

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 623

By: Marlatt

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 1102, as last amended by Section 1,
Chapter 229, O.S.L. 2014 (47 O.S. Supp. 2014, Section
9 1102), which relates to the Oklahoma Vehicle License
and Registration Act; modifying term; adding
10 definition; amending 47 O.S. 2011, Section 11-1116,
as last amended by Section 9, Chapter 4, O.S.L. 2014
11 (47 O.S. Supp. 2014, Section 11-1116), which relates
to the operation of vehicles on streets and highways;
12 modifying terms; adding authorization for operation
of certain vehicles on streets and highways; and
13 providing an effective date.

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

16 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1102, as
17 last amended by Section 1, Chapter 229, O.S.L. 2014 (47 O.S. Supp.
18 2014, Section 1102), is amended to read as follows:

19 Section 1102. As used in the Oklahoma Vehicle License and
20 Registration Act:

21 1. "All-terrain vehicle" means a vehicle manufactured and used
22 exclusively for off-highway use traveling on four or more non-
23 highway tires, and being fifty (50) inches or less in width;

1 2. "Carrying capacity" means the carrying capacity of a vehicle
2 as determined or declared in tons of cargo or payload by the owner;
3 provided, that such declared capacity shall not be less than the
4 minimum tonnage capacity fixed, listed or advertised by the
5 manufacturer of any vehicle;

6 3. "Certificate of title" means a document which is proof of
7 legal ownership of a motor vehicle as described and provided for in
8 Section 1105 of this title;

9 4. "Chips and oil" or the term "road oil and crushed rock"
10 means, with respect to materials authorized for use in the surfacing
11 of roads or highways in this title or in any equivalent statute
12 pertaining to road or highway surfacing in the State of Oklahoma,
13 any asphaltic materials. Wherever chips and oil or road oil and
14 crushed rock are authorized for use in the surfacing of roads or
15 highways in this state, whether by the Department of Transportation,
16 or by the county commissioners, or other road building authority
17 subject to the Oklahoma Vehicle License and Registration Act,
18 asphaltic materials are also authorized for use in such surfacing
19 and construction;

20 5. "Combined laden weight" means the weight of a truck or
21 station wagon and its cargo or payload transported thereon, or the
22 weight of a truck or truck-tractor plus the weight of any trailers
23 or semitrailers together with the cargo or payload transported
24 thereon;

1 6. "Commercial trailer" means any trailer, as defined in
2 Section 1-180 of this title, or semitrailer, as defined in Section
3 1-162 of this title, when such trailer or semitrailer is used
4 primarily for business or commercial purposes;

5 7. "Commercial trailer dealer" means any person, firm or
6 corporation engaged in the business of selling any new and unused,
7 or used, or both new and used commercial trailers;

8 8. "Commercial vehicle" means any vehicle over eight thousand
9 (8,000) pounds combined laden weight used primarily for business or
10 commercial purposes. Each motor vehicle being registered pursuant
11 to the provisions of this section shall have the name of the
12 commercial establishment or the words "Commercial Vehicle"
13 permanently and prominently displayed upon the outside of the
14 vehicle in letters not less than two (2) inches high. Such letters
15 shall be in sharp contrast to the background and shall be of
16 sufficient shape and color as to be readily legible during daylight
17 hours, from a distance of fifty (50) feet while the vehicle is not
18 in motion;

19 9. "Commission" or "Tax Commission" means the Oklahoma Tax
20 Commission;

21 10. "Construction machinery" means machines or devices drawn as
22 trailers which are designed and used for construction, tree trimming
23 and waste maintenance projects, which derive no revenue from the
24 transportation of persons or property, whose use of the highway is

1 only incidental and which are not mounted or affixed to another
2 vehicle; provided, construction machinery shall not include
3 implements of husbandry as defined in Section 1-125 of this title;

4 11. "Dealer" means any person, firm, association, corporation
5 or trust who sells, solicits or advertises the sale of new and
6 unused motor vehicles and holds a bona fide contract or franchise in
7 effect with a manufacturer or distributor of a particular make of
8 new or unused motor vehicle or vehicles for the sale of same;

9 12. "Mini-truck" means a foreign-manufactured import or
10 domestic-manufactured vehicle powered by an internal combustion
11 engine with a piston or rotor displacement of one thousand cubic
12 centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches
13 or less in width, with an unladen dry weight of three thousand four
14 hundred (3,400) pounds or less, traveling on four or more tires,
15 having a top speed of approximately fifty-five (55) miles per hour,
16 equipped with a bed or compartment for hauling, and having an
17 enclosed passenger cab;

18 13. "Interstate commerce" means any commerce moving between any
19 place in a state and any place in another state or between places in
20 the same state through another state;

