

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3147

By: Dunnington

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 11-1208, which relates to overtaking bicycles; clarifying manner by which motor vehicles may overtake and pass cyclists; modifying penalties; defining term; allowing prosecution in addition to other chargeable offenses; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-1208, is amended to read as follows:

Section 11-1208. 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 bicyele of not~~ and:

1. If there is more than one lane for traffic proceeding in the same direction, a motorist passing a cyclist shall move the vehicle to the lane to the immediate left if the lane is available and

1 moving into the lane is reasonably safe, and the motorist shall not
2 move back into the travel lane until the vehicle is safely clear of
3 the overtaken person operating a bicycle;

4 2. If there is only one lane for traffic proceeding in the same
5 direction, shall not overtake or pass a bicycle at a distance of
6 less than three (3) feet ~~until~~ between any part of the motor vehicle
7 ~~is safely past the overtaken~~ and any part of the bicycle or its
8 operator, and shall not move again to the right side of the highway
9 until the vehicle is safely clear of the overtaken person operating
10 a bicycle; or

11 3. May drive to the left of the center of the roadway,
12 including when a no-passing zone is marked as defined in Section 11-
13 307 of this title, to pass a person operating a bicycle only if the
14 roadway to the left of the center is unobstructed for a sufficient
15 distance to permit the driver to pass the person operating the
16 bicycle safely and avoid interference with oncoming traffic. The
17 provisions of this paragraph do not authorize driving on the left
18 side of the center of the roadway when prohibited under Sections 11-
19 303, 11-305 or 11-306 of this title.

20 B. ~~If a~~ Any person who violates the provisions of subsection A
21 of this section shall, upon conviction, be guilty of a misdemeanor
22 punishable by a fine of not more than One Hundred Dollars (\$100.00).
23 Any second or subsequent conviction shall be a misdemeanor
24 punishable by a term of imprisonment in the county jail for a term

1 not to exceed thirty (30) days, or a fine of not less than One
2 Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars
3 (\$500.00), or by both such fine and imprisonment.

4 C. Any person who violates the provisions of subsection A of
5 this section and the violation results in a ~~collision~~ an accident
6 causing ~~serious physical~~ personal injury to another person shall,
7 ~~the person shall be subject to~~ upon conviction, be guilty of a
8 misdemeanor punishable by a term of imprisonment in the county jail
9 for a term not to exceed six (6) months, or a fine of not more than
10 ~~Five Hundred Dollars (\$500.00) One Thousand Dollars (\$1,000.00), or~~
11 by both such fine and imprisonment.

12 ~~C. If a~~ D. 1. Any person who violates the provisions of
13 subsection A of this section and the violation results in an
14 accident causing great bodily injury to another person shall, upon
15 conviction, be guilty of a felony punishable by imprisonment in the
16 custody of the Department of Corrections for a term not to exceed
17 one (1) year, or by a fine of not more than Three Thousand Dollars
18 (\$3,000.00), or by both such fine and imprisonment.

19 2. As used in this subsection, "great bodily injury" means
20 bodily injury which creates a substantial risk of death or which
21 causes serious, permanent disfigurement or protracted loss or
22 impairment of the function of any bodily member or organ.

23 E. Any person who violates the provisions of subsection A of
24 this section and the violation results in the death of another

1 person, ~~the person~~ shall, upon conviction, be ~~subject to~~ guilty of a
2 felony punishable by imprisonment in the custody of the Department
3 of Corrections for a term not to exceed three (3) years, or by a
4 fine of not more than ~~One Thousand Dollars (\$1,000.00)~~ Five Thousand
5 Dollars (\$5,000.00), in addition to any other penalties prescribed
6 by law or by both such fine and imprisonment.

7 F. A person may be charged under the provisions of this section
8 in addition to any other chargeable offense allowed by law.

9 SECTION 2. This act shall become effective November 1, 2018.

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