

ENROLLED HOUSE
BILL NO. 2322

By: Roan of the House

and

Ellis of the Senate

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 1-107.4, as last amended by Section 1, Chapter 388, O.S.L. 2009 and 1-135, as amended by Section 3, Chapter 521, O.S.L. 2004 (47 O.S. Supp. 2009, Sections 1-107.4 and 1-135), which relate to definitions of vehicles and motorcycles; clarifying scope of definitions; creating the Casey Lewis Act; amending 47 O.S. 2001, Section 11-402, which relates to left turns at intersections; modifying circumstances in which a driver must yield; providing for noncodification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 1-107.4, as last amended by Section 1, Chapter 388, O.S.L. 2009 (47 O.S. Supp. 2009, Section 1-107.4), is amended to read as follows:

Section 1-107.4

CLASS D MOTOR VEHICLE

A. A Class D motor vehicle is any motor vehicle or combination of vehicles which:

1. Regardless of weight:

a. is marked and used as an authorized emergency vehicle, as defined in Section 1-103 of this title, or

b. is designed and used solely as a recreational vehicle;

2. Is a single or combination vehicle with a gross combined weight rating of less than twenty-six thousand one (26,001) pounds;

3. Is a single or combination farm vehicle with a gross combined weight rating of more than twenty-six thousand one (26,001) pounds if:

- a. it is entitled to be registered with a farm tag and has a farm tag attached thereto,
- b. it is controlled and operated by a farmer, his or her family or employees,
- c. it is used to transport either agricultural products, farm machinery, farm supplies or any combination of those materials to or from a farm,
- d. it is not used in the operations of a common or contract motor carrier, and
- e. it is used within one hundred fifty (150) air miles of the person's farm or as otherwise provided by federal law; or

4. Is operated by a licensed driver employed by a unit of local government that operates a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:

- a. the properly licensed employee who ordinarily operates a commercial vehicle for these purposes is unable to operate the vehicle, or
- b. the employing governmental entity determines that a snow or ice emergency requires additional assistance.

B. A Class D Motor Vehicle shall not include any vehicle which is:

1. Designed to carry sixteen or more passengers, including the driver; or

2. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; provided, a farm vehicle, as defined in

paragraph 3 of subsection A of this section, which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, shall be considered to be a Class D motor vehicle.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 1-135, as amended by Section 3, Chapter 521, O.S.L. 2004 (47 O.S. Supp. 2009, Section 1-135), is amended to read as follows:

Section 1-135. Motorcycle.

A motorcycle is any motor vehicle having:

1. A seat or saddle for the use of each rider;
2. Not more than three wheels in contact with the ground, but excluding a tractor; and
3. A combustion engine with a piston or rotor displacement of ~~greater than~~ one hundred fifty cubic centimeters (150 cu cm) or greater.

SECTION 3. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Casey Lewis Act".

SECTION 4. AMENDATORY 47 O.S. 2001, Section 11-402, is amended to read as follows:

Section 11-402. The driver of a vehicle ~~within an intersection~~ intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is ~~within the intersection or so close thereto when initiating such turn~~ as to constitute an immediate hazard, ~~but said driver, having so yielded and having given a signal when and as required by this chapter, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the vehicle making the left turn.~~

SECTION 5. This act shall become effective November 1, 2010.

Passed the House of Representatives the 5th day of May, 2010.

Presiding Officer of the House of
Representatives

Passed the Senate the 14th day of April, 2010.

Presiding Officer of the Senate