

1 ENGROSSED HOUSE
2 BILL NO. 1606

By: Shannon and Roan of the
House

3 and

4 Coates of the Senate

5
6
7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 11-202, which relates to traffic
9 control signals; authorizing drivers of motorcycles
10 and bicycles to proceed through certain
11 intersections; providing that certain actions do not
12 constitute a defense; amending 47 O.S. 2001, Section
1102, as last amended by Section 2, Chapter 295,
O.S.L. 2006 (47 O.S. Supp. 2006, Section 1102), which
relates to definitions used in the Oklahoma Vehicle
License and Registration Act; modifying certain
definition; and providing an effective date.

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

16 SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-202, is
17 amended to read as follows:

18 Section 11-202. Whenever traffic is controlled by traffic-
19 control signals exhibiting different colored lights or colored
20 lighted arrows successively one at a time, or in combination, only
21 the colors green, red and yellow shall be used, except for special
22 pedestrian signals carrying a word legend, and said lights shall
23 indicate and apply to drivers of vehicles and pedestrians as
24 follows:

1 1. Green indication:

2 a. Vehicular traffic facing a circular green signal,
3 except when prohibited under Section 11-1302 of this
4 title, may proceed straight through or turn right or
5 left unless a sign at such place prohibits either such
6 turn. But vehicular traffic, including vehicles
7 turning right or left, shall yield the right-of-way to
8 other vehicles and to pedestrians lawfully within the
9 intersection or an adjacent crosswalk at the time such
10 signal is exhibited.

11 b. Vehicular traffic facing a green arrow signal, shown
12 alone or in combination with another indication, may
13 cautiously enter the intersection only to make the
14 movement indicated by such arrow, or such other
15 movement as is permitted by other indications shown at
16 the same time. Such vehicular traffic shall yield the
17 right-of-way to pedestrians lawfully within an
18 adjacent crosswalk and to other traffic lawfully using
19 the intersection.

20 c. Unless otherwise directed by a pedestrian-control
21 signal, as provided in Section 11-203 of this title,
22 pedestrians facing any green signal, except when the
23 sole green signal is a turn arrow, may proceed across
24 the roadway within any marked or unmarked crosswalk.

1 2. Steady yellow indication:

2 a. Vehicular traffic facing a steady circular yellow or
3 yellow arrow signal is thereby warned that the
4 related green movement is being terminated or that a
5 red indication will be exhibited immediately
6 thereafter.

7 b. Pedestrians facing a steady circular yellow or yellow
8 arrow signal, unless otherwise directed by a
9 pedestrian control signal as provided in Section
10 11-203 of this title, are thereby advised that there
11 is insufficient time to cross the roadway before a
12 red indication is shown, and no pedestrian shall then
13 start to cross the roadway.

14 3. Steady red indication:

15 a. Vehicular traffic facing a steady circular red signal
16 alone shall stop at a clearly marked stop line, but if
17 none, before entering the crosswalk on the near side
18 of the intersection or, if none, then before entering
19 the intersection and shall remain standing until an
20 indication to proceed is shown except as provided in
21 ~~paragraph 3b~~ subparagraphs b and d of this section
22 paragraph.

23 b. Except when a sign is in place prohibiting a turn,
24 vehicular traffic facing any steady red signal may

1 cautiously enter the intersection to turn right or to
2 turn left from a one-way street into a one-way street
3 after stopping as required by ~~paragraph 3a~~
4 subparagraph a of this ~~section~~ paragraph. Such
5 vehicular traffic shall yield the right-of-way to
6 pedestrians lawfully within an adjacent crosswalk and
7 to other traffic lawfully using the intersection.

8 c. In order to prohibit right turns or left turns as
9 prescribed in ~~paragraph 3b~~ subparagraph b of this
10 ~~section~~ paragraph on the red signal after the required
11 stop, a municipality must erect clear, concise signs
12 informing drivers that such turns are prohibited. The
13 Highway Department shall specify the design of the
14 sign to be used for this purpose, and it shall be used
15 uniformly throughout the state.

