

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1770

 By: Dobrinski and **Fugate**

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6
7 AS INTRODUCED

8 An Act relating to public safety; defining terms;
9 providing certain exceptions for bicyclists at
10 traffic-control devices; amending 47 O.S. 2011,
 Section 11-202, as amended by Section 1, Chapter 62,
11 O.S.L. 2019 (47 O.S. Supp. 2020, Section 11-202),
 which relates to traffic-control signals; modifying
12 certain exceptions; amending 47 O.S. 2011, Section
 11-606, which relates to arm and hand signals;
13 allowing bicyclists to make certain signals; amending
 47 O.S. 2011, Section 11-901, which relates to
14 reckless driving; designating certain actions to be
 reckless driving; amending 47 O.S. 2011, Section 12-
15 401, which relates to horn and warning devices;
 prohibiting certain uses of motor vehicle horns;
16 providing for codification; and providing an
 effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 11-202.1 of Title 47, unless
22 there is created a duplication in numbering, reads as follows:

23 A. For the purposes of this section:
24

1 1. "Bicycle" means a device as defined in subsection A of
2 Section 1-104 of Title 47 of the Oklahoma Statutes; and

3 2. "Immediate hazard" means a vehicle approaching a person
4 operating a bicycle at a proximity and rate of speed sufficient to
5 indicate to a reasonably careful person that there is a danger of
6 collision or accident.

7 B. 1. A person operating a bicycle approaching a stop sign
8 shall:

9 a. slow down,

10 b. if required to avoid an immediate hazard, stop at the
11 stop sign before entering the intersection, and

12 c. cautiously enter the intersection and yield the right-
13 of-way to pedestrians lawfully within an adjacent
14 crosswalk and to other traffic lawfully using the
15 intersection.

16 2. If a person operating a bicycle determines there is no
17 immediate hazard, he or she may cautiously make a right or left
18 turn, or proceed through the intersection without stopping at the
19 stop sign.

20 C. 1. A person operating a bicycle approaching a steady red
21 traffic-control signal shall:

22 a. make a complete stop at the steady red traffic-control
23 signal before entering the intersection, and

24

1 b. yield the right-of-way to all oncoming traffic that
2 constitutes an immediate hazard during the time that
3 he or she is moving across or within the intersection.

4 2. If a person operating a bicycle determines there is no
5 immediate hazard, he or she may proceed through the steady red
6 traffic-control signal with caution.

7 3. A person operating a bicycle may make a:

8 a. right-hand turn at a steady red traffic-control signal
9 without stopping after slowing to a reasonable speed
10 and yielding the right-of-way, if required, to
11 oncoming traffic that constitutes an immediate hazard,
12 or

13 b. left-hand turn onto a one-way street at a steady red
14 traffic-control signal after stopping and yielding to
15 oncoming traffic that constitutes an immediate hazard.

16 SECTION 2. AMENDATORY 47 O.S. 2011, Section 11-202, as
17 amended by Section 1, Chapter 62, O.S.L. 2019 (47 O.S. Supp. 2020,
18 Section 11-202), is amended to read as follows:

19 Section 11-202. Whenever traffic is controlled by traffic_
20 control signals exhibiting different colored lights or colored
21 lighted arrows successively one at a time, or in combination, only
22 the colors green, red and yellow shall be used, except for special
23 pedestrian signals carrying a word legend, and the lights shall

1 indicate and apply to drivers of vehicles and pedestrians as
2 follows:

3 1. Green indication:

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

1 sole green signal is a turn arrow, may proceed across
2 the roadway within any marked or unmarked crosswalk;

3 2. Steady yellow indication:

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

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

16 3. Steady red indication:

17 a. vehicular traffic facing a steady circular red signal
18 alone shall stop at a clearly marked stop line, but if
19 none, before entering the crosswalk on the near side
20 of the intersection or, if none, then before entering
21 the intersection and shall remain standing until an
22 indication to proceed is shown except as provided in
23 subparagraphs b and d of this paragraph,

24

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 subparagraph a of this
6 paragraph. Such vehicular traffic shall yield the
7 right-of-way to pedestrians lawfully within an
8 adjacent crosswalk and to other traffic lawfully using
9 the intersection,

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

22 (1) the motorcycle ~~or bicycle~~ has been brought to a
23 complete stop as required by subparagraph a of
24 this paragraph,

- 1 (2) the traffic_control signal is programmed or
2 engineered to change to a green signal only after
3 detecting the approach of a motor vehicle and has
4 failed to detect the arrival of the motorcycle ~~or~~
5 ~~bicycle~~ because of its size or weight, and
6 (3) no motor vehicle or person is approaching on the
7 roadway to be crossed or entered, or the motor
8 vehicle or person is at a distance from the
9 intersection that does not constitute an
10 immediate hazard.

