

ENROLLED SENATE
BILL NO. 2086

By: Laughlin of the Senate

and

Hickman, Luttrell, Sherrer,
Hoskin and Kiesel of the
House

An Act relating to motor vehicles; amending Section 16, Chapter 418, O.S.L. 2004 (47 O.S. Supp. 2007, Section 11-1116), as amended by Section 3 of Enrolled Senate Bill No. 1793 of the 2nd Session of the 51st Oklahoma Legislature, which relates to operation of certain vehicles on streets and highways; allowing operation of all-terrain vehicles on streets and highways within municipality; expanding hours of operation; amending 47 O.S. 2001, Section 12-217, as amended by Section 34, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2007, Section 12-217), which relates to auxiliary motor vehicle lamps; providing for optional use of certain auxiliary lamps with low beams; providing for switch control of certain auxiliary lamps in conjunction with headlamps; providing for discretionary use of certain auxiliary lamps with low or high beams; and providing an effective date.

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

SECTION 1. AMENDATORY Section 16, Chapter 418, O.S.L. 2004 (47 O.S. Supp. 2007, Section 11-1116), as amended by Section 3 of Enrolled Senate Bill No. 1793 of the 2nd Session of the 51st Oklahoma Legislature, is amended to read as follows:

Section 11-1116. A. The self-propelled or motor-driven and operated vehicles described in this section shall be prohibited from operating or shall be limited in operation on the streets and highways of this state.

B. Self-propelled or motor-driven cycles, known and commonly referred to as "minibikes" and other similar trade names, shall be prohibited from operating on the streets and highways of this state, except:

1. When used in a parade; or

2. When registered, as required by subsection E of Section 1151 of this title, and operated in this state by food vendor services upon streets having a speed limit of thirty (30) miles per hour or less.

All minibikes offered for sale in this state shall bear the following notice to the customer: "This machine is not manufactured or sold for operation on the public streets or highways. Since it is not provided with equipment required by law for street or highway use, all persons are cautioned that any operation of this vehicle upon a public street or highway will be in violation of the motor vehicle laws of this state and will subject the violator to arrest."

C. Golf carts shall not be operated on the streets and highways of this state except:

1. Golf carts owned by the Oklahoma Tourism and Recreation Department, and operated by employees or agents of the Department or employees of independent management companies working on behalf of the Department, may be operated on the streets and highways of this state during daylight hours or under rules developed by the Oklahoma Tourism and Recreation Commission, when the streets and highways are located within the boundaries of a state park. The Department shall have warning signs placed at the entrance and other locations at those state parks allowing golf carts to be operated on the streets and highways of this state located within the boundaries of those state parks. The warning signs shall state that golf carts may be operating on streets and highways and that motor vehicle operators

shall take special precautions to be alert for the presence of golf carts on the streets and highways;

2. The municipal governing body has adopted an ordinance governing the operation of golf carts on city streets, and the operation occurs during daylight hours only;

3. Golf carts may operate on state highways only if making a perpendicular crossing of a state highway located within the boundaries of a municipality which has adopted an ordinance governing the operation of golf carts; or

4. The board of county commissioners of a county has approved the operation of golf cart traffic on roadways within the county, and:

- a. the roadway has a posted speed limit of twenty-five (25) miles per hour or less,
- b. the roadway is located in an unincorporated area, and
- c. appropriate signage, cautioning motorists of the possibility of golf cart traffic, is erected by the board of county commissioners.

D. All-terrain vehicles and utility vehicles shall not be operated on the streets and highways of this state, except:

1. On unpaved roads which are located within the boundaries of any property of the Forest Service of the United States Department of Agriculture;

2. On public streets and highways if:

- a. the vehicle needs to make a direct crossing of the street or highway while the vehicle is traveling upon a regularly traveled trail and needs to continue travel from one area of the trail to another and, if the vehicle comes to a complete stop, yields the right-of-way to all oncoming traffic that constitutes an immediate hazard, and crosses the street or highway at an angle of approximately ninety (90) degrees to

the direction of the street or highway. This exception shall not apply to divided highways or streets or highways with a posted speed limit of more than thirty-five (35) miles per hour in the area of the crossing,

