

ENROLLED SENATE
BILL NO. 6

By: Taylor, Muegge and
Leftwich of the Senate

and

Plunk, Ostrander, Collins
and Hutchison of the House

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 12-405, as amended by Section 1, Chapter 171, O.S.L. 1998 (47 O.S. Supp. 1998, Section 12-405), which relates to equipment required; providing for certain exemptions; providing for exceptions for certain studded tires; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 12-405, as amended by Section 1, Chapter 171, O.S.L. 1998 (47 O.S. Supp. 1998, Section 12-405), is amended to read as follows:

Section 12-405. A. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

B. ~~No~~ A person shall not operate or move on any hard-surfaced highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway, except when authorized by special permit as required by law.

C. ~~No~~ 1. Any tire on a vehicle moved on a highway shall not have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible:

- a. to use farm machinery with tires having protuberances which will not injure the highway, ~~and except also that it shall be permissible~~
- b. to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid, ~~and it shall further be permissible and~~
- c. for pneumatic tires equipped with or having on their periphery studs of metal ~~or~~, porcelain ~~studs~~ or other material to be sold ~~and~~ or used in this state, if ~~so~~ constructed to provide resiliency upon contact with

the road surface, so that not more than three percent (3%) in the aggregate of the traction surface of such tire be composed of ~~metal~~ such studs and ~~if so that~~ such studs do not project more than three thirty-seconds (3/32) of one an inch beyond the tread of the traction surface of such tire and have a rate of wear which will so limit such projection ~~and it shall further be permissible for pneumatic tires having on their periphery studs of metal or other material installed in such a manner as to provide resiliency upon contact with the road and so as not to project more than 3/32 of an inch beyond the tread of the traction surface of the tire, and so constructed that not more than three percent (3%) in the aggregate of the traction surface of such tire be composed of such studs, to be sold and used in this state; provided, however, that:~~

2. The exceptions permitted in paragraph 1 of this subsection shall be subject to the following restrictions:

1. ~~Their~~ a. the use of such tires or tire chains shall be limited to vehicles with rated capacities up to and including two (2) tons~~;~~
2. ~~No~~ b. any tire so equipped shall not be used on a public highway earlier than November 1 of each year or later than April 1 of the following year~~;~~ and
3. ~~Copies~~ c. copies of this subsection shall be posted in all places at which tires or tire chains are sold, and a printed or written warning on the time limitation for the use of such ~~studded~~ tires or tire chains shall be furnished to each buyer, purchaser, or user by the seller of such ~~studded~~ tires or tire chains.

D. Operator selectable "on demand" studded tires having traction-enhancing studs located outside the normal tread area which allows their operation as conventional tires on dry roads or as studded tires on ice-coated roads by the expedient of reducing or increasing the air pressure within the tires, shall be exempt from the prohibitions of subsection C of this section with the following exceptions:

1. The use of such tires shall be limited to vehicles with rated capacities up to and including two (2) tons;

2. Any such tire shall not be deflated so that the studs lower and make contact with the road surface earlier than November 1 of each year or later than April 1 of the following year.

E. The Department of Public Safety and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm

machinery, the operation of which upon a highway would otherwise be prohibited under this section.

~~E.~~ F. Every trailer, semitrailer or manufactured home shall be equipped with a coupling device which shall be so designed and constructed that the trailer, semitrailer or manufactured home will follow substantially in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such trailer, semitrailer or manufactured home, except a semitrailer drawn by a truck-tractor type designed to draw or support the front end of a semitrailer, shall be coupled with:

1. Stay chains or cables to the vehicle by which it is being drawn, which chains or cable shall be of sufficient size and strength to prevent parting from the drawing vehicle, should the regular coupling device break or become otherwise disengaged; or

2. Chains or cables or a safety device which provides strength, security of attachment and directional stability equal to or greater than that provided by safety chains and which prevent parting from the drawing vehicle should the regular coupling device break or otherwise become disengaged. This device shall be designed, constructed, and installed so that if the tow-bar fails or becomes disconnected the tow-bar will not drop to the ground.

~~F.~~ G. No fuel tank or intake pipe on any motor vehicle shall project beyond the side of the motor vehicle. In no case shall the fuel tank or fuel intake pipe on any bus be located within or above the passenger-carrying portion of the bus.

~~G.~~ H. Any gasoline tank carried upon a motor vehicle, including any auxiliary tank, shall be of substantial construction, permanently attached to the motor vehicle in a manner similar to that which constitutes good practice in permanent installations.

~~H.~~ I. On every bus operating outside the corporate limits of municipalities, truck, or truck-tractor transporting persons or property for hire shall be at least one fire extinguisher with physical characteristics and fire extinguishing ability equivalent to or better than fire extinguishers which qualify under Classification "b" of the Standards of Underwriters Laboratories, Incorporated, or recognized testing laboratories. The extinguisher shall utilize an extinguishing agent which does not need protection from freezing and shall be properly filled and securely mounted in a bracket. The minimum size shall be one 4-pound carbon dioxide type (CO₂), a 4-pound dry chemical, or extinguisher of other types having extinguishing capacity equivalent to any of these types, excluding carbon tetrachloride. If two extinguishers are used, they shall be of not less than two and one-half (2 1/2) pounds each. This requirement shall not apply to any bus having a seating capacity of eight or less persons or any drive-away, tow-away operations.

~~I.~~ J. Every bus which is licensed for the express purpose of transporting persons for hire, and having a seating capacity of ten or more persons, and operating outside the corporate limits of municipalities shall have at least one hand axe and one metal first-aid kit, heavy-duty, ten-unit size.

J. K. All trucks, trailers, and other vehicles operating on the highways, except animal-drawn vehicles, not equipped with fenders over the rearmost wheels shall have attached thereto a rubber or fabric apron directly in rear of the rearmost wheels, and hanging perpendicular from the body of the vehicle. Said apron shall be of such a size as to prevent the bulk of the spray or other substances picked up from the roadway from being thrown on the windshield of a following vehicle and thereby obscuring the vision through the windshield of the driver of said vehicle. The provisions of this subsection shall not apply to a farm tractor moving over the state highway system at a speed less than twenty (20) miles per hour.

~~K.~~ L. Nothing in ~~the preceding~~ this section shall be construed as excepting commercial vehicles subject to the provisions of 49 CFR Subpart F, Coupling Devices and Towing Methods, from complying with the provisions thereof.

SECTION 2. This act shall become effective November 1, 1999.

Passed the Senate the 22nd day of February, 1999.

President of the Senate

Passed the House of Representatives the 30th day of March, 1999.

Speaker of the House of
Representatives