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

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

12 SECTION 3. AMENDATORY 47 O.S. 2011, Section 11-606, is
13 amended to read as follows:

14 Section 11-606. All signals herein required given by hand and
15 arm shall be given from the left side of the vehicle in the
16 following manner and such signals shall indicate as follows:

17 1. Left turn. Hand and arm extended horizontally~~;~~;

18 2. Right turn. Hand and arm extended upward. A person
19 operating a bicycle may extend his or her right hand and arm
20 horizontally to his or her right; and

21 3. Stop or decrease speed. Hand and arm extended downward. A
22 person operating a bicycle may extend his or her right hand and arm
23 downward to his or her right side.

1 SECTION 4. AMENDATORY 47 O.S. 2011, Section 11-901, is
2 amended to read as follows:

3 Section 11-901. A. It shall be deemed reckless driving for any
4 person to drive a motor vehicle in a careless or wanton manner
5 without regard for the safety of persons or property or in violation
6 of the conditions outlined in Section 11-801 of this title.

7 B. It shall be deemed reckless driving for any person driving a
8 motor vehicle to harass, taunt or maliciously throw an object at or
9 in the direction of any person riding a bicycle, equine or animal-
10 drawn vehicle.

11 C. Every person convicted of reckless driving shall be punished
12 upon a first conviction by imprisonment for a period of not less
13 than five (5) days nor more than ninety (90) days, or by a fine of
14 not less than One Hundred Dollars (\$100.00) nor more than Five
15 Hundred Dollars (\$500.00), or by both such fine and imprisonment; on
16 a second or subsequent conviction, punishment shall be imprisonment
17 for not less than ten (10) days nor more than six (6) months, or by
18 a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more
19 than One Thousand Dollars (\$1,000.00), or by both such fine and
20 imprisonment.

21 SECTION 5. AMENDATORY 47 O.S. 2011, Section 12-401, is
22 amended to read as follows:

23 Section 12-401. A. Every motor vehicle when operated upon a
24 highway shall be equipped with a horn in good working order and

1 capable of emitting sound audible under normal conditions from a
2 distance of not less than two hundred (200) feet, but no horn or
3 other warning device shall emit an unreasonably loud or harsh sound.
4 The driver of a motor vehicle shall, when reasonably necessary to
5 ~~insure~~ ensure safe operation, give audible warning with a horn but
6 shall not otherwise use such horn when upon a highway. No driver of
7 any vehicle shall use a horn when passing a person riding a bicycle,
8 equine or animal-drawn vehicle under normal conditions if no
9 imminent danger of a collision exists.

10 B. No vehicle shall be equipped with nor shall any person use
11 upon a vehicle any siren, except as otherwise permitted in
12 subsection D of this section.

13 C. Any vehicle may be equipped with a theft alarm signal device
14 which is so arranged that it cannot be used by the driver as an
15 ordinary warning signal. A theft alarm signal device shall not use
16 a siren, as described in subsection D of this section.

17 D. Every authorized emergency vehicle shall, in addition to any
18 other equipment and distinctive markings required by this title, be
19 equipped with a siren, or similar device, capable of emitting sound
20 audible under normal conditions from a distance of not less than
21 five hundred (500) feet and of a type approved by the Department of
22 Public Safety, but such siren shall not be used except when such
23 vehicle is operated in response to an emergency call or in the
24 immediate pursuit of an actual or suspected violator of the law, in

1 which said latter events the driver of such vehicle shall sound said
2 siren when reasonably necessary to warn pedestrians and other
3 drivers of the approach thereof.

4 E. It shall be unlawful for any person to use a device capable
5 of producing auditory warning signals similar to that on an
6 authorized emergency vehicle or to use audible signal equipment from
7 a motor vehicle for the purpose of causing any other motor vehicle
8 operator to yield right-of-way and stop, or which actually causes
9 any other motor vehicle operator to yield the right-of-way and stop,
10 whether intended or not. The provisions of this subsection shall
11 not apply to the operators of authorized emergency vehicles.

12 SECTION 6. This act shall become effective November 1, 2021.

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14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/23/2021 -
15 DO PASS, As Coauthored.

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