

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1770

By: Dobrinski

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5
6 AS INTRODUCED

7 An Act relating to public safety; defining terms;
8 providing certain exceptions for bicyclists at
9 traffic-control devices; amending 47 O.S. 2011,
10 Section 11-202, as amended by Section 1, Chapter 62,
11 O.S.L. 2019 (47 O.S. Supp. 2020, Section 11-202),
12 which relates to traffic-control signals; modifying
13 certain exceptions; amending 47 O.S. 2011, Section
14 11-606, which relates to arm and hand signals;
15 allowing bicyclists to make certain signals; amending
16 47 O.S. 2011, Section 11-901, which relates to
17 reckless driving; designating certain actions to be
18 reckless driving; amending 47 O.S. 2011, Section 12-
19 401, which relates to horn and warning devices;
20 prohibiting certain uses of motor vehicle horns;
21 providing for codification; and providing an
22 effective date.

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

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

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

5 B. 1. A person operating a bicycle approaching a stop sign
6 shall:

7 a. slow down,

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

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

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

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

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

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

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

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

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

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

13 SECTION 2. AMENDATORY 47 O.S. 2011, Section 11-202, as
14 amended by Section 1, Chapter 62, O.S.L. 2019 (47 O.S. Supp. 2020,
15 Section 11-202), is amended to read as follows:

16 Section 11-202. Whenever traffic is controlled by traffic_
17 control signals exhibiting different colored lights or colored
18 lighted arrows successively one at a time, or in combination, only
19 the colors green, red and yellow shall be used, except for special
20 pedestrian signals carrying a word legend, and the lights shall
21 indicate and apply to drivers of vehicles and pedestrians as
22 follows:

23 1. Green indication:
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1 a. vehicular traffic facing a circular green signal,
2 except when prohibited under Section 11-1302 of this
3 title, may proceed straight through or turn right or
4 left unless a sign at such place prohibits either such
5 turn. But vehicular traffic, including vehicles
6 turning right or left, shall yield the right-of-way to
7 other vehicles and to pedestrians lawfully within the
8 intersection or an adjacent crosswalk at the time such
9 signal is exhibited,

10 b. vehicular traffic facing a green arrow signal, shown
11 alone or in combination with another indication, may
12 cautiously enter the intersection only to make the
13 movement indicated by such arrow, or such other
14 movement as is permitted by other indications shown at
15 the same time. Such vehicular traffic shall yield the
16 right-of-way to pedestrians lawfully within an
17 adjacent crosswalk and to other traffic lawfully using
18 the intersection, and

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

24 2. Steady yellow indication:

1 a. vehicular traffic facing a steady circular yellow or
2 yellow arrow signal is thereby warned that the related
3 green movement is being terminated or that a red
4 indication will be exhibited immediately thereafter,
5 and

6 b. pedestrians facing a steady circular yellow or yellow
7 arrow signal, unless otherwise directed by a
8 pedestrian-control signal as provided in Section 11-
9 203 of this title, are thereby advised that there is
10 insufficient time to cross the roadway before a red
11 indication is shown, and no pedestrian shall then
12 start to cross the roadway; and

13 3. Steady red indication:

14 a. vehicular traffic facing a steady circular red signal
15 alone shall stop at a clearly marked stop line, but if
16 none, before entering the crosswalk on the near side
17 of the intersection or, if none, then before entering
18 the intersection and shall remain standing until an
19 indication to proceed is shown except as provided in
20 subparagraphs b and d of this paragraph,

21 b. except when a sign is in place prohibiting a turn,
22 vehicular traffic facing any steady red signal may
23 cautiously enter the intersection to turn right or to
24 turn left from a one-way street into a one-way street

1 after stopping as required by subparagraph a of this
2 paragraph. Such vehicular traffic shall yield the
3 right-of-way to pedestrians lawfully within an
4 adjacent crosswalk and to other traffic lawfully using
5 the intersection,

6 c. in order to prohibit right turns or left turns as
7 prescribed in subparagraph b of this paragraph, on the
8 red signal after the required stop, a municipality
9 must erect clear, concise signs informing drivers that
10 such turns are prohibited. The Highway Department
11 shall specify the design of the sign to be used for
12 this purpose, and it shall be used uniformly
13 throughout the state,

