be used uniformly
3 throughout the state,

4 d. notwithstanding any other provision of law, the driver
5 of a motorcycle ~~or bicycle~~ facing any steady red
6 signal may cautiously proceed through the intersection
7 only if:

8 (1) the motorcycle ~~or bicycle~~ has been brought to a
9 complete stop as required by subparagraph a of
10 this paragraph,

11 (2) the ~~traffic control~~ traffic-control signal is
12 programmed or engineered to change to a green
13 signal only after detecting the approach of a
14 motor vehicle and has failed to detect the
15 arrival of the motorcycle ~~or bicycle~~ because of
16 its size or weight, and

17 (3) no motor vehicle or person is approaching on the
18 roadway to be crossed or entered, or the motor
19 vehicle or person is at a distance from the
20 intersection that does not constitute an
21 immediate hazard.

22 The driver of any vehicle approaching the
23 intersection, which lawfully may enter the
24 intersection, shall have the right-of-way over any

1 motorcycle ~~or bicycle~~ operator proceeding through a
2 red light and, in no event where an accident results
3 from the driver of the motorcycle ~~or bicycle~~
4 proceeding into the intersection on a red light, shall
5 such driver of the vehicle be charged with any
6 violation pursuant to Sections 11-401 and 11-403 of
7 this title relating to failure to yield right-of-way,
8 Section 11-310 of this title relating to following too
9 closely, or Section 11-801 of this title relating to
10 driving too fast for conditions, and

11 e. unless otherwise directed by a pedestrian-control
12 signal as provided in Section 11-203 of this title,
13 pedestrians facing a steady circular red signal alone
14 shall not enter the roadway.

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

22 SECTION 4. AMENDATORY 47 O.S. 2011, Section 11-606, is
23 amended to read as follows:
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1 Section 11-606. All signals herein required given by hand and
2 arm shall be given from the left side of the vehicle in the
3 following manner and such signals shall indicate as follows:

4 1. Left turn. Hand and arm extended horizontally~~;~~;

5 2. Right turn. Hand and arm extended upward. A person
6 operating a bicycle may extend his or her right hand and arm
7 horizontally to his or her right; and

8 3. Stop or decrease speed. Hand and arm extended downward. A
9 person operating a bicycle may extend his or her right hand and arm
10 downward to his or her right side.

11 SECTION 5. AMENDATORY 47 O.S. 2011, Section 12-401, is
12 amended to read as follows:

13 Section 12-401. A. Every motor vehicle when operated upon a
14 highway shall be equipped with a horn in good working order and
15 capable of emitting sound audible under normal conditions from a
16 distance of not less than two hundred (200) feet, but no horn or
17 other warning device shall emit an unreasonably loud or harsh sound.
18 The driver of a motor vehicle shall, when reasonably necessary to
19 ~~insure~~ ensure safe operation, give audible warning with a horn but
20 shall not otherwise use such horn when upon a highway. No driver of
21 any vehicle shall use a horn when passing a person riding a bicycle,
22 equine or animal-drawn vehicle under normal conditions if no
23 imminent danger of a collision exists.

1 B. No vehicle shall be equipped with nor shall any person use
2 upon a vehicle any siren, except as otherwise permitted in
3 subsection D of this section.

4 C. Any vehicle may be equipped with a theft alarm signal device
5 which is so arranged that it cannot be used by the driver as an
6 ordinary warning signal. A theft alarm signal device shall not use
7 a siren, as described in subsection D of this section.

8 D. Every authorized emergency vehicle shall, in addition to any
9 other equipment and distinctive markings required by this title, be
10 equipped with a siren, or similar device, capable of emitting sound
11 audible under normal conditions from a distance of not less than
12 five hundred (500) feet and of a type approved by the Department of
13 Public Safety, but such siren shall not be used except when such
14 vehicle is operated in response to an emergency call or in the
15 immediate pursuit of an actual or suspected violator of the law, in
16 which said latter events the driver of such vehicle shall sound said
17 siren when reasonably necessary to warn pedestrians and other
18 drivers of the approach thereof.

19 E. It shall be unlawful for any person to use a device capable
20 of producing auditory warning signals similar to that on an
21 authorized emergency vehicle or to use audible signal equipment from
22 a motor vehicle for the purpose of causing any other motor vehicle
23 operator to yield right-of-way and stop, or which actually causes
24 any other motor vehicle operator to yield the right-of-way and stop,

1 whether intended or not. The provisions of this subsection shall
2 not apply to the operators of authorized emergency vehicles.

3 SECTION 6. This act shall become effective November 1, 2021.

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
5 April 5, 2021 - DO PASS AS AMENDED
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