

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1944

By: Lerblance

4  
5 AS INTRODUCED

6 An Act relating to motor vehicles; amending 47 O.S.  
7 2001, Sections 12-217, as amended by Section 34,  
8 Chapter 411, O.S.L. 2003, and 12-601, as last amended  
9 by Section 15, Chapter 50, O.S.L. 2005 (47 O.S. Supp.  
10 2007, Sections 12-217 and 12-601), which relate to  
11 motor vehicle auxiliary lamps and motorcycle  
12 headlamps; providing certain exception for display of  
13 auxiliary lamps; requiring certain display of  
14 motorcycle daytime running lamps; and providing an  
15 effective date.

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

17 SECTION 1. AMENDATORY 47 O.S. 2001, Section 12-217, as  
18 amended by Section 34, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2007,  
19 Section 12-217), is amended to read as follows:

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

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

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

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

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

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

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

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

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

16 C. The operator of any motor vehicle:

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

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

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

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

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

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

14 E. A motor vehicle may be equipped with not to exceed two  
15 auxiliary driving lamps mounted at a height of more than forty-two  
16 (42) inches from the ground. The auxiliary driving lamp or lamps  
17 shall only be used in combination with and to supplement the lawful  
18 upper beam of the headlamps and shall not be used alone or with the  
19 lawful lower beam of headlamps; provided, daytime running lamps  
20 shall be displayed on motorcycles pursuant to Section 12-601 of this  
21 title.

22 F. Every fog lamp or auxiliary driving lamp used upon a motor  
23 vehicle shall be so adjusted and aimed that no part of the high  
24 intensity portion of the beam shall, at a distance of twenty-five

1 (25) feet, rise above the horizontal plane passing through the  
2 center of the lamp.

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

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

8 2. Wired independently of all other lighting; and

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

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

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

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

18 a. automatically activated when the vehicle is started,  
19 and

20 b. automatically deactivated when the headlamp control is  
21 in any "on" position.

22 SECTION 2. AMENDATORY 47 O.S. 2001, Section 12-601, as  
23 last amended by Section 15, Chapter 50, O.S.L. 2005 (47 O.S. Supp.  
24 2007, Section 12-601), is amended to read as follows:

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

4 1. A lighted headlamp or headlamps; ~~and~~

5 2. Any other illuminating devices, if manufactured to be  
6 displayed at all times; and

7 3. Other than those times specified in subsection B of Section  
8 12-201 of this title, daytime running lamps as defined by Section  
9 12-217 of this title only in combination with and to supplement the  
10 lawful lower beam of the headlamp or headlamps.

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

13 B. The provisions of subsections A, C and D of Section 12-201  
14 of this title shall apply to motorcycles; provided, however,  
15 notwithstanding the provisions of subsection E of Section 12-201 of  
16 this title, a motorcycle may be equipped with a motorcycle headlamp  
17 modulation system as authorized by 49 C.F.R., Section 571.108,  
18 S7.9.4.

19 C. As used in Chapter 12 of this title, "motorcycle" shall  
20 include, unless otherwise specifically indicated, motorcycles and  
21 motor-driven cycles as those terms are defined in Chapter 1 of this  
22 title.

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

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