

SHORT TITLE: Motor vehicle; prohibiting certain vehicles from driving or parking on highway rights-of-way; providing penalty; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 215

By: Stipe

AS INTRODUCED

An Act relating to motor vehicle; amending 47 O.S. 1991, Sections 11-311, as amended by Section 2, Chapter 22, O.S.L. 1996, 11-1001, 11-1002 and 11-1004 (47 O.S. Supp. 1996, Section 11-311), which relate to rules of the road; prohibiting certain vehicles from driving on medians; authorizing emergency, maintenance or construction vehicles to drive on medians; prohibiting vehicles from being stopped, parked or left standing on highway rights-of-way; providing penalty; requiring law enforcement officers to have certain vehicles removed from rights-of-way; providing penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 11-311, as amended by Section 2, Chapter 22, O.S.L. 1996 (47 O.S. Supp. 1996, Section 11-311), is amended to read as follows:

Section 11-311. Whenever any highway has been divided into two or more roadways by leaving an intervening space, median as defined by Section 227 of Title 69 of the Oklahoma Statutes, or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be

driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic control devices or peace officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through a permanent opening in the dividing space, barrier or section or at a permanent cross-over or intersection as established unless specifically prohibited by public authority. No vehicle shall be driven over, across or within any temporary opening in a dividing space, barrier or section or at a temporary cross-over or intersection unless specifically authorized by a public authority or at the direction of a peace officer. No vehicle, other than emergency, maintenance or construction vehicles, shall drive in or across the median of a controlled access highway.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 11-1001, is amended to read as follows:

Section 11-1001. ~~(a)~~ A. Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave such vehicle off such part of ~~said~~ the highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred (200) feet in each direction upon such highway.

~~(b)~~ B. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

C. No person shall stop, park, or leave standing any vehicle, or cause another vehicle to stop, park or leave standing any vehicle

whether attended or unattended, upon any portion of the highway right-of-way, as defined by Section 236 of Title 69 of the Oklahoma Statutes for the purpose of purchase, sale or exchange of any goods, foods, or merchandise or for any other commercial purpose.

D. Any person convicted of a misdemeanor for violation of subsection C of this section shall be punished in accordance with Section 10 of Title 21 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 11-1002, is amended to read as follows:

Section 11-1002. ~~(a)~~ A. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of subsection A of Section 11-1001 of this title, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

~~(b)~~ B. Whenever any law enforcement officer finds a vehicle stopped, parked or standing upon a highway right-of-way in violation of the provisions of subsection C of Section 11-1001 of this title, the officer shall have the vehicle removed to the nearest garage or other place of safety at the owner's expense or may allow the driver or other responsible person to remove the vehicle.

C. Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any underpass where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

~~(c)~~ D. When any vehicle is left standing or abandoned upon a highway in violation of this section and at such a place or in such manner as to interfere or prevent the maintenance of said highway, the Department of Highways may remove such vehicle or request the driver or other persons in charge thereof to move the same to some

place of safety off the highway without charge to the owner of the vehicle.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 11-1004, is amended to read as follows:

Section 11-1004. ~~(a)~~ A. Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

~~(b)~~ B. Local authorities may by ordinance permit parking of vehicle with the left-hand wheels adjacent to and within eighteen (18) inches of the left-hand curb of a one-way roadway.

~~(c)~~ C. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the Department of Highways has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

~~(d)~~ D. The Oklahoma Department of Highways with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs. Violation of the parking restriction as set forth in this subsection shall constitute a misdemeanor punishable by a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Fifty Dollars (\$250.00).

SECTION 5. This act shall become effective November 1, 1997.

