ENGROSSED HOUSE
BILL NO. 2159

By: Pettigrew, Miller (Ray) and Roan of the House

and

Milacek of the Senate

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 11-301, as amended by Section 20, Chapter 397, O.S.L. 2002, and 11-309, as amended by Section 22, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2003, Sections 11-301 and 11-309), which relate to overtaking, passing, and driving on right side of roadway; clarifying procedure for overtaking and passing vehicles; providing for penalties; amending 47 O.S. 2001, Section 11-1302, which relates to maintenance, construction, and safety zones; defining term; requiring certain placement of traffic-control device; requiring merge within certain distance of traffic-control device; modifying penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-301, as amended by Section 20, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2003, Section 11-301), is amended to read as follows:

Section 11-301. A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the laws governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes for traffic under the laws applicable thereon;

4. Upon a roadway restricted to one-way traffic; or

5. Upon a roadway having four or more lanes for moving traffic and providing for two-way movement of traffic.

B. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available for traffic, or as close as practicable to the right-hand curb or edge of the roadway and may be temporarily driven upon the right-hand shoulder for the purpose of permitting other vehicles to pass. This subsection shall not apply when ~~overtaking~~:

1. Overtaking and passing another vehicle proceeding in the same direction. When the other vehicle has been overtaken and passed, the operator of the vehicle shall return the vehicle to the right-hand lane as soon as practicable as provided in Section 11-303 of this title; or ~~when preparing~~

2. Preparing for a left turn at an intersection or into a private road or driveway.

C. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under paragraph 2 of subsection ~~(a)~~ A of this section. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

D. Any person convicted of violating any provision of subsection B of this section shall be subject to a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00).

SECTION 2. AMENDATORY 47 O.S. 2001, Section 11-309, as amended by Section 22, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2003, Section 11-309), is amended to read as follows:

Section 11-309. A. Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following requirements in addition to all others consistent herewith shall apply~~.~~:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and then given a signal, not less than the last one hundred (100) feet traveled by the vehicle, of his intention to change lanes~~.~~;

2. Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation~~.~~;

3. Upon a roadway which is divided into four or more lanes, a vehicle proceeding at less than the maximum posted speed, ~~except when reduced speed is necessary for safe operation~~ or less than the normal speed of traffic at the time and place and under the conditions then existing, shall not impede the normal flow of traffic by driving in the left lane. Such vehicle shall be driven in the right-hand lane except when ~~overtaking~~:

a. overtaking and passing another vehicle proceeding in the same direction. When the other vehicle has been overtaken and passed, the operator of the vehicle shall return the vehicle to the right-hand lane as

soon as practicable as provided in Section 11-303 of this title, or ~~when~~

b. preparing for a left turn at an intersection or into a private road or driveway~~.~~; and

4. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

B. Any person convicted of violating any provision of subparagraph a of paragraph 3 of this section shall be subject to a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00).

SECTION 3. AMENDATORY 47 O.S. 2001, Section 11-1302, is amended to read as follows:

Section 11-1302. ~~(a)~~ A. The state through the Department of Highways and any county or city in this state through their respective governing bodies are hereby authorized to close any highway or section thereof, within their respective jurisdiction, to traffic while such highway is under repair, maintenance or construction and, in exercising such authority, shall erect or cause to be erected control devices and barricades to warn and notify the public that said highway has been closed to traffic.

~~(b)~~ B. When any highway has been closed to traffic under the provisions of ~~paragraph (a)~~ subsection A of this section and traffic-control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle through, under, over, or around such traffic-control devices or barricades, or otherwise to enter said closed area; except, that the provisions of this paragraph shall not apply to persons while engaged in the construction, maintenance and repair of said highway or to persons entering therein for the protection of lives or property; provided

that persons having their places of residence or places of business within such closed area may travel, when possible to do so, through such area at their own risk.

~~(c)~~ C. Whenever construction, repair and maintenance of any highway is being performed under traffic, the governing body having jurisdiction over said highway shall erect, or cause to be erected, traffic-control devices to warn and guide the public, and every person using such highway shall obey all signs, signals, markings, flagmen or other traffic-control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area. As used in this subsection, "construction or maintenance area" means any area upon or around any highway that is visibly marked as an area where construction, repair, and maintenance is temporarily occurring. The construction or maintenance area also includes the lanes of highway leading up to the area upon which an activity described in this section is being performed, beginning at the point where appropriate signs directing motor vehicles to merge from one lane into another lane are posted.

D. A traffic-control device that is used to warn and guide the public using the highway to merge, shall be located no greater than one (1) mile nor less than one thousand five hundred (1,500) feet in advance of the highway construction or maintenance area. Whenever any traffic-control device requires traffic to merge due to the closure of a section or lane of highway, the merge shall be completed within one thousand five hundred (1,500) feet of the traffic-control device.

~~(d)~~ E. No person shall remove, change, modify, deface or alter any traffic-control device or barricade which has been erected on any highway under the provisions of this article.

~~(e)~~ F. Nothing in this article shall relieve the state or any of its subdivisions or their contractors, agents, servants or

employees from liability for failure to perform any of the duties imposed herein.

~~(f)~~ G. Any person who violates any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine ~~not to exceed~~ of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) ~~and~~ or imprisonment in the county jail not to exceed thirty (30) days, or both such fine and imprisonment, and shall be liable for any damage to property, or injury to or death to persons caused by such violations.

SECTION 4. This act shall become effective November 1, 2004.

Passed the House of Representatives the 18th day of February, 2004.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2004.

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Presiding Officer of the Senate