16 d. Notwithstanding any other provision of law, the driver
17 of a motorcycle or bicycle facing any steady red
18 signal may cautiously proceed through the intersection
19 only if:

20 (1) the motorcycle or bicycle has been brought to a
21 complete stop as required by subparagraph a of
22 this paragraph,

23 (2) the traffic control signal is programmed or
24 engineered to change to a green signal only after

1 detecting the approach of a motor vehicle and has
2 failed to detect the arrival of the motorcycle or
3 bicycle because of its size or weight, and
4 (3) no motor vehicle or person is approaching on the
5 roadway to be crossed or entered, or is at a
6 distance from the intersection that does not
7 constitute an immediate hazard.

8 It shall not be a defense to a violation of
9 subparagraph a of this paragraph that the driver of a
10 motorcycle or bicycle proceeded under the belief that
11 a traffic control signal was programmed or engineered
12 to change to a green light only after detecting the
13 approach of a vehicle when such signal was not in fact
14 programmed or engineered in such a way, or that such a
15 signal was not in fact inoperative due to the size or
16 weight of the motorcycle or bicycle.

17 e. Unless otherwise directed by a pedestrian control
18 signal as provided in Section 11-203 of this title,
19 pedestrians facing a steady circular red signal alone
20 shall not enter the roadway.

21 In the event an official traffic control signal is erected and
22 maintained at a place other than an intersection, the provisions of
23 this section shall be applicable except as to those provisions which
24 by their nature can have no application. Any stop required shall be

1 made at a sign or marking on the pavement indicating where the stop
2 shall be made, but in the absence of any such sign or marking the
3 stop shall be made at the signal.

4 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1102, as
5 last amended by Section 2, Chapter 295, O.S.L. 2006 (47 O.S. Supp.
6 2006, Section 1102), is amended to read as follows:

7 Section 1102. As used in the Oklahoma Vehicle License and
8 Registration Act:

9 1. "All-terrain vehicle" means a motorized vehicle manufactured
10 and used exclusively for off-highway use which is ~~sixty (60)~~ forty-
11 eight (48) inches or less in width, with an unladen dry weight of
12 ~~one thousand five hundred (1,500)~~ eight hundred (800) pounds or
13 less, traveling on two or more low-pressure tires, and having a seat
14 designed to be straddled by the operator and handlebars for
15 steering;

16 2. "Carrying capacity" means the carrying capacity of a vehicle
17 as determined or declared in tons of cargo or payload by the owner;
18 provided, that such declared capacity shall not be less than the
19 minimum tonnage capacity fixed, listed or advertised by the
20 manufacturer of any vehicle;

21 3. "Certificate of title" means a document which is proof of
22 legal ownership of a motor vehicle as described and provided for in
23 Section 1105 of this title;

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1 4. "Chips and oil" or the term "road oil and crushed rock"
2 means, with respect to materials authorized for use in the surfacing
3 of roads or highways in this title or in any equivalent statute
4 pertaining to road or highway surfacing in the State of Oklahoma,
5 any asphaltic materials. Wherever chips and oil or road oil and
6 crushed rock are authorized for use in the surfacing of roads or
7 highways in this state, whether by the Department of Transportation,
8 or by the county commissioners, or other road building authority
9 subject to the Oklahoma Vehicle License and Registration Act,
10 asphaltic materials are also authorized for use in such surfacing
11 and construction;

12 5. "Combined laden weight" means the weight of a truck or
13 station wagon and its cargo or payload transported thereon, or the
14 weight of a truck or truck-tractor plus the weight of any trailers
15 or semitrailers together with the cargo or payload transported
16 thereon;

17 6. "Commercial trailer" means any trailer, as defined in
18 Section 1-180 of this title, or semitrailer, as defined in Section
19 1-162 of this title, when such trailer or semitrailer is used
20 primarily for business or commercial purposes;

21 7. "Commercial trailer dealer" means any person, firm or
22 corporation engaged in the business of selling any new and unused,
23 or used, or both new and used commercial trailers;

