

ENROLLED HOUSE
BILL NO. 2460

By: Ostrander of the House

and

Herbert of the Senate

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 40-105, which relates to required equipment on motorcycles; modifying equipment required to be on motorcycles; specifying type of helmet and eye protection to be worn by certain people operating or riding on motorcycles; amending 47 O.S. 1991, Section 14-103, as last amended by Section 5 of Enrolled House Bill No. 1960 of the 2nd Session of the 47th Oklahoma Legislature, which relates to the width, height and length of a vehicle load; stating certain parameters for outside width of vehicles operating on any road or highway; adding exclusion; repealing 47 O.S. 1991, Section 14-103, as last amended by Section 1 of Enrolled House Bill No. 2301 of the 2nd Session of the 47th Oklahoma Legislature, which relates to the width, height and length of vehicle loads; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 40-105, is amended to read as follows:

Section 40-105. ~~The following equipment shall be required on A.~~ In addition to other requirements prescribed by federal or state law or by local ordinance, all motorcycles, motor-driven cycles, and all motor scooters, except when operated on actual trail rides conducted outside of public roads and highways, shall be equipped with:

~~A. Rear View Mirrors: All vehicles covered under this section shall be equipped with two~~

1. Two rearview mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of two hundred (200) feet to the rear of his vehicle;

~~B. Windshield: All vehicles covered under this section shall be equipped with a~~

2. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects, except that in. In lieu of such windshield, the operator shall wear goggles or a face shield

of material and design to protect ~~him~~ the operator from foreign objects-i

~~C. Brakes: All vehicles covered under this section shall be equipped with brakes~~

3. Brakes adequate to control the movement of ~~same~~ the vehicle and to stop and hold ~~such vehicles~~ the vehicle, including two separate means of applying the brakes, ~~one~~. One means shall be effective to apply the brakes to the front wheel, and one means shall be effective to apply the brakes to the rear wheel or wheels. ~~All such vehicles shall be equipped with a~~

4. A stop lamp on the rear of the vehicle, which shall ~~display a red or amber light, or any shade of color between red and amber,~~ visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight, and which shall be actuated upon application of the service brake. comply with the requirements of Sections 12-206 and 12-219 of this title;

~~D. Speedometer: All vehicles covered under this section shall be equipped with a~~

5. A properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle-i

~~E. Fenders: All vehicles covered under this section shall be equipped with a~~

6. A fender over each wheel. All fenders shall be of the type provided by the manufacturer-i

~~F. Lights: All vehicles covered under this section shall carry at~~

7. At least one lighted headlamp ~~capable of showing a white light visible at least three hundred (300) feet in the direction in which the same are proceeding,~~ and one tail lamp mounted on the rear which, when lighted, shall emit a red light plainly visible from at least three hundred (300) feet to the rear, and such lights required by this section shall be burning whenever such vehicles are in motion during the period from one-half hour after sunset and one-half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least five hundred (500) feet ahead, but not more than two lighted headlamps, which shall comply with the requirements of Sections 12-201 through 12-203 and, for motor-driven cycles, Section 12-224 of this title;

8. At least one tail light which shall comply with the requirements of Section 12-204 of this title;

9. At least one rear reflector which shall comply with the requirements of Section 12-205 of this title; and

10. A horn which shall comply with the requirements of Section 12-401 of this title.

~~G. Headgear: B. No person under eighteen (18) years of age shall operate or ride upon any vehicle covered under this section motorcycle, motor-driven cycle, or motor scooter unless such person is equipped with and properly wearing on the head a crash helmet of a type which complies with standards established by the Department of Public Safety. All crash helmets shall consist of lining, padding and chin straps and be of the type as not to distort the view of the driver. The Commissioner of the Department of Public Safety is hereby authorized to approve or disapprove protective headgear and eye-protective devices sold and required herein, and to issue and enforce regulations establishing standards and specifications for approval thereof. The Commissioner shall publish lists of all approved protective headgear and eye-protective devices by name and type. Provided, however, the Department may not recommend one brand in preference to another if quality is identical~~
49 C.F.R., Section 571.218.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 14-103, as last amended by Section 5 of Enrolled House Bill No. 1960 of the 2nd Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 14-103. Except as otherwise provided for by this chapter:

A. No vehicle, with or without load, shall have a total outside width in excess of one hundred and two (102) inches excluding ~~both~~ tire:

1. Tire bulge and approved;

2. Approved safety devices when operated on any road or highway in this state; and

3. A retracted awning with a width of eight (8) inches or less or other appurtenance of four (4) inches or less which is attached to the side of a recreational vehicle, as defined in Section 1102 of this title. The provisions of this subsection shall not apply to any person engaged in the hauling of round baled hay with a total outside width of eleven (11) feet or less when the hay is owned by such person and is being hauled for any purpose other than resale. The provisions of this subsection shall also not apply to any county official or employee engaged in the hauling or pulling of a trailer or equipment owned by the county on the county roads of such county.

