

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1473

By: Coffee

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 1-134 and 1-186, which relate to definitions; defining and modifying terms; excluding electric personal assistive mobility device from registration and licensure requirements; prohibiting operation of device on certain highways and turnpikes; providing for operation of device on sidewalks, walking trails, bikeways, and municipal streets with certain limitations; stating requirements for operation of device; providing penalty; requiring warning notice; limiting liability of entities in compliance with certain provisions; providing for codification; and declaring an emergency.

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 1-114A of Title 47, unless there is created a duplication in numbering, reads as follows:

Electric Personal Assistive Mobility Device.

"Electric personal assistive mobility device" means a self-balancing, two nontandem-wheeled device, designed to transport only one person, having an electric propulsion system with an average of seven hundred fifty (750) watts (1 h.p.), and a maximum speed of less than twenty (20) miles per hour on a paved level surface when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy (170) pounds.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 1-134, is amended to read as follows:

Section 1-134. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead

trolley wires, but not operated upon rails; provided, however, the definition of "motor vehicle" ~~herein~~ shall not include implements of husbandry as defined in Section 1-125 of this ~~chapter~~ title or electric personal assistive mobility devices as defined in Section 1 of this act.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 1-186, is amended to read as follows:

Section 1-186. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks, provided however the definition of "vehicle" as used in this act shall not include implements of husbandry as defined in Section 1-125 of this ~~chapter~~ title or electric personal assistive mobility devices as defined in Section 1 of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 19-211 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provisions of law, an electric personal assistive mobility device, as defined in Section 1 of this act, shall not be:

1. Registered pursuant to the Oklahoma Vehicle License and Registration Act; or
2. Operated on the highways or turnpikes of this state except as provided in subsection B of this section.

B. An electric personal assistive mobility device may be operated upon the sidewalks, walking trails, bikeways, and municipal streets of this state. A municipality may prohibit the operation of an electric personal assistive mobility device on public streets where the speed limit is greater than twenty-five (25) miles per hour but, except for enforcement of the provisions of subsection C of this section, may not otherwise restrict the operation of an electric personal assistive mobility device.

C. 1. A person operating an electric personal assistive mobility device shall:

- a. not be required to have an Oklahoma driver license to operate the device,
- b. obey all speed limits,
- c. yield the right of way to pedestrians and human powered devices at all times,
- d. give an audible signal before overtaking and passing any pedestrian, and
- e. wear or equip the electric personal assistive mobility device with reflectors and a headlight when operating at night.

2. Failure to comply with any requirement set forth in subparagraphs b through e of paragraph 1 of this subsection shall result in a warning for the first offense, a fine of Ten Dollars (\$10.00) for the second offense, and impoundment of the electric personal assistive mobility device for up to thirty (30) days for subsequent offenses. Each act of noncompliance shall be considered a separate offense.

D. 1. It shall be unlawful to manufacture, assemble, sell, offer to sell, or distribute an electric personal assistive mobility device in this state unless the device is accompanied by a warning notice. The warning notice shall be substantially similar to the following: "REDUCE THE RISK OF SERIOUS INJURY AND ONLY USE WHILE WEARING FULL PROTECTIVE GEAR, WHICH SHALL INCLUDE HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS".

2. A person, firm, corporation, or other legal entity that regularly engages in the business of manufacturing, assembling, selling, or distributing electric personal assistive mobility devices and complies with the requirements of this subsection shall not be liable in a civil action for damages for any physical injury sustained by an operator of an electric personal assistive mobility

device as a result of the operator's failure to wear protective gear in accordance with the notice required by paragraph 1 of this subsection.

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.

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