

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1329

6 By: Bass

7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; amending 47 O.S.
9 2001, Section 11-202, which relates to traffic
10 control signals; creating the Motorcycle Mobility and
11 Safety Act; providing short title; modifying internal
12 statutory references; establishing conditions under
13 which motorcyclists and bicyclists may proceed
14 through red traffic signals; specifying conditions
15 under which motorcyclists and bicyclists may not have
16 a defense for certain violations; providing for
17 noncodification; and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 This act shall be known and may be cited as the "Motorcycle
22 Mobility and Safety Act".

23 SECTION 2. AMENDATORY 47 O.S. 2001, Section 11-202, is
24 amended to read as follows:

25 Section 11-202. Whenever traffic is controlled by traffic
26 control signals exhibiting different colored lights or colored
27 lighted arrows successively one at a time, or in combination, only

1 the colors green, red and yellow shall be used, except for special
2 pedestrian signals carrying a word legend, and ~~said~~ the lights shall
3 indicate and apply to drivers of vehicles and pedestrians as
4 follows:

5 1. Green indication:

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

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

1 c. unless otherwise directed by a pedestrian-control
2 signal, as provided in Section 11-203 of this title,
3 pedestrians facing any green signal, except when the
4 sole green signal is a turn arrow, may proceed across
5 the roadway within any marked or unmarked crosswalk~~;~~;

6 2. Steady yellow indication:

7 a. vehicular traffic facing a steady circular yellow or
8 yellow arrow signal is thereby warned that the related
9 green movement is being terminated or that a red
10 indication will be exhibited immediately thereafter~~,~~,
11 and

12 b. pedestrians facing a steady circular yellow or yellow
13 arrow signal, unless otherwise directed by a
14 pedestrian control signal as provided in Section 11-
15 203 of this title, are thereby advised that there is
16 insufficient time to cross the roadway before a red
17 indication is shown, and no pedestrian shall then
18 start to cross the roadway~~;~~; and

19 3. Steady red indication:

20 a. vehicular traffic facing a steady circular red signal
21 alone shall stop at a clearly marked stop line, but if
22 none, before entering the crosswalk on the near side
23 of the intersection or, if none, then before entering
24 the intersection and shall remain standing until an

1 indication to proceed is shown except as provided in
2 ~~paragraph 3b~~ subparagraphs b and d of this section
3 paragraph,

4 b. except when a sign is in place prohibiting a turn,
5 vehicular traffic facing any steady red signal may
6 cautiously enter the intersection to turn right or to
7 turn left from a one-way street into a one-way street
8 after stopping as required by ~~paragraph 3a~~
9 subparagraph a of this section paragraph. Such
10 vehicular traffic shall yield the right-of-way to
11 pedestrians lawfully within an adjacent crosswalk and
12 to other traffic lawfully using the intersection,

13 c. in order to prohibit right turns or left turns as
14 prescribed in ~~paragraph 3b~~ subparagraph b of this
15 ~~section~~ paragraph, on the red signal after the
16 required stop, a municipality must erect clear,
17 concise signs informing drivers that such turns are
18 prohibited. The Highway Department shall specify the
19 design of the sign to be used for this purpose, and it
20 shall be used uniformly throughout the state,

21 d. notwithstanding any other provision of law, the driver
22 of a motorcycle or bicycle facing any steady red
23 signal may cautiously proceed through the intersection
24 only if:

- 1 (1) the motorcycle or bicycle has been brought to a
2 complete stop as required by subparagraph a of
3 this paragraph,
- 4 (2) the traffic control signal is programmed or
5 engineered to change to a green signal only after
6 detecting the approach of a motor vehicle and has
7 failed to detect the arrival of the motorcycle or
8 bicycle because of its size or weight, and
- 9 (3) no motor vehicle or person is approaching on the
10 roadway to be crossed or entered, or the motor
11 vehicle or person is at a distance from the
12 intersection that does not constitute an
13 immediate hazard.

14 It shall not be a defense to a violation of
15 subparagraph a of this paragraph that the driver of a
16 motorcycle or bicycle proceeded under the belief that
17 a traffic control signal was programmed or engineered
18 to change to a green light only after detecting the
19 approach of a vehicle when such signal was not in fact
20 programmed or engineered in such a way, or that such a
21 signal was not in fact inoperative due to the size or
22 weight of the motorcycle or bicycle. The driver of
23 any vehicle approaching the intersection, which
24 lawfully may enter the intersection, shall have the

1 right-of-way over any motorcycle or bicycle operator
2 proceeding through a red light and, in no event where
3 an accident results from the driver of the motorcycle
4 or bicycle proceeding into the intersection on a red
5 light, shall such driver of the vehicle be charged
6 with any violation pursuant to Sections 11-401 and 11-
7 403 of this title relating to failure to yield right-
8 of-way, Section 11-310 of this title relating to
9 following too closely, or Section 11-801 of this title
10 relating to driving too fast for conditions, and

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

15 In the event an official traffic control signal is erected and
16 maintained at a place other than an intersection, the provisions of
17 this section shall be applicable except as to those provisions which
18 by their nature can have no application. Any stop required shall be
19 made at a sign or marking on the pavement indicating where the stop
20 shall be made, but in the absence of any such sign or marking the
21 stop shall be made at the signal.

22 SECTION 3. This act shall become effective November 1, 2010.
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