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THE STATE SENATE
Thursday, February 18, 2010

Committee Substitute for
Senate Bill No. 1329

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1329 - By: Bass and Anderson of the Senate and Hoskin and Ownbey of the House.

[motor vehicles - Motorcycle Mobility and Safety Act - conditions to proceed through red traffic signals - noncodification - effective date]

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

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

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

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

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

- 1. Green indication:

- 1 a. vehicular traffic facing a circular green signal,
2 except when prohibited under Section 11-1302 of this
3 title, may proceed straight through or turn right or
4 left unless a sign at such place prohibits either such
5 turn. But vehicular traffic, including vehicles
6 turning right or left, shall yield the right-of-way to
7 other vehicles and to pedestrians lawfully within the
8 intersection or an adjacent crosswalk at the time such
9 signal is exhibited~~-,~~
- 10 b. vehicular traffic facing a green arrow signal, shown
11 alone or in combination with another indication, may
12 cautiously enter the intersection only to make the
13 movement indicated by such arrow, or such other
14 movement as is permitted by other indications shown at
15 the same time. Such vehicular traffic shall yield the
16 right-of-way to pedestrians lawfully within an
17 adjacent crosswalk and to other traffic lawfully using
18 the intersection~~-,~~ and
- 19 c. unless otherwise directed by a pedestrian-control
20 signal, as provided in Section 11-203 of this title,
21 pedestrians facing any green signal, except when the
22 sole green signal is a turn arrow, may proceed across
23 the roadway within any marked or unmarked crosswalk~~-,~~

- 1 2. Steady yellow indication:
- 2 a. vehicular traffic facing a steady circular yellow or
- 3 yellow arrow signal is thereby warned that the related
- 4 green movement is being terminated or that a red
- 5 indication will be exhibited immediately thereafter~~-,~~
- 6 and
- 7 b. pedestrians facing a steady circular yellow or yellow
- 8 arrow signal, unless otherwise directed by a
- 9 pedestrian control signal as provided in Section 11-
- 10 203 of this title, are thereby advised that there is
- 11 insufficient time to cross the roadway before a red
- 12 indication is shown, and no pedestrian shall then
- 13 start to cross the roadway~~-,~~ and
- 14 3. Steady red indication:
- 15 a. vehicular traffic facing a steady circular red signal
- 16 alone shall stop at a clearly marked stop line, but if
- 17 none, before entering the crosswalk on the near side
- 18 of the intersection or, if none, then before entering
- 19 the intersection and shall remain standing until an
- 20 indication to proceed is shown except as provided in
- 21 ~~paragraph 3b~~ subparagraphs b and d of this ~~section.~~
- 22 paragraph,

- 1 b. except when a sign is in place prohibiting a turn,
2 vehicular traffic facing any steady red signal may
3 cautiously enter the intersection to turn right or to
4 turn left from a one-way street into a one-way street
5 after stopping as required by ~~paragraph 3a~~
6 subparagraph a of this ~~section~~ paragraph. Such
7 vehicular traffic shall yield the right-of-way to
8 pedestrians lawfully within an adjacent crosswalk and
9 to other traffic lawfully using the intersection.,
10 c. in order to prohibit right turns or left turns as
11 prescribed in ~~paragraph 3b~~ subparagraph b of this
12 ~~section~~ paragraph, on the red signal after the
13 required stop, a municipality must erect clear,
14 concise signs informing drivers that such turns are
15 prohibited. The Highway Department shall specify the
16 design of the sign to be used for this purpose, and it
17 shall be used uniformly throughout the state.,
18 d. notwithstanding any other provision of law, the driver
19 of a motorcycle or bicycle facing any steady red
20 signal may cautiously proceed through the intersection
21 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

1 lawfully may enter the intersection, shall have the
2 right-of-way over any motorcycle or bicycle operator
3 proceeding through a red light and, in no event where
4 an accident results from the driver of the motorcycle
5 or bicycle proceeding into the intersection on a red
6 light, shall such driver of the vehicle be charged
7 with any violation pursuant to Sections 11-401 and 11-
8 403 of this title relating to failure to yield right-
9 of-way, Section 11-310 of this title relating to
10 following too closely, or Section 11-801 of this title
11 relating to driving too fast for conditions, and
12 e. unless otherwise directed by a pedestrian control
13 signal as provided in Section 11-203 of this title,
14 pedestrians facing a steady circular red signal alone
15 shall not enter the roadway.

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

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

1 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-16-10 - DO
2 PASS, As Amended and Coauthored.