

ENROLLED HOUSE
BILL NO. 2637

By: Steele of the House

and

Laster of the Senate

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 1-104, as amended by Section 1, Chapter 411, O.S.L. 2003, Section 5, Chapter 411, O.S.L. 2003 and 47 O.S. 2001, Sections 1-135 and 1-136, as amended by Section 7, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Sections 1-104, 1-133.3 and 1-136), which relate to words and phrases defined; modifying definition of bicycle; defining electric-assisted and motorized bicycle; modifying definition of motor scooter; defining motorized scooter; modifying definition of motorcycle; modifying definition of motor-driven cycle; amending 47 O.S. 2001, Section 6-101, as last amended by Section 2, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-101), which relates to issuance, expiration, and renewal of licenses; modifying exception for motorcycle endorsement; amending 47 O.S. 2001, Section 6-309, which relates to operation of Class D motor vehicles under Class A, B or C commercial license; deleting obsolete language; amending 47 O.S. 2001, Section 11-313, which relates to restrictions on use of controlled-access roadway; updating agency name; allowing Oklahoma Transportation Authority to restrict use of controlled-access roadways; amending 47 O.S. 2001, Section 11-805, as amended by Section 13, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Section 11-805), which relates to speed restrictions; prohibiting operation of motorized scooter above certain speed limit; providing restrictions; authorizing adoption of ordinances for regulation of motorized scooters; amending 47 O.S. 2001, Section 19-201, as renumbered by Section 35, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2003, Section 11-805.2), which relates to electric-assisted bicycles; modifying operator requirements for electric-assisted bicycles; amending 47 O.S. 2001, Section 11-1103, as amended by Section 15, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Section 11-1103), which relates to riding on motorcycles; adding motorized scooters to operator rules and restrictions; amending 47 O.S. 2001, Section 11-1201, 11-1202, 11-1203, 11-1204, 11-1205, as amended by Section 16, Chapter 411, O.S.L. 2003 and 11-1206 (47 O.S. Supp. 2003, Section 11-1205), which relate to operation of bicycles and play vehicles; prohibiting the recording of certain convictions on driving records; expanding highway or path restrictions to motorized scooters; expanding application of traffic laws to persons riding

motorized scooters; modifying regulation for bicycle riding to motorized scooters; modifying regulation prohibiting clinging to vehicles to motorized scooters; modifying roadway restrictions for bicycles to include motorized scooters; providing for exceptions; providing restrictions for certain streets or highways; modifying pass and passenger restrictions to include motorized scooters; prohibiting impediment of traffic; requiring motorized scooters to use designated paths; prohibiting operators of motorized scooters from carrying articles under certain circumstances; amending Section 68, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Section 12-601), which relates to headlamps on motorcycles; modifying definition of motorcycle; amending Section 74, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Section 12-701), which relates to bicycles; clarifying definition of bicycle; providing for the enactment of ordinances or regulations for motorized scooters; repealing 47 O.S. 2001, Section 1-133.1, which relates to minibikes; repealing 47 O.S. 2001, Section 1-136.2, which relates to electric-assisted bicycles; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 1-104, as amended by Section 1, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Section 1-104), is amended to read as follows:

Section 1-104. Bicycle and other human-powered cycles, Electric-assisted Bicycle, and Motorized Bicycle.

A. A bicycle is any device propelled solely by human power upon which any person or persons may ride, having a seat or saddle for the use of each rider and:

1. On a bicycle, two tandem wheels, either of which is twenty (20) inches or more in diameter;

2. On a tricycle, three wheels in any configuration, of which at least one is twenty (20) inches or more in diameter; or

3. On a quadcycle, four wheels in any configuration, of which at least two are twenty (20) inches or more in diameter.

~~B.~~ The wheel diameter provisions of this ~~section~~ subsection shall not apply to recumbent bicycles.

B. An electric-assisted bicycle is any bicycle with:

1. Two or three wheels;

2. Fully operative pedals for human propulsion and equipped with an electric motor:

- a. with a power output not to exceed one thousand (1,000) watts,
- b. incapable of propelling the device at a speed of more than twenty (20) miles per hour on level ground, and
- c. incapable of further increasing the speed of the device when human power alone is used to propel the device at a speed of twenty (20) miles per hour or more.

An electric-assisted bicycle shall meet the requirements of the Federal Motor Vehicle Safety Standards as set forth in federal regulations and shall operate in such a manner that the electric motor disengages or ceases to function when the brakes are applied.