- b. the vehicle needs to travel on a public street or highway in order to cross a railroad track. In that event, the all-terrain vehicle or utility vehicle may travel for not more than three hundred (300) feet on a public street or highway to cross a railroad track,
- c. the operator of the all-terrain vehicle or utility vehicle making the crossing at a street or highway has a valid driver license, and
- d. the operator of the vehicle makes a crossing on a street or highway during daylight hours only;

3. All-terrain vehicles or utility vehicles may be operated on ~~city~~ streets and highways within a municipality if:

- ~~a.~~ the municipal governing body has adopted an ordinance governing the operation of golf carts, utility vehicles or all-terrain vehicles on ~~city~~ streets, and
- ~~b.~~ ~~operation occurs during daylight hours only~~ highways within the municipality.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 12-217, as amended by Section 34, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2007, Section 12-217), is amended to read as follows:

Section 12-217. A. As used in this article:

1. "Auxiliary driving lamp" means a lamp mounted to provide illumination to the front of a motor vehicle;

2. "Daytime running lamp" means a lamp mounted to provide illumination to the front of a motor vehicle that will assist to identify its presence to other vehicles and pedestrians at times

other than those specified in subsection B of Section 12-201 of this title;

3. "Front fog lamp" means a lamp mounted to provide illumination to the front of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

4. "Rear fog lamp" means a lamp mounted to provide illumination to the rear of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

5. "Off-road lamp" means any lamp designed and manufactured solely for off-road use; and

6. "Spot lamp" means a movable lamp which emits a brilliant light with a focused beam for examining objects, street address numbers, and other things alongside the road.

B. Any motor vehicle may be equipped with not to exceed two spot lamps which shall not be used in substitution of headlamps.

C. The operator of any motor vehicle:

1. Which has in use a spot lamp shall, upon the approach of another vehicle from any direction within one thousand (1,000) feet, immediately turn said spot lamp off;

2. Shall not use or turn on a spot lamp when approaching or following another motor vehicle within one thousand (1,000) feet; and

3. Shall not use or turn on a spot lamp to cause a vehicle to yield right-of-way or stop.

The provisions of this subsection shall not apply to operators of authorized emergency vehicles.

D. 1. A motor vehicle may be equipped with not to exceed two front fog lamps or two rear fog lamps which shall only be used when visibility, as described in paragraphs 3 and 4 of subsection A of this section, is limited to one-half (1/2) mile or less.

2. Front fog lamps shall be mounted on the same level on opposite sides of the front of the vehicle at or below the level of the headlamps. Front fog lamps may be used with lower beam headlamps or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam headlamps. Front fog lamps shall not be used in substitution of headlamps, when headlamps are required.

E. A motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted at a height of more than forty-two (42) inches from the ground. ~~The auxiliary driving lamp or lamps shall only may be used in combination with and to supplement the lawful upper with lower beam of the headlamps and shall not be used alone or with the lawful lower beam of~~ or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam headlamps.

F. Every fog lamp or auxiliary driving lamp used upon a motor vehicle shall be so adjusted and aimed that no part of the high intensity portion of the beam shall, at a distance of twenty-five (25) feet, rise above the horizontal plane passing through the center of the lamp.

G. Notwithstanding any other provision of law, a vehicle may be equipped with off-road lamps for use as headlamps while the vehicle is operated or driven off of a highway. The lamps shall be:

1. Mounted at a height of not less than forty-two (42) inches from the ground;

2. Wired independently of all other lighting; and

3. Turned off whenever the vehicle is operated or driven upon a highway.

H. 1. A motor vehicle may be equipped with not to exceed two daytime running lamps which conform to 49 C.F.R., Section 571.108, S5.5.11.

2. Daytime running lamps shall not be used in substitution of headlamps.

3. Daytime running lamps shall be mounted on the front of a motor vehicle and shall be wired to be:

- a. automatically activated when the vehicle is started, and
- b. automatically deactivated when the headlamp control is in any "on" position.

SECTION 3. This act shall become effective November 1, 2008.

Passed the Senate the 21st day of May, 2008.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2008.

Presiding Officer of the House
of Representatives