

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2926

By: Terrill

AS INTRODUCED

An Act relating to motor vehicles; amending 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), which relates to bicycles, electric-assisted bicycle, and motorized bicycle; modifying certain definition; providing an exception; amending 47 O.S. 2001, Section 11-1205, as last amended by Section 15, Chapter 521, O.S.L. 2004 (47 O.S. Supp. 2005, Section 11-1205), which relates to operation of bicycles and play vehicles; modifying roadway requirement for bicycles or motorized scooters; deleting path restriction; providing guidelines for overtaking and passing bicycles; providing administrative penalties when injury or death occurs; repealing Section 78, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2005, Section 12-705), which relates to bicycles; providing for codification; and providing an 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 ~~device~~ vehicle propelled solely by ~~human power upon which any person~~ pedals, operated by one or more 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~~

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

~~The wheel diameter provisions of this subsection shall not apply to recumbent bicycles and having two or more wheels, excluding any tricycle for children.~~

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

1. Two or three wheels;
2. Fully operative pedals for human propulsion and equipped with an electric motor:
 - a. with a power output not to exceed one thousand (1,000) watts,
 - b. incapable of propelling the device at a speed of more than twenty (20) miles per hour on level ground, and
 - c. incapable of further increasing the speed of the device when human power alone is used to propel the device at a speed of twenty (20) miles per hour or more.

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

C. A motorized bicycle is any bicycle having:

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

D. As used in this title, the term "bicycle" shall include tricycles, quadcycles, or similar human-powered devices, electric-assisted bicycles, and motorized bicycles unless otherwise specifically indicated.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 11-1205, as last amended by Section 15, Chapter 521, O.S.L. 2004 (47 O.S. Supp. 2005, Section 11-1205), is amended to read as follows:

Section 11-1205. A. Every person operating a bicycle or motorized scooter upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as ~~near~~ close as ~~practicable~~ is safe to the right-hand curb or edge of the roadway, except under any of the following situations:

1. When overtaking and passing another vehicle proceeding in the same direction;

2. When preparing for a left turn at an intersection or into a private road or driveway;

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

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

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

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

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

D. Persons riding bicycles or motorized scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or motorized

scooters. Persons riding two abreast shall not impede the normal and reasonable flow of traffic and, on a laned roadway, shall ride within a single lane.

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

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

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

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

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

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

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

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