21 14. "Laden weight" means the combined weight of a vehicle when
22 fully equipped for use and the cargo or payload transported thereon;
23 provided, that in no event shall the laden weight be less than the
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1 unladen weight of the vehicle fully equipped for use, plus the
2 manufacturer's rated carrying capacity;

3 15. "Local authorities" means every county, municipality or
4 local board or body having authority to adopt police regulations
5 under the Constitution and laws of this state;

6 16. "Low-speed electrical vehicle" means any four-wheeled
7 electrical vehicle that is powered by an electric motor that draws
8 current from rechargeable storage batteries or other sources of
9 electrical current and whose top speed is greater than twenty (20)
10 miles per hour but not greater than twenty-five (25) miles per hour
11 and is manufactured in compliance with the National Highway Traffic
12 Safety Administration standards for low-speed vehicles in 49 C.F.R.
13 571.500;

14 17. "Manufactured home" means a residential dwelling built in
15 accordance with the National Manufactured Housing Construction and
16 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and
17 rules promulgated pursuant thereto and the rules promulgated by the
18 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section
19 582 of this title;

20 18. "Manufactured home dealer" means any person, firm or
21 corporation engaged in the business of selling any new and unused,
22 or used, or both new and used manufactured homes. Such information
23 and a valid franchise letter as proof of authorization to sell any
24 such new manufactured home product line or lines shall be attached

1 to the application for a dealer license to sell manufactured homes.
2 "Manufactured home dealer" shall not include any person, firm or
3 corporation who sells or contracts for the sale of the dealer's own
4 personally titled manufactured home or homes. No person, firm or
5 corporation shall be considered a manufactured home dealer as to any
6 manufactured home purchased or acquired by such person, firm or
7 corporation for purposes other than resale; provided, that the
8 restriction set forth in this sentence shall not prevent an
9 otherwise qualified person, firm or corporation from utilizing a
10 single manufactured home as a sales office;

11 19. "Medium-speed electrical vehicle" means any self-propelled,
12 electrically powered four-wheeled motor vehicle, equipped with a
13 roll cage or crush-proof body design, whose speed attainable in one
14 (1) mile is more than thirty (30) miles per hour but not greater
15 than thirty-five (35) miles per hour;

16 20. "Motor license agent" means any person appointed,
17 designated or authorized by the Oklahoma Tax Commission to collect
18 the fees and to enforce the provisions provided for in the Oklahoma
19 Vehicle License and Registration Act;

20 21. "New vehicle" or "unused vehicle" means a vehicle which has
21 been in the possession of the manufacturer, distributor or
22 wholesaler or has been sold only by the manufacturer, distributor or
23 wholesaler to a dealer;

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1 22. "Nonresident" means any person who is not a resident of
2 this state;

3 23. "Off-road motorcycle" means any motorcycle, as defined in
4 Section 1-135 of this title, when such motorcycle has been
5 manufactured for and used exclusively off roads, highways and any
6 other paved surfaces;

7 24. "Owner" means any person owning, operating or possessing
8 any vehicle herein defined;

9 25. "Person" means any individual, copartner, joint venture,
10 association, corporation, limited liability company, estate, trust,
11 business trust, syndicate, the State of Oklahoma, or any county,
12 city, municipality, school district or other political subdivision
13 thereof, or any group or combination acting as a unit, or any
14 receiver appointed by the state or federal court;

15 26. "Rebodied vehicle" means a vehicle:

16 a. which has been assembled using a new body or new major
17 component which is of the identical type as the
18 original vehicle and is licensed by the manufacturer
19 of the original vehicle and other original, new or
20 reconditioned parts. For purposes of this paragraph,
21 "new body or new major component" means a new body,
22 cab, frame, front end clip or rear end clip,
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1 b. which is not a salvage, rebuilt, or junked vehicle as
2 defined by paragraph 1, 2, or 6 of subsection A of
3 Section 1105 of this title, and

4 c. for which the Tax Commission has assigned or will
5 assign a new identifying number;

6 27. "Recreational off-highway vehicle" means a vehicle
7 manufactured and used exclusively for off-highway use, traveling on
8 four or more non-highway tires, and being sixty-five (65) inches or
9 less in width;

10 28. "Recreational vehicle" means every vehicle which is built
11 on or permanently attached to a self-propelled motor chassis or
12 chassis cab which becomes an integral part of the completed vehicle
13 and is capable of being operated on the highways. In order to
14 qualify as a recreational vehicle pursuant to this paragraph such
15 vehicle shall be permanently constructed and equipped for human
16 habitation, having its own sleeping and kitchen facilities,
17 including permanently affixed cooking facilities, water tanks and
18 holding tank with permanent toilet facilities. Recreational vehicle
19 shall not include manufactured homes or any vehicle with portable
20 sleeping, toilet and kitchen facilities which are designed to be
21 removed from such vehicle;