C. A motorized bicycle is any bicycle having:

1. Fully operative pedals for propulsion by human power;

2. An automatic transmission; and

3. A combustion engine with a piston or rotor displacement of fifty cubic centimeters (50 cu cm) or less, regardless of the number of chambers in the engine, which is capable of propelling the bicycle at a maximum design speed of not more than thirty (30) miles per hour on level ground.

D. As used in this title, the term "bicycle" shall include tricycles, quadcycles, or similar human-powered devices, electric-assisted bicycles, and motorized bicycles unless otherwise specifically indicated.

SECTION 2. AMENDATORY Section 5, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Section 1-133.3), is amended to read as follows:

Section 1-133.3 ~~Motor~~ Motorized scooter or motorized skateboard.

A. A "motor motorized scooter" or "motorized skateboard" is any motor-driven cycle vehicle having the diameter of each wheel less than twelve (12) inches:

1. Not more than three wheels in contact with the ground;

2. Handlebars and a foot support or seat for the use of the operator;

3. A power source that is capable of propelling the vehicle at a maximum design speed of not more than twenty-five (25) miles per hour on level ground, and:

a. if the power source is a combustion engine, has a piston or rotor displacement of thirty-five cubic centimeters (35 cu cm) or less regardless of the number of chambers in the power source,

b. if the power source is electric, has a power output of not more than one thousand (1,000) watts.

B. For purposes of this section, an electric personal assistive mobility device, as defined in Section 1-114A of this title, bicycle, electric-assisted bicycle, or motorized bicycle, as defined in Section 1-104 of this title, shall not be considered a motorized scooter.

C. A motorized scooter shall not be required to be registered under the laws of this state. The operator of a motorized scooter shall not be required to possess a driver license or to comply with the vehicle insurance or financial responsibility laws of this state.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 1-135, is amended to read as follows:

Section 1-135. Motorcycle.

~~Every~~ A motorcycle is any motor vehicle having a:

1. A seat or saddle for the use of the each rider and designed to travel on not;

2. Not more than three wheels in contact with the ground, but excluding a tractor or a motorized bicycle; and

3. A combustion engine with a piston or rotor displacement of greater than one hundred fifty cubic centimeters (150 cu cm).

SECTION 4. AMENDATORY 47 O.S. 2001, Section 1-136, as amended by Section 7, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Section 1-136), is amended to read as follows:

Section 1-136. Motor-driven cycle.

~~A.~~ A motor-driven cycle is any motorcycle motor vehicle having:

1. Equipped with a motor of A power source that:

a. if the power source is a combustion engine, has a piston or rotor displacement of greater than thirty-five cubic centimeters (35 cu cm) but less than one hundred fifty (150) cubic centimeters which produces not to exceed five brake horsepower (150 cu cm) regardless of the number of chambers in the power source,

b. if the power source is electric, has a power output of greater than one thousand (1,000) watts; and

2. Designed to travel on not A seat or saddle for the use of each rider; and

3. Not more than three wheels in contact with the ground.

~~B. As used in this title, the term "motor-driven cycle" shall include, but not be limited to, minibikes, mopeds, gopeds, motor scooters, and motorized skateboards, unless otherwise specifically indicated.~~

SECTION 5. AMENDATORY 47 O.S. 2001, Section 6-101, as last amended by Section 2, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-101), is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Section 6-102 of this title, shall operate any motor vehicle upon a highway in this state unless the person has a valid Oklahoma driver license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time.

B. 1. No person shall operate a Class A commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class A commercial license, except as provided in paragraph 5 of this subsection. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C, and D, except as provided for in paragraph 4 of this subsection.

2. No person shall operate a Class B commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class B commercial license. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C, and D, except as provided for in paragraph 4 of this subsection.

3. No person shall operate a Class C commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class C commercial license. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection.

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F; provided, a person eighteen (18) years of age or older may be licensed to operate a farm vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F.

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by the Department:

- a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or
- b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. No person shall operate a Class D motor vehicle unless the person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. Any person issued a driver license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

D. No person shall operate a motorcycle, or motor-driven cycle, ~~or a motorized bicycle~~ without having a valid Class A, B, C, ~~or~~ D license with a motorcycle endorsement. Except as otherwise provided by law, any new applicant for an original driver license shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department of Public Safety to be eligible for a motorcycle endorsement thereon. The driving examination for a motorcycle may be waived by the Department of Public Safety upon verification that the person has completed a certified Motorcycle Safety Foundation rider course approved by the Department.