B. No vehicle, with or without load, shall exceed a height of thirteen and one-half (13 1/2) feet.

C. 1. No single truck, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty-five (45) feet.

2. No single bus, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty-five (45) feet.

3. a. On the National Network of ~~highways~~ Highways which includes the National System of Interstate and Defense Highways and four-lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck_

tractor/semitrailer combination shall have a length greater than fifty-three (53) feet, except as provided for in subsection C of Section 14-118 of this title which shall apply to semitrailers exceeding fifty-three (53) feet but not exceeding fifty-nine (59) feet six (6) inches. On the National System of Interstate and Defense Highways and four-lane divided Federal Aid Primary System Highways, no semitrailer or trailer operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than fifty-three (53) feet.

- b. On roads and highways not a part of the National System of Interstate and Defense Highways or four-lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-three (53) feet and no semitrailer or trailer operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than twenty-nine (29) feet. Except as provided for in subsection D of Section 14-118 of this title, no other combination of vehicles shall have an overall length, inclusive of front and rear bumpers, in excess of seventy (70) feet on all roads and highways. For the purposes of this paragraph, oil field rig-up trucks shall be considered to be truck-tractors, when towing a trailer or semitrailer.

4. No combination of vehicles shall consist of more than two units, except:

- a. one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer; or
- b. vans, suburbans, blazers or other similar types of vehicles and self-propelled recreational vehicles with a three-quarter (3/4) ton or more rated capacity, may tow a semitrailer and one complete trailer or semitrailer for recreational purposes only, provided the overall length, inclusive of the front and rear bumpers, does not exceed sixty-five (65) feet.

5. Poles and gas lines used to maintain public utility services, not to include new construction, may be moved during daylight hours, and during nighttime hours only in an emergency, subject to traffic and road restrictions promulgated by the Commissioner of Public Safety, when the overall length does not exceed eighty (80) feet. When this length is exceeded, these loads are subject to the requirements of Section 14-118 of this title.

6. For the purposes of paragraphs 1, 3, and 4 of this subsection, the length of unitized equipment, which is defined to be equipment so constructed and attached to a rubber-tired vehicle that the vehicle and load become a unit and are for all practical purposes inseparable, shall be the length of the vehicle itself, and shall not include any protrusion of the equipment load so constructed or attached. Said equipment shall not protrude for a distance greater than two-thirds (2/3) of the wheel base of said

vehicle, shall not impair the driver's vision, and if less than seven (7) feet above the roadway, shall be safely marked, flagged or illuminated. Any such protruding structure shall be securely held in place to prevent dropping or swaying. Unitized equipment shall carry such safety equipment as shall be determined to be necessary for the safety, health, and welfare of the driving public by the Commissioner of Public Safety.

7. For the purposes of paragraphs 1, 3, and 4 of this subsection, a truck-tractor, when being towed by another vehicle with the wheels of its steering axle raised off the roadway, shall be considered to be a semitrailer as defined in Section 1-162 of this title.

8. The provisions of paragraphs 1 and 3 of this subsection shall not apply to any contractor or subcontractor, or agents or employees of any contractor or subcontractor, while engaged in transporting material to the site of a project being constructed by, for, or on behalf of this state or any city, town, county, or subdivision of this state.

9. Special mobilized machinery, as defined in Section 1102 of this title, which exceeds the size provisions of this section shall only use the highways of the State of Oklahoma by special permit issued by the Commissioner of Public Safety or an authorized representative of the Commissioner. Such special permit shall be:

- a. a single-trip permit issued under the provisions of Section 14-116 of this title, or
- b. a special annual oversize permit issued for one (1) calendar year period upon payment of a fee of Ten Dollars (\$10.00) plus any amount as provided by subsection H of Section 14-118 of this title.

SECTION 3. REPEALER 47 O.S. 1991, Section 14-103, as last amended by Section 1 of Enrolled House Bill No. 2301 of the 2nd Session of the 47th Oklahoma Legislature, is hereby repealed.

SECTION 4. This act shall become effective July 1, 2000.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 18th day of May, 2000.

Speaker of the House of
Representatives

Passed the Senate the 18th day of May, 2000.

President of the Senate