22 29. "Remanufactured vehicle" means a vehicle which has been
23 assembled by a vehicle remanufacturer using a new body and which may
24 include original, reconditioned, or remanufactured parts, and which

1 is not a salvage, rebuilt, or junked vehicle as defined by
2 paragraphs 1, 2, and 6, respectively, of subsection A of Section
3 1105 of this title;

4 30. "Rental trailer" means all small or utility trailers or
5 semitrailers constructed and suitable for towing by a passenger
6 automobile and designed only for carrying property, when the
7 trailers or semitrailers are owned by, or are in the possession of,
8 any person engaged in renting or leasing such trailers or
9 semitrailers for intrastate or interstate use or combined intrastate
10 and interstate use;

11 31. "Special mobilized machinery" means special purpose
12 machines or devices, either self-propelled or drawn as trailers or
13 semitrailers, which derive no revenue from the transportation of
14 persons or property, whose use of the highway is only incidental,
15 and whose useful revenue producing service is performed at
16 destinations in an area away from the traveled surface of an
17 established open highway;

18 32. "State" means the State of Oklahoma;

19 33. "Station wagon" means any passenger vehicle which does not
20 have a separate luggage compartment or trunk and which does not have
21 open beds, and has one or more rear seats readily lifted out or
22 folded, whether same is called a station wagon or ranch wagon;

23 34. "Travel trailer" means any vehicular portable structure
24 built on a chassis, used as a temporary dwelling for travel,

1 recreational or vacational use, and, when factory-equipped for the
2 road, it shall have a body width not exceeding eight (8) feet and an
3 overall length not exceeding forty (40) feet, including the hitch or
4 coupling;

5 35. "Travel trailer dealer" means any person, firm or
6 corporation engaged in the business of selling any new and unused,
7 or used, or both new and used travel trailers. Such information and
8 a valid franchise letter as proof of authorization to sell any such
9 new travel trailer product line or lines shall be attached to the
10 application for a dealer license to sell travel trailers. "Travel
11 trailer dealer" shall not include any person, firm or corporation
12 who sells or contracts for the sale of his or her own personally
13 titled travel trailer or trailers. No person, firm or corporation
14 shall be considered as a travel trailer dealer as to any travel
15 trailer purchased or acquired by such person, firm or corporation
16 for purposes other than resale;

17 36. "Used motor vehicle dealer" means "used motor vehicle
18 dealer" as defined in Section 581 of this title;

19 37. "Used vehicle" means any vehicle which has been sold,
20 bargained, exchanged or given away, or used to the extent that it
21 has become what is commonly known, and generally recognized, as a
22 "secondhand" vehicle. This shall also include any vehicle other
23 than a remanufactured vehicle, regardless of age, owned by any
24 person who is not a dealer;

1 38. "Utility off-highway vehicle" means a vehicle powered by an
2 internal combustion engine, manufactured and used exclusively for
3 off-highway use, equipped with seating for two or more people and a
4 steering wheel, traveling on four or more wheels;

5 39. "Utility vehicle" means a vehicle powered by an internal
6 combustion engine with a piston or rotor displacement of greater
7 than five hundred fifty cubic centimeters (550 cu cm), manufactured
8 and used for highway and off-highway use, equipped with seating for
9 two or more people and a steering wheel, traveling on four or more
10 wheels;

11 ~~39.~~ 40. "Vehicle" means any type of conveyance or device in,
12 upon or by which a person or property is or may be transported from
13 one location to another upon the avenues of public access within the
14 state. "Vehicle" does not include bicycles, trailers except travel
15 trailers and rental trailers, or implements of husbandry as defined
16 in Section 1-125 of this title. All implements of husbandry used as
17 conveyances shall be required to display the owner's driver license
18 number or license plate number of any vehicle owned by the owner of
19 the implement of husbandry on the rear of the implement in numbers
20 not less than two (2) inches in height. The use of the owner's
21 social security number on the rear of the implement of husbandry
22 shall not be required; and

23 ~~40.~~ 41. "Vehicle remanufacturer" means a commercial entity
24 which assembles remanufactured vehicles.

1 SECTION 2. AMENDATORY 47 O.S. 2011, Section 11-1116, as
2 last amended by Section 9, Chapter 4, O.S.L. 2014 (47 O.S. Supp.
3 2014, Section 11-1116), is amended to read as follows:

4 Section 11-1116. A. The self-propelled or motor-driven and
5 operated vehicles described in this section shall be prohibited from
6 operating or shall be limited in operation on the streets and
7 highways of this state.

