

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1539

By: Helton of the Senate

and

Covey of the House

COMMITTEE SUBSTITUTE

[motor vehicles - failure to yield - indemnification

- codification -

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 11-407 of Title 47, unless there is created a duplication in numbering, reads as follows:

Any person convicted of a right-of-way violation involving a motorcycle that causes a fatality, in addition to any other penalties, may be fined One Thousand Dollars (\$1,000.00). Any fines collected pursuant to this section shall be deposited into the District Attorneys Revolving Fund.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 169.7 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. A person may not require indemnification from a motor carrier as a condition to:

1. The transportation of property for compensation or for hire by the motor carrier;

2. Entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or for hire; or

3. A service incidental to an activity described by paragraph 1 or 2 of this subsection, including storage of property.

B. Subsection A of this section does not apply to the following:

1. A claim arising from damage or loss from a wrongful or negligent act or omission of the motor carrier; or

2. Services or goods other than those described by subsection A of this section.

C. As used in this section, "motor carrier" means a common carrier or contract carrier that engages in the transportation of household goods or used emigrant movables for compensation or for hire. The term does not include a person who transports property as an incidental activity of a nontransportation business activity regardless of whether the person imposes a separate charge for the transportation.

D. A provision that is contrary to subsection A of this section is not enforceable.

SECTION 3. 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.

49-2-8872 GRS 03/29/04