

An Act

ENROLLED HOUSE
BILL NO. 2453

By: Dunnington, Bennett,
Ranson, Bush, Pae,
Blancett, Ortega, Moore and
Luttrell of the House

and

Montgomery of the Senate

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.

SUBJECT: Motor vehicles

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

2. If there is only one lane for traffic proceeding in the same direction, shall not overtake or pass a bicycle at a distance of less than three (3) feet ~~until~~ between any part of the motor vehicle

is safely past the overtaken and any part of the bicycle or its operator, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken person operating a bicycle; or

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

B. ~~If a~~ Any person who violates the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Hundred Dollars (\$100.00). Any second or subsequent conviction shall be a misdemeanor punishable by a term of imprisonment in the county jail for a term not to exceed thirty (30) days, or a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

C. Any person who violates the provisions of subsection A of this section and the violation results in ~~a collision~~ an accident causing ~~serious physical~~ personal injury to another person shall, ~~the person shall be subject to~~ upon conviction, be guilty of a misdemeanor punishable by a term of imprisonment in the county jail for a term not to exceed three (3) months, or a fine of not more than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

~~C. If a~~ D. 1. Any person who violates the provisions of subsection A of this section and the violation results in an accident causing great bodily injury to another person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the custody of the county jail for a term not to exceed six (6) months, or by a fine of not more than Three Thousand Dollars (\$3,000.00), or by both such fine and imprisonment.

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

E. Any person who violates the provisions of subsection A of this section and the violation results in the death of another person, the person shall, upon conviction, be subject to guilty of a misdemeanor punishable by imprisonment in the custody of the county jail for a term not to exceed one (1) year, or by a fine of not more than One Thousand Dollars (\$1,000.00) Five Thousand Dollars (\$5,000.00), in addition to any other penalties prescribed by law or by both such fine and imprisonment.

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

SECTION 2. This act shall become effective November 1, 2019.

Passed the House of Representatives the 6th day of May, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 17th day of April, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____