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement; provided, however, the Department may waive all such examinations until July 1, 2000, upon satisfactory proof that the applicant has regularly operated a motorcycle, or motor-driven cycle, ~~or motorized bicycle~~ for a minimum of two (2) years immediately preceding the application.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B, ~~or~~ C commercial license. The Department, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B, ~~or~~ C commercial license other than the driving examination, may issue to the applicant a restricted driver license which shall entitle the applicant having immediate possession of the license to operate a Class A, B, ~~or~~ C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This restricted driver license shall be issued for a period of not more than four (4) years; provided, such restricted license may be suspended, revoked, canceled, or denied at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application, or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a restricted license who has been issued a restricted license for a minimum of thirty (30) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not authorize the operation of a Class A, B, ~~or~~ C commercial motor vehicle if such operation is otherwise prohibited by law.

G. 1. The fee charged for an approved application for an original Oklahoma driver license or an approved application for the addition of an endorsement to a current valid Oklahoma driver license shall be assessed in accordance with the following schedule:

Class A Commercial License	\$25.00
Class B Commercial License	\$15.00
Class C Commercial License	\$15.00
Class D License	\$ 4.00
Motorcycle Endorsement	\$ 4.00

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the fees charged for Class A, B, and C commercial licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

H. The fee charged for any failed examination shall be Four Dollars (\$4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

I. 1. In addition to any fee charged pursuant to the provisions of subsection G of this section, the fee charged for the issuance or renewal of an Oklahoma license which is not in a computerized image format shall be in accordance with the following schedule:

Class A Commercial License	\$40.50
Class B Commercial License	\$40.50
Class C Commercial License	\$30.50
Class D License	\$20.50

Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to this paragraph:

- a. Five Dollars and fifty cents (\$5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 330.97 of Title 63 of the Oklahoma Statutes, and
- b. Five Dollars and seventy-five cents (\$5.75) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department.

2. In addition to any fee charged pursuant to the provisions of subsection G of this section, the fee charged for the issuance or renewal of an Oklahoma license which is in a computerized image format shall be in accordance with the following schedule:

Class A Commercial License	\$41.50
Class B Commercial License	\$41.50
Class C Commercial License	\$31.50

Class D License \$21.50

Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to the provisions of this paragraph:

- a. Five Dollars and fifty cents (\$5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 330.97 of Title 63 of the Oklahoma Statutes, and
- b. Six Dollars and seventy-five cents (\$6.75) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department.

J. All original and renewal driver licenses shall expire no more than four (4) years from the last day of the month in which the license was issued, as provided by law.

K. Any person sixty-two (62) years of age or older during the calendar year of issuance of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

Age 62	\$11.25
Age 63	\$ 7.50
Age 64	\$ 3.75
Age 65	-0-

L. The Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of Sections 6-101 through 6-309 of this title. Applications, upon forms approved by the Department of Public Safety, for such licenses shall be handled by the motor license agents; provided, the Department of Public Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for driver licenses shall receive Two Dollars (\$2.00) to be deducted from the total collected for each license or renewal application accepted. The two-dollar fee received by the motor license agent shall be used for operating expenses.

M. Notwithstanding the provisions of Section 1104 of this title and subsection L of this section and except as provided in subsections G and I of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited in the General Revenue Fund of the State Treasury.

The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in

excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section.

N. The Department of Public Safety shall implement a procedure whereby images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title are maintained by the Department to create photographs or computerized images which may be used only:

1. By a law enforcement agency for purposes of criminal investigations, missing person investigations, or any law enforcement purpose which is deemed necessary by the Commissioner of Public Safety;

2. By the driver licensing agency of another state for its official purpose; and

3. As provided in Section 2-110 of this title.

The computer system and related equipment acquired for this purpose must conform to industry standards for interoperability and open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

SECTION 6. AMENDATORY 47 O.S. 2001, Section 6-309, is amended to read as follows:

Section 6-309. Notwithstanding any other provision of law, any person who lawfully possesses a valid Oklahoma Class A, B or C commercial license shall be entitled to operate a Class D motor vehicle or motorcycle, or motor-driven cycle ~~or motorized bicycle~~ in accordance with the driver license granted and the endorsements thereon until the expiration of said license, except for any period of time in which the license has been canceled, suspended or revoked.

