

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1105

By: Osburn

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 1-133.3, which relates to motorized
9 scooters; modifying definition; amending 47 O.S.
10 2011, Section 1-134, which relates to motor vehicles;
11 modifying definition; amending 47 O.S. 2011, Section
12 1-186, which relates to definition of vehicle;
13 modifying definition; amending 47 O.S. 2011, Section
14 11-805, which relates to speed limitations; allowing
15 for operation on certain roadways; allowing local
16 government to regulate parking; amending 47 O.S.
17 2011, Section 11-805.4, which relates to electric
18 gopeds; modifying the operation of electric gopeds;
19 amending 47 O.S. 2011, Section 11-1003, which relates
20 to stopping, standing and parking; creating an
21 exception; amending 47 O.S. 2011, Section 1102, as
22 last amended by Section 1, Chapter 57, O.S.L. 2016
23 (47 O.S. Supp. 2018, Section 1102), which relates to
24 definitions; modifying definition; and providing an
effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1-133.3, is
amended to read as follows:

Section 1-133.3 Motorized scooter.

A. A "motorized scooter" is any vehicle having:

1. Not more than three wheels in contact with the ground;

1 2. Handlebars and a foot support or seat for the use of the
2 operator;

3 3. A power source that is capable of propelling the vehicle at
4 a maximum design speed of not more than twenty-five (25) miles per
5 hour on level ground, and:

6 a. if the power source is a combustion engine, has a
7 piston or rotor displacement of thirty-five cubic
8 centimeters (35 cu cm) or less regardless of the
9 number of chambers in the power source,

10 b. if the power source is electric, has a power output of
11 not more than one thousand (1,000) watts.

12 B. For purposes of this section, an electric personal assistive
13 mobility device, as defined in Section 1-114A of this title,
14 bicycle, electric-assisted bicycle, or motorized bicycle, as defined
15 in Section 1-104 of this title, shall not be considered a motorized
16 scooter.

17 C. For the purposes of this section, an electric- or gas-
18 powered goped shall be considered a motorized scooter.

19 D. A motorized scooter shall not be required to be registered
20 under the laws of this state. The operator of a motorized scooter
21 shall not be required to possess a driver license or to comply with
22 the vehicle insurance or financial responsibility laws of this
23 state.

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1 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1-134, is
2 amended to read as follows:

3 Section 1-134. Motor vehicle.

4 A. A motor vehicle is:

5 1. Any vehicle which is self-propelled; or

6 2. Any vehicle which is propelled by electric power obtained
7 from overhead trolley wires, but not operated upon rails.

8 B. As used in this title, the term "motor vehicle" shall not
9 include:

10 1. Implements of husbandry, as defined in Section 1-125 of this
11 title;

12 2. Electric personal assistive mobility devices, as defined in
13 Section 1-114A of this title;

14 3. Motorized wheelchairs, as defined in Section 1-136.3 of this
15 title; ~~or~~

16 4. Motorized scooters, as defined in Section 1-133.3 of this
17 title; or

18 5. Vehicles moved solely by human or animal power.

19 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1-186, is
20 amended to read as follows:

21 Section 1-186. Vehicle.

22 A. A vehicle is any device in, upon or by which any person or
23 property is or may be transported or drawn upon a highway, excepting
24 devices used exclusively upon stationary rails or tracks.

1 B. As used in this title, the term "vehicle" shall not include:

2 1. Implements of husbandry, as defined in Section 1-125 of this
3 title;

4 2. Electric personal assistive mobility devices, as defined in
5 Section 1-114A of this title; ~~or~~

6 3. Motorized wheelchairs, as defined in Section 1-136.3 of this
7 title; or

8 4. Motorized scooters, as defined in Section 1-133.3 of this
9 title.

10 SECTION 4. AMENDATORY 47 O.S. 2011, Section 11-805, is
11 amended to read as follows:

12 Section 11-805. A. No person shall operate any motorcycle at a
13 speed greater than the legally posted speed limit; provided, in no
14 event nor at any time shall an operator under the age of sixteen
15 (16) years drive a motorcycle on a highway which has a minimum speed
16 limit established and posted.

