

ENGROSSED HOUSE
BILL NO. 1795

By: Hoskin, Luttrell, Ownbey,
Dorman and Roan of the
House

and

Bass of the Senate

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 11-202, which relates to traffic control signals; establishing conditions under which motorcyclists and bicyclists may proceed through red traffic signals; specifying conditions under which motorcyclists and bicyclists shall not have a defense for certain violations; and providing an effective date.

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

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 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.
- 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:

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- 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.
 - 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.

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.

- 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.
- d. Notwithstanding any other provision of law, the driver
of a motorcycle or bicycle facing any steady red
signal may cautiously proceed through the intersection
only if:
- (1) the motorcycle or bicycle 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 or

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2 bicycle because of its size or weight, and

3 (3) no motor vehicle or person is approaching on the
4 roadway to be crossed or entered, or is at a
5 distance from the intersection that does not
6 constitute an immediate hazard.

7 It shall not be a defense to a violation of
8 subparagraph a of this paragraph that the driver of a
9 motorcycle or bicycle proceeded under the belief that
10 a traffic control signal was programmed or engineered
11 to change to a green light only after detecting the
12 approach of a vehicle when such signal was not in fact
13 programmed or engineered in such a way, or that such a
14 signal was not in fact inoperative due to the size or
15 weight of the motorcycle or bicycle.

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

20 In the event an official traffic control signal is erected and
21 maintained at a place other than an intersection, the provisions of
22 this section shall be applicable except as to those provisions which
23 by their nature can have no application. Any stop required shall be
24 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 2. This act shall become effective November 1, 2009.

Passed the House of Representatives the 10th day of March, 2009.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2009.

Presiding Officer of the Senate