SECTION 7. AMENDATORY 47 O.S. 2001, Section 11-313, is amended to read as follows:

Section 11-313. The Department of ~~Highways~~ Transportation, the Oklahoma Transportation Authority, or local authorities may, with respect to any controlled-access roadway under their respective jurisdictions, prohibit the use of any such roadway by pedestrians, bicycles or other non-motorized traffic or by any person operating a motor-driven cycle. The Department of ~~Highways~~ Transportation, the Oklahoma Transportation Authority, or local authorities adopting any such prohibitory regulations shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

SECTION 8. AMENDATORY 47 O.S. 2001, Section 11-805, as amended by Section 13, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Section 11-805), is amended to read as follows:

Section 11-805. A. No person shall operate any motorcycle at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall an operator under the age of sixteen

(16) years drive a motorcycle on a highway which has a minimum speed limit established and posted.

B. No person shall operate any motor-driven cycle at a speed greater ~~then~~ than the legally posted speed limit; provided, in no event nor at any time shall any operator drive a motor-driven cycle at a speed greater than thirty-five (35) miles per hour.

C. No person shall operate a motorized scooter at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall any operator drive a motorized scooter:

1. At a speed greater than twenty-five (25) miles per hour; and

2. On any roadway with a posted speed limit of greater than twenty-five (25) miles per hour.

Any municipality or board of county commissioners is hereby authorized to adopt ordinances and regulations for the operation of motorized scooters as provided in Section 19 of this act.

SECTION 9. AMENDATORY 47 O.S. 2001, Section 19-201, as renumbered by Section 35, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2003, Section 11-805.2), is amended to read as follows:

Section 11-805.2 Notwithstanding any other provision of law, operators of electric-assisted bicycles, as defined in Section ~~±~~ 1-104 of this ~~act~~ title, shall:

1. Possess a Class A, B, C or D license, but shall be exempt from a motorcycle endorsement;

2. Not be subject to motor vehicle liability insurance requirements only as they pertain to the operation of electric-assisted bicycles;

3. Be authorized to operate an electric-assisted bicycle wherever bicycles are authorized to be operated;

4. Be prohibited from operating an electric-assisted bicycle wherever bicycles are prohibited from operating; and

5. Wear a properly fitted and fastened bicycle helmet which meets the standards of the American National Standards Institute or the Snell Memorial Foundation Standards for protective headgear for use in bicycling, provided such operator is eighteen (18) years of age or less.

SECTION 10. AMENDATORY 47 O.S. 2001, Section 11-1103, as amended by Section 15, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Section 11-1103), is amended to read as follows:

Section 11-1103. A. No person under the age of sixteen (16) years shall drive a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or an electric-assisted bicycle on any highway of this state while transporting any other person.

B. The operator of a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle who has attained the age of sixteen (16) years or older may carry a

passenger if the vehicle has a wheel diameter of twelve (12) inches or greater and is factory-designed and equipped with either:

1. A double seating device with double foot rests; or

2. A sidecar attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of said sidecar.

C. No rider of a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle shall hold to any moving vehicle for the purpose of being propelled.

D. No driver of a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle shall pass other vehicles between lanes of traffic traveling in the same direction. This subsection shall not apply to the operator of an authorized emergency vehicle.

SECTION 11. AMENDATORY 47 O.S. 2001, Section 11-1201, is amended to read as follows:

Section 11-1201. ~~(a) A.~~ A. It is a misdemeanor and punishable by a fine of not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00) for any person to do any act forbidden or fail to perform any act required in this article. A conviction for the violation of any offense in this article shall not be recorded on the driving record of the person.

~~(b) B.~~ B. The parent or legal guardian of any child and or the guardian of any ward shall not authorize or knowingly permit any ~~such~~ child or ward to violate any of the provisions of this article.

~~(c) These regulations applicable to bicycles~~ C. Except as otherwise provided, the provisions of this article shall apply whenever a bicycle or motorized scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein or motorized scooters.

SECTION 12. AMENDATORY 47 O.S. 2001, Section 11-1202, is amended to read as follows:

Section 11-1202. Every person riding a bicycle or motorized scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ~~act~~ title, except as to special regulations in this article and except to those provisions of this ~~act~~ title which by their nature can have no application.

SECTION 13. AMENDATORY 47 O.S. 2001, Section 11-1203, is amended to read as follows:

Section 11-1203. ~~(a) A.~~ A. A person ~~propelling~~ operating a bicycle shall ~~not ride other than~~ upon or astride a permanent and regular attached seat ~~attached thereto~~.