17 B. No person shall operate any motor-driven cycle at a speed
18 greater than the legally posted speed limit; provided, in no event
19 nor at any time shall any operator drive a motor-driven cycle at a
20 speed greater than thirty-five (35) miles per hour.

21 C. No person shall operate a motorized scooter at a speed
22 greater than the legally posted speed limit; provided, in no event
23 nor at any time shall any operator drive a motorized scooter:

24 1. At a speed greater than twenty-five (25) miles per hour; and

1 2. On any roadway with a posted speed limit of greater than
2 ~~twenty-five (25)~~ thirty-five (35) miles per hour.

3 Any municipality or board of county commissioners is hereby
4 authorized to adopt ordinances and regulations for the operation and
5 parking of motorized scooters as provided in ~~Section 19~~ Sections 11-
6 803 and 11-1003 of this ~~act~~ title.

7 SECTION 5. AMENDATORY 47 O.S. 2011, Section 11-805.4, is
8 amended to read as follows:

9 Section 11-805.4 Electric gopeds shall be operated as provided
10 in ~~subsections A and B~~ subsection C of Section ~~11-805.3~~ 11-805 of
11 this title.

12 SECTION 6. AMENDATORY 47 O.S. 2011, Section 11-1003, is
13 amended to read as follows:

14 Section 11-1003. A. Except as otherwise provided in subsection
15 B of this section, no person shall stop, stand or park a vehicle,
16 except when necessary to avoid conflict with other traffic or in
17 compliance with law or the directions of a police officer or
18 traffic-control device, in any of the following places:

19 1. On a sidewalk, except that a bicycle or motorized scooter
20 may park on a sidewalk in a manner not impeding the normal or
21 reasonable movement of pedestrian or other traffic;

22 2. In front of a public or private driveway;

23 3. Within fifteen (15) feet of a fire hydrant, or if in an area
24 serviced by a volunteer fire department, within thirty (30) feet of

1 a fire hydrant if the governing body of the area so adopts by
2 ordinance;

3 4. Within an intersection;

4 5. On a crosswalk;

5 6. Within twenty (20) feet of a crosswalk at an intersection;

6 7. Within thirty (30) feet upon the approach to any flashing
7 beacon, stop sign or traffic-control signal located at the side of a
8 roadway;

9 8. Between a safety zone and the adjacent curb or within thirty
10 (30) feet of points on the curb immediately opposite the ends of a
11 safety zone, unless the authority having jurisdiction indicates a
12 different length by signs or marking;

13 9. Within fifty (50) feet of the nearest rail of a railroad
14 crossing;

15 10. Within twenty (20) feet of the driveway entrance to any
16 fire station and on the side of a street opposite the entrance to
17 any fire station within seventy-five (75) feet of said entrance
18 (when properly signposted);

19 11. Alongside or opposite any street excavation or obstruction
20 when stopping, standing or parking would obstruct traffic;

21 12. On the roadway side of any vehicle stopped or parked at the
22 edge or curb of a street;

23 13. Upon any bridge or other elevated structure upon a highway
24 or within a highway underpass;

1 14. At any place where official signs prohibit stopping.

2 B. No person engaging in the collection and disposal of solid
3 waste or recycling material or both as a business, pursuant to the
4 provisions of the Oklahoma Solid Waste Management Act, shall stop,
5 stand or park a vehicle, except when necessary to avoid conflict
6 with other traffic or in compliance with law or the directions of a
7 police officer or traffic-control device, in any of the following
8 places:

9 1. On a sidewalk;

10 2. Within an intersection;

11 3. Alongside or opposite any street excavation or obstruction
12 when stopping, standing or parking would obstruct traffic;

13 4. Upon any bridge or other elevated structure upon a highway
14 or within a highway underpass; or

15 5. At any place where official signs prohibit stopping.

16 C. No person shall move a vehicle not lawfully under the
17 control of the person into any prohibited area or away from a curb
18 such distance as is unlawful.