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1 8. "Commercial vehicle" means any vehicle over eight thousand
2 (8,000) pounds combined laden weight used primarily for business or
3 commercial purposes. Each motor vehicle being registered pursuant
4 to the provisions of this section shall have the name of the
5 commercial establishment or the words "Commercial Vehicle"
6 permanently and prominently displayed upon the outside of the
7 vehicle in letters not less than two (2) inches high. Such letters
8 shall be in sharp contrast to the background and shall be of
9 sufficient shape and color as to be readily legible during daylight
10 hours, from a distance of fifty (50) feet while the vehicle is not
11 in motion;

12 9. "Commission" or "Tax Commission" means the Oklahoma Tax
13 Commission;

14 10. "Dealer" means any person, firm, association, corporation
15 or trust who sells, solicits or advertises the sale of new and
16 unused motor vehicles and holds a bona fide contract or franchise in
17 effect with a manufacturer or distributor of a particular make of
18 new or unused motor vehicle or vehicles for the sale of same;

19 11. "Interstate commerce" means any commerce moving between any
20 place in a state and any place in another state or between places in
21 the same state through another state;

22 12. "Laden weight" means the combined weight of a vehicle when
23 fully equipped for use and the cargo or payload transported thereon;
24 provided that in no event shall the laden weight be less than the

1 unladen weight of the vehicle fully equipped for use, plus the
2 manufacturer's rated carrying capacity;

3 13. "Local authorities" means every county, municipality or
4 local board or body having authority to adopt police regulations
5 under the Constitution and laws of this state;

6 14. "Low-speed electrical vehicle" means any four-wheeled
7 electrical vehicle that is powered by an electric motor that draws
8 current from rechargeable storage batteries or other sources of
9 electrical current and whose top speed is greater than twenty (20)
10 miles per hour but not greater than twenty-five (25) miles per hour
11 and is manufactured in compliance with the National Highway Traffic
12 Safety Administration standards for low-speed vehicles in 49 C.F.R.
13 571.500;

14 15. "Manufactured home" means a residential dwelling built in
15 accordance with the National Manufactured Housing Construction and
16 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and
17 rules promulgated pursuant thereto and the rules promulgated by the
18 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section
19 582 of this title;

20 16. "Manufactured home dealer" means any person, firm or
21 corporation engaged in the business of selling any new and unused,
22 or used, or both new and used manufactured homes. Such information
23 and a valid franchise letter as proof of authorization to sell any
24 such new manufactured home product line or lines shall be attached

1 to said application for a dealer license to sell manufactured homes.
2 "Manufactured home dealer" shall not include any person, firm or
3 corporation who sells or contracts for the sale of the dealer's own
4 personally titled manufactured home or homes. No person, firm or
5 corporation shall be considered a manufactured home dealer as to any
6 manufactured home purchased or acquired by such person, firm or
7 corporation for purposes other than resale; provided, that the
8 restriction set forth in this sentence shall not prevent an
9 otherwise qualified person, firm or corporation from utilizing a
10 single manufactured home as a sales office;

11 17. "Motor license agent" means any person appointed,
12 designated or authorized by the Oklahoma Tax Commission to collect
13 the fees and to enforce the provisions provided for in the Oklahoma
14 Vehicle License and Registration Act;

15 18. "New vehicle" or "unused vehicle" means a vehicle which has
16 been in the possession of the manufacturer, distributor or
17 wholesaler or has been sold only by the manufacturer, distributor or
18 wholesaler to a dealer;

19 19. "Nonresident" means any person who is not a resident of
20 this state;

21 20. "Off-road motorcycle" means any motorcycle, as defined in
22 Section 1-135 of this title, when such motorcycle has been
23 manufactured for and used exclusively off roads, highways and any
24 other paved surfaces;

1 21. "Owner" means any person owning, operating or possessing
2 any vehicle herein defined;

3 22. "Person" means any individual, copartner, joint venture,
4 association, corporation, limited liability company, estate, trust,
5 business trust, syndicate, the State of Oklahoma, or any county,
6 city, municipality, school district or other political subdivision
7 thereof, or any group or combination acting as a unit, or any
8 receiver appointed by the state or federal court;

