

THE HOUSE OF REPRESENTATIVES
Monday, February 23, 2009

House Bill No. 1795

HOUSE BILL NO. 1795 - By: HOSKIN AND LUTTRELL of the House and BASS of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 11-202, which relates to traffic control signals; establishing conditions under which motorcyclists and bicyclists may proceed through red traffic signals; specifying conditions under which motorcyclists and bicyclists shall not have a defense for certain violations; and providing an effective date.

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

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-202, is amended to read
2 as follows:

3 Section 11-202. Whenever traffic is controlled by traffic control signals exhibiting
4 different colored lights or colored lighted arrows successively one at a time, or in
5 combination, only the colors green, red and yellow shall be used, except for special
6 pedestrian signals carrying a word legend, and said lights shall indicate and apply to
7 drivers of vehicles and pedestrians as follows:

- 8 1. Green indication:
 - 9 a. Vehicular traffic facing a circular green signal, except when prohibited
10 under Section 11-1302 of this title, may proceed straight through or
11 turn right or left unless a sign at such place prohibits either such turn.
12 But vehicular traffic, including vehicles turning right or left, shall

1 yield the right-of-way to other vehicles and to pedestrians lawfully
2 within the intersection or an adjacent crosswalk at the time such
3 signal is exhibited.

4 b. Vehicular traffic facing a green arrow signal, shown alone or in
5 combination with another indication, may cautiously enter the
6 intersection only to make the movement indicated by such arrow, or
7 such other movement as is permitted by other indications shown at the
8 same time. Such vehicular traffic shall yield the right-of-way to
9 pedestrians lawfully within an adjacent crosswalk and to other traffic
10 lawfully using the intersection.

11 c. Unless otherwise directed by a pedestrian-control signal, as provided
12 in Section 11-203 of this title, pedestrians facing any green signal,
13 except when the sole green signal is a turn arrow, may proceed across
14 the roadway within any marked or unmarked crosswalk.

15 2. Steady yellow indication:

16 a. Vehicular traffic facing a steady circular yellow or yellow arrow signal
17 is thereby warned that the related green movement is being
18 terminated or that a red indication will be exhibited immediately
19 thereafter.

20 b. Pedestrians facing a steady circular yellow or yellow arrow signal,
21 unless otherwise directed by a pedestrian control signal as provided in
22 Section 11-203 of this title, are thereby advised that there is

1 insufficient time to cross the roadway before a red indication is shown,
2 and no pedestrian shall then start to cross the roadway.

3 3. Steady red indication:

- 4 a. Vehicular traffic facing a steady circular red signal alone shall stop at
5 a clearly marked stop line, but if none, before entering the crosswalk
6 on the near side of the intersection or, if none, then before entering the
7 intersection and shall remain standing until an indication to proceed is
8 shown except as provided in ~~paragraph 3b~~ subparagraphs b and d of
9 this ~~section~~ paragraph.
- 10 b. Except when a sign is in place prohibiting a turn, vehicular traffic
11 facing any steady red signal may cautiously enter the intersection to
12 turn right or to turn left from a one-way street into a one-way street
13 after stopping as required by ~~paragraph 3a~~ subparagraph a of this
14 ~~section~~ paragraph. Such vehicular traffic shall yield the right-of-way
15 to pedestrians lawfully within an adjacent crosswalk and to other
16 traffic lawfully using the intersection.
- 17 c. In order to prohibit right turns or left turns as prescribed in ~~paragraph~~
18 ~~3b~~ subparagraph b of this ~~section~~ paragraph on the red signal after the
19 required stop, a municipality must erect clear, concise signs informing
20 drivers that such turns are prohibited. The Highway Department
21 shall specify the design of the sign to be used for this purpose, and it
22 shall be used uniformly throughout the state.

1 d. Notwithstanding any other provision of law, the driver of a motorcycle
2 or bicycle facing any steady red signal may cautiously proceed through
3 the intersection only if:

4 (1) the motorcycle or bicycle has been brought to a complete stop as
5 required by subparagraph a of this paragraph,

6 (2) the traffic control signal is programmed or engineered to change
7 to a green signal only after detecting the approach of a motor
8 vehicle and has failed to detect the arrival of the motorcycle or
9 bicycle because of its size or weight, and

10 (3) no motor vehicle or person is approaching on the roadway to be
11 crossed or entered, or is at a distance from the intersection that
12 does not constitute an immediate hazard.

13 It shall not be a defense to a violation of subparagraph a of this
14 paragraph that the driver of a motorcycle or bicycle proceeded under
15 the belief that a traffic control signal was programmed or engineered
16 to change to a green light only after detecting the approach of a vehicle
17 when such signal was not in fact programmed or engineered in such a
18 way, or that such a signal was not in fact inoperative due to the size or
19 weight of the motorcycle or bicycle.

20 e. Unless otherwise directed by a pedestrian control signal as provided in
21 Section 11-203 of this title, pedestrians facing a steady circular red
22 signal alone shall not enter the roadway.

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

6 SECTION 2. This act shall become effective November 1, 2009.

7 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-19-09 - DO
8 PASS, As Coauthored.