

EHB 2926

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THE STATE SENATE
Wednesday, April 5, 2006

ENGROSSED
House Bill No. 2926
As Amended

ENGROSSED HOUSE BILL NO. 2926 - By: TIBBS, TERRILL and LAMONS of the House and REYNOLDS of the Senate.

[motor vehicles - bicycles - roadway requirements - codification - effective date]

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 1-104, as last amended by Section 1, Chapter 521, O.S.L. 2004 (47 O.S. Supp. 2005, Section 1-104), is amended to read as follows:

Section 1-104. Bicycle, Electric-assisted Bicycle, and Motorized Bicycle.

A. A bicycle is ~~any~~ a device upon which any person or persons may ride, propelled solely by human power ~~upon which any person or persons may ride, having a seat or saddle for the use of each rider~~ and:

~~1. On a bicycle, two tandem wheels, either of which is twenty (20) inches or more in diameter;~~

~~2. On a tricycle, three wheels in any configuration, of which at least one is twenty (20) inches or more in diameter; or~~

1 ~~3. On a quacycle, four wheels in any configuration, of which~~
2 ~~at least two are twenty (20) inches or more in diameter.~~

3 ~~The wheel diameter provisions of this subsection shall not apply~~
4 ~~to recumbent bicycles through a belt, chain, or gears, and having~~
5 ~~two or more wheels, excluding mopeds.~~

6 B. An electric-assisted bicycle is any bicycle with:

7 1. Two or three wheels; and

8 2. Fully operative pedals for human propulsion and equipped
9 with an electric motor:

10 a. with a power output not to exceed one thousand (1,000)
11 watts,

12 b. incapable of propelling the device at a speed of more
13 than twenty (20) miles per hour on level ground, and

14 c. incapable of further increasing the speed of the
15 device when human power alone is used to propel the
16 device at a speed of twenty (20) miles per hour or
17 more.

18 An electric-assisted bicycle shall meet the requirements of the
19 Federal Motor Vehicle Safety Standards as set forth in federal
20 regulations and shall operate in such a manner that the electric
21 motor disengages or ceases to function when the brakes are applied.

22 C. A motorized bicycle is any bicycle having:

23 1. Fully operative pedals for propulsion by human power;

- 1 2. An automatic transmission; and
- 2 3. A combustion engine with a piston or rotor displacement of
- 3 fifty cubic centimeters (50 cu cm) or less, regardless of the number
- 4 of chambers in the engine, which is capable of propelling the
- 5 bicycle at a maximum design speed of not more than thirty (30) miles
- 6 per hour on level ground.

7 D. As used in this title, the term "bicycle" shall include

8 tricycles, quadcycles, or similar human-powered devices, electric-

9 assisted bicycles, and motorized bicycles unless otherwise

10 specifically indicated.

11 SECTION 2. AMENDATORY 47 O.S. 2001, Section 11-1205, as

12 last amended by Section 15, Chapter 521, O.S.L. 2004 (47 O.S. Supp.

13 2005, Section 11-1205), is amended to read as follows:

14 Section 11-1205. A. Every person operating a bicycle or

15 motorized scooter upon a roadway at less than the normal speed of

16 traffic at the time and place and under the conditions then existing

17 shall ride as ~~near~~ close as ~~practicable~~ is safe to the right-hand

18 curb or edge of the roadway, except under any of the following

19 situations:

20 1. When overtaking and passing another vehicle proceeding in

21 the same direction;

22 2. When preparing for a left turn at an intersection or into a

23 private road or driveway;

1 3. When reasonably necessary to avoid conditions and while
2 exercising due care, including but not limited to:

- 3 a. fixed or moving objects,
- 4 b. parked or moving vehicles,
- 5 c. pedestrians or animals,
- 6 d. surface hazards, or
- 7 e. any time it is unsafe to continue along the right-hand
8 curb or edge of the roadway; and

9 4. When riding in the right-turn-only lane.

10 B. Any person riding a bicycle or motorized scooter upon a one-
11 way street or highway with two or more marked lanes of travel may
12 ride as ~~near~~ close as ~~practicable~~ is safe to the left-hand curb or
13 edge of the street or highway.

14 C. No person operating a bicycle or motorized scooter shall
15 pass other vehicles between lanes of traffic traveling in the same
16 direction.

17 D. Persons riding bicycles or motorized scooters upon a roadway
18 shall not ride more than two abreast except on paths or parts of
19 roadways set aside for the exclusive use of bicycles or motorized
20 scooters. Persons riding two abreast shall not impede the normal
21 and reasonable flow of traffic and, on a laned roadway, shall ~~ride~~
22 ride within a single lane.

1 ~~E. Wherever a usable path for bicycles or motorized scooters~~
2 ~~has been provided adjacent to a roadway, bicycle or motorized~~
3 ~~scooter riders shall use the path and shall not use the roadway if~~
4 ~~required by local, municipal or county ordinances.~~

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 11-1208 of Title 47, unless
7 there is created a duplication in numbering, reads as follows:

8 A. When overtaking and passing a bicycle proceeding in the same
9 direction, a person driving a motor vehicle shall exercise due care
10 by leaving a safe distance between the motor vehicle and the bicycle
11 of not less than three (3) feet until the motor vehicle is safely
12 past the overtaken bicycle.

13 B. If a person violates the provisions of subsection A of this
14 section and the violation results in a collision causing serious
15 physical injury to another person, the person shall be subject to a
16 fine of not more than Five Hundred Dollars (\$500.00).

17 C. If a person violates the provisions of subsection A of this
18 section and the violation results in the death of another person,
19 the person shall be subject to a fine of not more than One Thousand
20 Dollars (\$1,000.00).

21 SECTION 4. REPEALER Section 78, Chapter 411, O.S.L. 2003
22 (47 O.S. Supp. 2005, Section 12-705), is hereby repealed.

23 SECTION 5. This act shall become effective November 1, 2006.

1 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY AND HOMELAND
2 SECURITY, dated 4-3-06 - DO PASS, As Amended.