19 SECTION 7. AMENDATORY 47 O.S. 2011, Section 1102, as
20 last amended by Section 1, Chapter 57, O.S.L. 2016 (47 O.S. Supp.
21 2018, Section 1102), is amended to read as follows:

22 Section 1102. As used in the Oklahoma Vehicle License and
23 Registration Act:

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

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

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

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

23 5. "Combined laden weight" means the weight of a truck or
24 station wagon and its cargo or payload transported thereon, or the

1 weight of a truck or truck-tractor plus the weight of any trailers
2 or semitrailers together with the cargo or payload transported
3 thereon;

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

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

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

22 9. "Commission" or "Tax Commission" means the Oklahoma Tax
23 Commission;

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1 10. "Construction machinery" means machines or devices drawn as
2 trailers which are designed and used for construction, tree trimming
3 and waste maintenance projects, which derive no revenue from the
4 transportation of persons or property, whose use of the highway is
5 only incidental and which are not mounted or affixed to another
6 vehicle; provided, construction machinery shall not include
7 implements of husbandry as defined in Section 1-125 of this title;

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

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

22 13. "Interstate commerce" means any commerce moving between any
23 place in a state and any place in another state or between places in
24 the same state through another state;

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

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

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

17 17. "Manufactured home" means a residential dwelling built in
18 accordance with the National Manufactured Housing Construction and
19 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and
20 rules promulgated pursuant thereto and the rules promulgated by the
21 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section
22 582 of this title. Manufactured home shall not mean a park model
23 recreational vehicle as defined in this section;

1 18. "Manufactured home dealer" means any person, firm or
2 corporation engaged in the business of selling any new and unused,
3 or used, or both new and used manufactured homes. Such information
4 and a valid franchise letter as proof of authorization to sell any
5 such new manufactured home product line or lines shall be attached
6 to the application for a dealer license to sell manufactured homes.
7 "Manufactured home dealer" shall not include any person, firm or
8 corporation who sells or contracts for the sale of the dealer's own
9 personally titled manufactured home or homes. No person, firm or
10 corporation shall be considered a manufactured home dealer as to any
11 manufactured home purchased or acquired by such person, firm or
12 corporation for purposes other than resale; provided, that the
13 restriction set forth in this sentence shall not prevent an
14 otherwise qualified person, firm or corporation from utilizing a
15 single manufactured home as a sales office;

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

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

1 21. "New vehicle" or "unused vehicle" means a vehicle which has
2 been in the possession of the manufacturer, distributor or
3 wholesaler or has been sold only by the manufacturer, distributor or
4 wholesaler to a dealer;

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

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

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

13 25. "Park model recreational vehicle" means a vehicle that is:

- 14 a. designed and marketed as temporary living quarters for
15 camping, recreational, seasonal or travel use,
- 16 b. not permanently affixed to real property for use as a
17 permanent dwelling,
- 18 c. built on a single chassis mounted on wheels with a
19 gross trailer area not exceeding four hundred (400)
20 square feet in the setup mode, and
- 21 d. certified by the manufacturer as complying with
22 standard A119.5 of the American National Standards
23 Institute, Inc.;

1 26. "Person" means any individual, copartner, joint venture,
2 association, corporation, limited liability company, estate, trust,
3 business trust, syndicate, the State of Oklahoma, or any county,
4 city, municipality, school district or other political subdivision
5 thereof, or any group or combination acting as a unit, or any
6 receiver appointed by the state or federal court;

7 27. "Rebodied vehicle" means a vehicle:

- 8 a. which has been assembled using a new body or new major
9 component which is of the identical type as the
10 original vehicle and is licensed by the manufacturer
11 of the original vehicle and other original, new or
12 reconditioned parts. For purposes of this paragraph,
13 "new body or new major component" means a new body,
14 cab, frame, front end clip or rear end clip,
- 15 b. which is not a salvage, rebuilt, or junked vehicle as
16 defined by paragraph 1, 2, or 6 of subsection A of
17 Section 1105 of this title, and
- 18 c. for which the Tax Commission has assigned or will
19 assign a new identifying number;

20 28. "Recreational off-highway vehicle" means a vehicle
21 manufactured and used exclusively for off-highway use, traveling on
22 four or more non-highway tires, and being sixty-five (65) inches or
23 less in width;