8 B. Self-propelled or motor-driven cycles, known and commonly
9 referred to as "minibikes" and other similar trade names, shall be
10 prohibited from operating on the streets and highways of this state,
11 except:

12 1. When used in a parade; or

13 2. When registered, as required by subsection E of Section 1151
14 of this title, and operated in this state by food vendor services
15 upon streets having a speed limit of thirty (30) miles per hour or
16 less.

17 All minibikes offered for sale in this state shall bear the
18 following notice to the customer: "This machine is not manufactured
19 or sold for operation on the public streets or highways. Since it
20 is not provided with equipment required by law for street or highway
21 use, all persons are cautioned that any operation of this vehicle
22 upon a public street or highway will be in violation of the motor
23 vehicle laws of this state and will subject the violator to arrest."
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1 C. Golf carts and utility off-highway vehicles, as defined by
2 Section 1102 of this title, shall not be operated on the streets and
3 highways of this state except:

4 1. Golf carts or utility off-highway vehicles owned by the
5 Oklahoma Tourism and Recreation Department, and operated by
6 employees or agents of the Department or employees of independent
7 management companies working on behalf of the Department, may be
8 operated on the streets and highways of this state during daylight
9 hours or under rules developed by the Oklahoma Tourism and
10 Recreation Commission, when the streets and highways are located
11 within the boundaries of a state park. The Department shall have
12 warning signs placed at the entrance and other locations at those
13 state parks allowing golf carts or utility off-highway vehicles to
14 be operated on the streets and highways of this state located within
15 the boundaries of those state parks. The warning signs shall state
16 that golf carts and utility off-highway vehicles may be operating on
17 streets and highways and that motor vehicle operators shall take
18 special precautions to be alert for the presence of golf carts or
19 utility off-highway vehicles on the streets and highways;

20 2. The municipal governing body has adopted an ordinance
21 governing the operation of golf carts and/or utility off-highway
22 vehicles on city streets; provided, such ordinances shall include
23 necessary vehicle lighting and safety requirements;

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1 3. Golf carts or utility off-highway vehicles may operate on
2 state highways only if making a perpendicular crossing of a state
3 highway located within the boundaries of a municipality which has
4 adopted an ordinance governing the operation of golf carts and/or
5 utility off-highway vehicles; or

6 4. The board of county commissioners of a county has approved
7 the operation of golf cart and/or utility off-highway vehicle
8 traffic on roadways within the county, and:

- 9 a. the roadway has a posted speed limit of twenty-five
10 (25) miles per hour or less,
- 11 b. the roadway is located in an unincorporated area, and
- 12 c. appropriate signage, cautioning motorists of the
13 possibility of golf cart or utility off-highway
14 vehicle traffic, is erected by the board of county
15 commissioners.

16 D. Utility vehicles as defined by Section 1102 of this title
17 shall be authorized to operate on the streets and highways of this
18 state.

19 E. All-terrain vehicles shall not be operated on the streets
20 and highways of this state, except:

21 1. On unpaved roads which are located within the boundaries of
22 any property of the Forest Service of the United States Department
23 of Agriculture;

24 2. On public streets and highways if:

- 1 a. the vehicle needs to make a direct crossing of the
2 street or highway while the vehicle is traveling upon
3 a regularly traveled trail and needs to continue
4 travel from one area of the trail to another and, if
5 the vehicle comes to a complete stop, yields the
6 right-of-way to all oncoming traffic that constitutes
7 an immediate hazard, and crosses the street or highway
8 at an angle of approximately ninety (90) degrees to
9 the direction of the street or highway. This
10 exception shall not apply to divided highways or
11 streets or highways with a posted speed limit of more
12 than thirty-five (35) miles per hour in the area of
13 the crossing,
- 14 b. the vehicle needs to travel on a public street or
15 highway in order to cross a railroad track. In that
16 event, the all-terrain vehicle may travel for not more
17 than three hundred (300) feet on a public street or
18 highway to cross a railroad track,
- 19 c. the operator of the all-terrain vehicle making the
20 crossing at a street or highway has a valid driver
21 license, and
- 22 d. the operator of the vehicle makes a crossing on a
23 street or highway during daylight hours only; and
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1 3. On streets and highways within a municipality if the
2 municipal governing body has adopted an ordinance governing the
3 operation of golf carts, utility off-highway vehicles or all-terrain
4 vehicles on streets and highways within the municipality; or

5 4. On roadways within unincorporated areas of a county if the
6 board of county commissioners of the county has approved the
7 operation of all-terrain vehicles on roadways within unincorporated
8 areas of the county and the all-terrain vehicle is only used as an
9 instrument of husbandry.

10 SECTION 3. This act shall become effective November 1, 2015.

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