9 23. "Recreational vehicle" means every vehicle which is built
10 on or permanently attached to a self-propelled motor chassis or
11 chassis cab which becomes an integral part of the completed vehicle
12 and is capable of being operated on the highways. In order to
13 qualify as a recreational vehicle pursuant to this paragraph such
14 vehicle shall be permanently constructed and equipped for human
15 habitation, having its own sleeping and kitchen facilities,
16 including permanently affixed cooking facilities, water tanks and
17 holding tank with permanent toilet facilities. Recreational vehicle
18 shall not include manufactured homes or any vehicle with portable
19 sleeping, toilet and kitchen facilities which are designed to be
20 removed from such vehicle;

21 24. "Remanufactured vehicle" means a vehicle which has been
22 assembled by a vehicle remanufacturer using a new body and which may
23 include original, reconditioned, or remanufactured parts, and which
24 is not a salvage, rebuilt, or junked vehicle as defined by

1 paragraphs 1, 2, and 5, respectively, of subsection A of Section
2 1105 of this title;

3 25. "Rental trailer" means all small or utility trailers or
4 semitrailers constructed and suitable for towing by a passenger
5 automobile and designed only for carrying property, when said
6 trailers or semitrailers are owned by, or are in the possession of,
7 any person engaged in renting or leasing such trailers or
8 semitrailers for intrastate or interstate use or combined intrastate
9 and interstate use;

10 26. "Special mobilized machinery" means special purpose
11 machines or devices, either self-propelled or drawn as trailers or
12 semitrailers, which derive no revenue from the transportation of
13 persons or property, whose use of the highway is only incidental,
14 and whose useful revenue producing service is performed at
15 destinations in an area away from the traveled surface of an
16 established open highway;

17 27. "State" means the State of Oklahoma;

18 28. "Station wagon" means any passenger vehicle which does not
19 have a separate luggage compartment or trunk and which does not have
20 open beds, and has one or more rear seats readily lifted out or
21 folded, whether same is called a station wagon or ranch wagon;

22 29. "Travel trailer" means any vehicular portable structure
23 built on a chassis, used as a temporary dwelling for travel,
24 recreational or vacation use, and, when factory-equipped for the

1 road, it shall have a body width not exceeding eight (8) feet and an
2 overall length not exceeding forty (40) feet, including the hitch or
3 coupling;

4 30. "Travel trailer dealer" means any person, firm or
5 corporation engaged in the business of selling any new and unused,
6 or used, or both new and used travel trailers. Such information and
7 a valid franchise letter as proof of authorization to sell any such
8 new travel trailer product line or lines shall be attached to said
9 application for a dealer license to sell travel trailers. "Travel
10 trailer dealer" shall not include any person, firm or corporation
11 who sells or contracts for the sale of his or her own personally
12 titled travel trailer or trailers. No person, firm or corporation
13 shall be considered as a travel trailer dealer as to any travel
14 trailer purchased or acquired by such person, firm or corporation
15 for purposes other than resale;

16 31. "Used motor vehicle dealer" means "used motor vehicle
17 dealer" as defined in Section 581 of this title;

18 32. "Used vehicle" means any vehicle which has been sold,
19 bargained, exchanged or given away, or used to the extent that it
20 has become what is commonly known, and generally recognized, as a
21 "secondhand" vehicle. This shall also include any vehicle other
22 than a remanufactured vehicle, regardless of age, owned by any
23 person who is not a dealer;

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1 33. "Vehicle" means any type of conveyance or device in, upon
2 or by which a person or property is or may be transported from one
3 location to another upon the avenues of public access within the
4 state. "Vehicle" does not include bicycles, trailers except travel
5 trailers and rental trailers, or implements of husbandry as defined
6 in Section 1-125 of this title. All implements of husbandry used as
7 conveyances shall be required to display the owner's driver's
8 license number or license plate number of any vehicle owned by the
9 owner of the implement of husbandry on the rear of the implement in
10 numbers not less than two (2) inches in height. The use of the
11 owner's social security number on the rear of the implement of
12 husbandry shall not be required; and

13 34. "Vehicle remanufacturer" means a commercial entity which
14 assembles remanufactured vehicles.

15 SECTION 3. This act shall become effective November 1, 2007.

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1 Passed the House of Representatives the 5th day of March, 2007.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2007.

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9 Presiding Officer of the Senate