

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3147

By: Dunnington

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9 COMMITTEE SUBSTITUTE

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

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

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

20 Section 11-1208. A. When overtaking and passing a bicycle
21 proceeding in the same direction, a person driving a motor vehicle
22 shall exercise due care ~~by leaving a safe distance between the motor~~
23 ~~vehicle and the bicycle of not~~ and:

24 1. If there is more than one lane for traffic proceeding in the
same direction, a motorist passing a cyclist shall move the vehicle

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

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

12 3. May drive to the left of the center of the roadway,
13 including when a no-passing zone is marked as defined in Section 11-
14 307 of this title, to pass a person operating a bicycle only if the
15 roadway to the left of the center is unobstructed for a sufficient
16 distance to permit the driver to pass the person operating the
17 bicycle safely and avoid interference with oncoming traffic. The
18 provisions of this paragraph do not authorize driving on the left
19 side of the center of the roadway when prohibited under Sections 11-
20 303, 11-305 or 11-306 of this title.

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

1 punishable by a term of imprisonment in the county jail for a term
2 not to exceed thirty (30) days, or a fine of not less than One
3 Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars
4 (\$500.00), or by both such fine and imprisonment.

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

13 ~~C. If a~~ D. 1. Any person who violates the provisions of
14 subsection A of this section and the violation results in an
15 accident causing great bodily injury to another person shall, upon
16 conviction, be guilty of a felony punishable by imprisonment in the
17 custody of the Department of Corrections for a term not to exceed
18 one (1) year, or by a fine of not more than Three Thousand Dollars
19 (\$3,000.00), or by both such fine and imprisonment.

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

1 E. Any person who violates the provisions of subsection A of
2 this section and the violation results in the death of another
3 person, ~~the person shall,~~ upon conviction, be ~~subject to~~ guilty of a
4 felony punishable by imprisonment in the custody of the Department
5 of Corrections for a term not to exceed three (3) years, or by a
6 fine of not more than ~~One Thousand Dollars (\$1,000.00)~~ Five Thousand
7 Dollars (\$5,000.00), ~~in addition to any other penalties prescribed~~
8 ~~by law or by both such fine and imprisonment.~~

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

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

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13 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/01/2018 - DO PASS,
14 As Amended.