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1 29. "Recreational vehicle" means every vehicle which is built
2 on or permanently attached to a self-propelled motor chassis or
3 chassis cab which becomes an integral part of the completed vehicle
4 and is capable of being operated on the highways. In order to
5 qualify as a recreational vehicle pursuant to this paragraph such
6 vehicle shall be permanently constructed and equipped for human
7 habitation, having its own sleeping and kitchen facilities,
8 including permanently affixed cooking facilities, water tanks and
9 holding tank with permanent toilet facilities. Recreational vehicle
10 shall not include manufactured homes or any vehicle with portable
11 sleeping, toilet and kitchen facilities which are designed to be
12 removed from such vehicle. Recreational vehicle shall include park
13 model recreational vehicles as defined in this section;

14 30. "Remanufactured vehicle" means a vehicle which has been
15 assembled by a vehicle remanufacturer using a new body and which may
16 include original, reconditioned, or remanufactured parts, and which
17 is not a salvage, rebuilt, or junked vehicle as defined by
18 paragraphs 1, 2, and 6, respectively, of subsection A of Section
19 1105 of this title;

20 31. "Rental trailer" means all small or utility trailers or
21 semitrailers constructed and suitable for towing by a passenger
22 automobile and designed only for carrying property, when the
23 trailers or semitrailers are owned by, or are in the possession of,
24 any person engaged in renting or leasing such trailers or

1 semitrailers for intrastate or interstate use or combined intrastate
2 and interstate use;

3 32. "Special mobilized machinery" means special purpose
4 machines or devices, either self-propelled or drawn as trailers or
5 semitrailers, which derive no revenue from the transportation of
6 persons or property, whose use of the highway is only incidental,
7 and whose useful revenue producing service is performed at
8 destinations in an area away from the traveled surface of an
9 established open highway;

10 33. "State" means the State of Oklahoma;

11 34. "Station wagon" means any passenger vehicle which does not
12 have a separate luggage compartment or trunk and which does not have
13 open beds, and has one or more rear seats readily lifted out or
14 folded, whether same is called a station wagon or ranch wagon;

15 35. "Travel trailer" means any vehicular portable structure
16 built on a chassis, used as a temporary dwelling for travel,
17 recreational or vacation use, and, when factory-equipped for the
18 road, it shall have a body width not exceeding eight (8) feet and an
19 overall length not exceeding forty (40) feet, including the hitch or
20 coupling;

21 36. "Travel trailer dealer" means any person, firm or
22 corporation engaged in the business of selling any new and unused,
23 or used, or both new and used travel trailers. Such information and
24 a valid franchise letter as proof of authorization to sell any such

1 new travel trailer product line or lines shall be attached to the
2 application for a dealer license to sell travel trailers. "Travel
3 trailer dealer" shall not include any person, firm or corporation
4 who sells or contracts for the sale of his or her own personally
5 titled travel trailer or trailers. No person, firm or corporation
6 shall be considered as a travel trailer dealer as to any travel
7 trailer purchased or acquired by such person, firm or corporation
8 for purposes other than resale;

9 37. "Used motor vehicle dealer" means "used motor vehicle
10 dealer" as defined in Section 581 of this title;

11 38. "Used vehicle" means any vehicle which has been sold,
12 bargained, exchanged or given away, or used to the extent that it
13 has become what is commonly known, and generally recognized, as a
14 "secondhand" vehicle. This shall also include any vehicle other
15 than a remanufactured vehicle, regardless of age, owned by any
16 person who is not a dealer;

17 39. "Utility vehicle" means a vehicle powered by an internal
18 combustion engine, manufactured and used exclusively for off-highway
19 use, equipped with seating for two or more people and a steering
20 wheel, traveling on four or more wheels;

21 40. "Vehicle" means any type of conveyance or device in, upon
22 or by which a person or property is or may be transported from one
23 location to another upon the avenues of public access within the
24 state. "Vehicle" does not include bicycles, motorized scooters,

1 trailers except travel trailers and rental trailers, or implements
2 of husbandry as defined in Section 1-125 of this title. All
3 implements of husbandry used as conveyances shall be required to
4 display the owner's driver license number or license plate number of
5 any vehicle owned by the owner of the implement of husbandry on the
6 rear of the implement in numbers not less than two (2) inches in
7 height. The use of the owner's Social Security number on the rear
8 of the implement of husbandry shall not be required; and

9 41. "Vehicle remanufacturer" means a commercial entity which
10 assembles remanufactured vehicles.

11 SECTION 8. This act shall become effective November 1, 2019.

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13 57-1-5121 JBH 01/09/19

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