

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1681

By: Case

AS INTRODUCED

An Act relating to motor vehicles; providing definition for certain type of vehicle; providing certain rules of the road; amending 47 O.S. 1991, Sections 12-101, as amended by Section 2, Chapter 13, O.S.L. 1993 and 851, as amended by Section 1, Chapter 287, O.S.L. 1996 (47 O.S. Supp. 2000, Sections 12-101 and 851), which relate to scope and effect of regulations and inspection stickers; providing equipment requirements; requiring inspection stickers; amending 68 O.S. 1991, Section 1355, as last amended by Section 1, Chapter 239, O.S.L. 2000 (68 O.S. Supp. 2000, Section 1355), which relates to sales tax exemptions; providing an exemption for certain vehicle; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-134.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

"Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. 571.000.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-805.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. No person shall operate any low-speed electrical vehicle on any street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

B. The provisions of subsection A of this section shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

C. This section shall not prevent a city from adopting any ordinance that would further restrict low-speed electrical vehicles from operating on certain city-owned streets in order to ensure the public health and safety.

D. This section shall be a part of and supplemental to the rules of the road as provided in Section 11-101 et seq. of Title 47 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 12-101, as amended by Section 2, Chapter 13, O.S.L. 1993 (47 O.S. Supp. 2000, Section 12-101), is amended to read as follows:

Section 12-101. A. Except as otherwise provided, it shall be a misdemeanor, upon conviction, punishable by fine of not more than Ten Dollars (\$10.00), for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

B. Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with provisions of this chapter, and compliance with regulations of the Interstate Commerce Commission governing

motor carriers operating in interstate commerce shall be deemed to be a compliance with all provisions of this chapter.

C. The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable.

D. A low-speed electrical vehicle which is in compliance with the equipment requirements in 49 C.F.R. 571.500 shall be deemed to be in compliance with the provisions of Chapter 12 of this title.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 851, as amended by Section 1, Chapter 287, O.S.L. 1996 (47 O.S. Supp. 2000, Section 851), is amended to read as follows:

Section 851. A. Except as otherwise provided for in subsections B and C of this section, no person shall drive or move on any highway any motor vehicle, including, but not limited to, motorcycles, low-speed electrical vehicles, trailers, semitrailers or pole trailers, or ancient vehicles which are not used primarily incidental to historical or exhibition purposes only, which are licensed by the Oklahoma Tax Commission and operated on the streets or highways of this state or any combination thereof, unless the equipment upon the vehicle is in good working order and adjustment as required in this title and is in such safe mechanical condition as not to endanger the driver or other occupant of any vehicle upon the highway. Each such motor vehicle, except any commercial truck or truck-tractor registered pursuant to Section 1120 of this title which is engaged in interstate commerce, or any trailer or semitrailer registered pursuant to Section 1133 of this title which is engaged in interstate commerce, shall bear an official inspection sticker.

B. The provisions of this section shall not apply to:

1. Any manufactured home which requires a permit to be moved upon the highways of this state;

2. Any ancient vehicle as defined by Section 1-101.1 of this title, which has not been modified from its original state of manufacture. Provided, ancient vehicles shall be exempt from retrofitted pollution control devices; or

3. Any modified ancient vehicle which has been inspected as required by subsection C of this section. For purposes of this section, "modified ancient vehicle" shall mean any vehicle manufactured in 1948 or earlier which has been modified or modernized from its original state of manufacture.

C. 1. No person shall drive or move on any roadway any modified ancient vehicle unless the vehicle has been inspected in accordance with subsection A of this section or has been inspected annually in accordance with this subsection.

2. A modified ancient vehicle may be inspected pursuant to standards issued by the National Street Rod Association and the Department of Public Safety. This inspection shall be conducted annually by an inspector certified by the National Street Rod Association. Upon successful completion of the inspection, the Department shall issue to the owner of the vehicle a Certificate of Exemption which shall be carried in the vehicle at all times it is driven or moved on any roadway of this state. The certificate shall be submitted to any law enforcement officer upon request. The certificate shall serve as proof that the requirement for a state inspection and official inspection sticker as prescribed in subsection A of this section has been waived for the vehicle, and that the vehicle has been inspected pursuant to this subsection. The Department shall promulgate rules to implement and administer the provisions of this subsection.

D. Nothing in this section shall exempt any motor vehicle from the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.

SECTION 5. AMENDATORY 68 O.S. 1991, Section 1355, as last amended by Section 1, Chapter 239, O.S.L. 2000 (68 O.S. Supp. 2000, Section 1355), is amended to read as follows:

Section 1355. Exemptions - Subject to other tax.

There are hereby specifically exempted from the tax levied pursuant to the provisions of this article:

1. Sale of gasoline, motor fuel, methanol, "M-85" which is a mixture of methanol and gasoline containing at least eighty-five percent (85%) methanol, compressed natural gas, liquefied natural gas, or liquefied petroleum gas on which the Motor Fuel Tax, Gasoline Excise Tax, Special Fuels Tax or the fee in lieu of Special Fuels Tax levied in Article 5, 6, or 7 of this title has been, or will be paid;

2. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied in Article 21 of this title has been, or will be paid;

3. Sale of crude petroleum or natural or casinghead gas and other products subject to gross production tax pursuant to the provisions of Articles 10 and 11 of this title. This exemption shall not apply when such products are sold to a consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this state;

4. Sale of aircraft on which the tax levied pursuant to the provisions of Sections 6001 through 6004 of this title has been, or will be paid or which are specifically exempt from such tax pursuant to the provisions of Section 6003 of this title;

5. Sales from coin-operated devices on which the fee imposed by Sections 1501 through 1513 of this title has been paid;

6. Leases of twelve (12) months or more of motor vehicles in which the owners of the vehicles have paid the vehicle excise tax levied by Section 2103 of this title;

7. Sales of charity game equipment on which a tax is levied pursuant to the Oklahoma Charity Games Act, Section 401 et seq. of Title 3A of the Oklahoma Statutes;

8. Sales of cigarettes or tobacco products to:

- a. a federally recognized Indian tribe or nation which has entered into a compact with the State of Oklahoma pursuant to the provisions of subsection C of Section 346 of this title or to a licensee of such a tribe or nation, upon which the payment in lieu of taxes required by the compact has been paid, or
- b. a federally recognized Indian tribe or nation or to a licensee of such a tribe or nation upon which the tax levied pursuant to the provisions of Section 349 or Section 426 of this title has been paid; ~~and~~

9. Leases of aircraft upon which the owners have paid the aircraft excise tax levied by Section 6001 et seq. of this title or which are specifically exempt from such tax pursuant to the provisions of Section 6003 of this title; and

10. The sale of low-speed electrical vehicles on which the Oklahoma Motor Vehicle Excise Tax levied in Article 21 of this title has been or will be paid.

SECTION 6. This act shall become effective November 1, 2001.

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