14 d. notwithstanding any other provision of law, the driver
15 of a motorcycle ~~or bicycle~~ facing any steady red
16 signal may cautiously proceed through the intersection
17 only if:

18 (1) the motorcycle ~~or bicycle~~ has been brought to a
19 complete stop as required by subparagraph a of
20 this paragraph,

21 (2) the traffic-control signal is programmed or
22 engineered to change to a green signal only after
23 detecting the approach of a motor vehicle and has
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1 failed to detect the arrival of the motorcycle ~~or~~
2 ~~bicycle~~ because of its size or weight, and
3 (3) no motor vehicle or person is approaching on the
4 roadway to be crossed or entered, or the motor
5 vehicle or person is at a distance from the
6 intersection that does not constitute an
7 immediate hazard.

8 The driver of any vehicle approaching the
9 intersection, which lawfully may enter the
10 intersection, shall have the right-of-way over any
11 motorcycle ~~or bicycle~~ operator proceeding through a
12 red light and, in no event where an accident results
13 from the driver of the motorcycle ~~or bicycle~~
14 proceeding into the intersection on a red light, shall
15 such driver of the vehicle be charged with any
16 violation pursuant to Sections 11-401 and 11-403 of
17 this title relating to failure to yield right-of-way,
18 Section 11-310 of this title relating to following too
19 closely, or Section 11-801 of this title relating to
20 driving too fast for conditions, and

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

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

8 SECTION 3. AMENDATORY 47 O.S. 2011, Section 11-606, is
9 amended to read as follows:

10 Section 11-606. All signals herein required given by hand and
11 arm shall be given from the left side of the vehicle in the
12 following manner and such signals shall indicate as follows:

- 13 1. Left turn. Hand and arm extended horizontally~~;~~;
14 2. Right turn. Hand and arm extended upward. A person
15 operating a bicycle may extend his or her right hand and arm
16 horizontally to his or her right; and

- 17 3. Stop or decrease speed. Hand and arm extended downward. A
18 person operating a bicycle may extend his or her right hand and arm
19 downward to his or her right side.

20 SECTION 4. AMENDATORY 47 O.S. 2011, Section 11-901, is
21 amended to read as follows:

22 Section 11-901. A. It shall be deemed reckless driving for any
23 person to drive a motor vehicle in a careless or wanton manner
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1 without regard for the safety of persons or property or in violation
2 of the conditions outlined in Section 11-801 of this title.

3 B. It shall be deemed reckless driving for any person driving a
4 motor vehicle to harass, taunt or maliciously throw an object at or
5 in the direction of any person riding a bicycle, equine or animal-
6 drawn vehicle.

7 C. Every person convicted of reckless driving shall be punished
8 upon a first conviction by imprisonment for a period of not less
9 than five (5) days nor more than ninety (90) days, or by a fine of
10 not less than One Hundred Dollars (\$100.00) nor more than Five
11 Hundred Dollars (\$500.00), or by both such fine and imprisonment; on
12 a second or subsequent conviction, punishment shall be imprisonment
13 for not less than ten (10) days nor more than six (6) months, or by
14 a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more
15 than One Thousand Dollars (\$1,000.00), or by both such fine and
16 imprisonment.

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

19 Section 12-401. A. Every motor vehicle when operated upon a
20 highway shall be equipped with a horn in good working order and
21 capable of emitting sound audible under normal conditions from a
22 distance of not less than two hundred (200) feet, but no horn or
23 other warning device shall emit an unreasonably loud or harsh sound.
24 The driver of a motor vehicle shall, when reasonably necessary to

1 ~~insure~~ ensure safe operation, give audible warning with a horn but
2 shall not otherwise use such horn when upon a highway. No driver of
3 any vehicle shall use a horn when passing a person riding a bicycle,
4 equine or animal-drawn vehicle under normal conditions if no
5 imminent danger of a collision exists.

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

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

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

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1 E. It shall be unlawful for any person to use a device capable
2 of producing auditory warning signals similar to that on an
3 authorized emergency vehicle or to use audible signal equipment from
4 a motor vehicle for the purpose of causing any other motor vehicle
5 operator to yield right-of-way and stop, or which actually causes
6 any other motor vehicle operator to yield the right-of-way and stop,
7 whether intended or not. The provisions of this subsection shall
8 not apply to the operators of authorized emergency vehicles.

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

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11 58-1-5031 JBH 12/29/20

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