

ENROLLED SENATE
BILL NO. 1329

By: Bass, Anderson, Lamb and
Russell of the Senate

and

Hoskin, Ownbey, Luttrell
and Walker of the House

An Act relating to motor vehicles; creating the Motorcycle Mobility and Safety Act; amending 47 O.S. 2001, Section 11-202, which relates to traffic control signals; modifying internal statutory references; establishing conditions under which motorcyclists may proceed through red traffic signals; specifying conditions for which motorcyclist may not have a defense for certain violations; providing for noncodification; and providing an 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:

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

2. Steady yellow indication:

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

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

3. Steady red indication:

- a. vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in ~~paragraph 3b~~ subparagraphs b and d of this section. paragraph,
- b. except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right or to turn left from a one-way street into a one-way street after stopping as required by ~~paragraph 3a~~ subparagraph a of this section paragraph. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. 1
- c. in order to prohibit right turns or left turns as prescribed in ~~paragraph 3b~~ subparagraph b of this section paragraph, on the red signal after the required stop, a municipality must erect clear, concise signs informing drivers that such turns are prohibited. The Highway Department shall specify the design of the sign to be used for this purpose, and it shall be used uniformly throughout the state. 1
- d. notwithstanding any other provision of law, the driver of a motorcycle facing any steady red signal may cautiously proceed through the intersection only if:

- (1) the motorcycle has been brought to a complete stop as required by subparagraph a of this paragraph,
- (2) the traffic control signal is programmed or engineered to change to a green signal only after detecting the approach of a motor vehicle and has failed to detect the arrival of the motorcycle because of its size or weight, and
- (3) no motor vehicle or person is approaching on the roadway to be crossed or entered, or the motor vehicle or person is at a distance from the intersection that does not constitute an immediate hazard.

The driver of any vehicle approaching the intersection, which lawfully may enter the intersection, shall have the right-of-way over any motorcycle operator proceeding through a red light and, in no event where an accident results from the driver of the motorcycle proceeding into the intersection on a red light, shall such driver of the vehicle be charged with any violation pursuant to Sections 11-401 and 11-403 of this title relating to failure to yield right-of-way, Section 11-310 of this title relating to following too closely, or Section 11-801 of this title relating to driving too fast for conditions, and

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

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

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

Passed the Senate the 27th day of April, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2010.

Presiding Officer of the House
of Representatives