~~(b) B.~~ B. No bicycle or motorized scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

SECTION 14. AMENDATORY 47 O.S. 2001, Section 11-1204, is amended to read as follows:

Section 11-1204. No person riding upon any bicycle, motorized scooter, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

SECTION 15. AMENDATORY 47 O.S. 2001, Section 11-1205, as amended by Section 16, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Section 11-1205), is amended to read as follows:

Section 11-1205. A. Every person operating a bicycle or motorized scooter upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near as practicable to the ~~right side~~ right-hand curb or edge of the roadway as practicable, except under any of the following situations:

1. When overtaking and passing another vehicle proceeding in the same direction;

2. When preparing for a left turn at an intersection or into a private road or driveway;

3. When reasonably necessary to avoid conditions and while exercising due care ~~when passing a standing vehicle or one proceeding in the same direction~~, including but not limited to:

a. fixed or moving objects,

b. parked or moving vehicles,

c. pedestrians or animals,

d. surface hazards, or

e. any time it is unsafe to continue along the right-hand curb or edge of the roadway; and

4. When riding in the right-turn-only lane.

B. Any person riding a bicycle or motorized scooter upon a one-way street or highway with two or more marked lanes of travel may ride as near as practicable to the left-hand curb or edge of the street or highway.

C. No person operating a bicycle or motorized scooter shall pass other vehicles between lanes of traffic traveling in the same direction.

~~C.~~ D. Persons riding bicycles or motorized scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or motorized scooters. Persons riding two abreast shall not impede the normal and reasonable flow of traffic and, on a laned roadway, shall ride within a single lane.

~~D.~~ E. Wherever a usable path for bicycles or motorized scooters has been provided adjacent to a roadway, bicycle or motorized

scooter riders shall use ~~such~~ the path and shall not use the roadway if required by local, municipal or county ordinances.

SECTION 16. AMENDATORY 47 O.S. 2001, Section 11-1206, is amended to read as follows:

Section 11-1206. No person operating a bicycle or motorized scooter shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

SECTION 17. AMENDATORY Section 68, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Section 12-601), is amended to read as follows:

Section 12-601. A. Every motorcycle of the model year 1978 or later operating upon a highway within this state shall display at all times:

1. A lighted headlamp or headlamps; and
2. Any other illuminating devices, if manufactured to be displayed at all times.

This subsection shall not apply to motorcycles used in official law enforcement capacities.

B. The provisions of subsections A, C and D of Section 12-201 of Title 47 of the Oklahoma Statutes shall apply to motorcycles; provided, however, notwithstanding the provisions of subsection E of Section 12-201 of Title 47 of the Oklahoma Statutes, a motorcycle may be equipped with a motorcycle headlamp modulation system as authorized by 49 C.F.R., Section 571.108, S7.9.4.

C. As used in Chapter 12 of ~~Title 47 of the Oklahoma Statutes~~ this title, "motorcycle" shall include, unless otherwise specifically indicated, motorcycles, and motor-driven cycles, ~~mopeds, motorized bicycles, and electric-assisted bicycles,~~ as those terms are defined in Chapter 1 of this title.

SECTION 18. AMENDATORY Section 47, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Section 12-701), is amended to read as follows:

Section 12-701. No provision in this chapter shall apply to bicycles or to equipment for use on bicycles except as to provisions in this article or unless a provision has been made specifically applicable to bicyclists, bicycles or their equipment. As used in Chapter 12 of this title, "bicycle" shall include, unless otherwise specifically indicated, bicycles, mopeds, motorized bicycles, and electric-assisted bicycles, as those terms are defined in Chapter 1 of this title.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 15-114 of Title 47, unless there is created a duplication in numbering, reads as follows:

Any municipal governing body or board of county commissioners may enact ordinances or regulations governing the operation of motorized scooters upon the roads, streets, alleys, bridges,

sidewalks, or other places within its respective jurisdiction in the manner provided by and not inconsistent with, state law.

SECTION 20. REPEALER 47 O.S. 2001, Section 1-133.1, is hereby repealed.

SECTION 21. REPEALER 47 O.S. 2001, Section 1-136.2, is hereby repealed.

SECTION 22. This act shall become effective November 1, 2004.

Passed the House of Representatives the 25th day of May, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 27th day of May, 2004.

Presiding Officer of the Senate