

THE HOUSE OF REPRESENTATIVES  
Monday, February 15, 2010

House Bill No. 2322

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; and providing an effective date.

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

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

4 Section 1-107.4

5 CLASS D MOTOR VEHICLE

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

7 1. Regardless of weight:

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

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

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

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

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

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

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

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

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

1           2. Required to be placarded for hazardous materials under 49 C.F.R., Part 172,  
2 subpart F; provided, a farm vehicle, as defined in paragraph 3 of subsection A of this  
3 section, which is required to be placarded for hazardous materials under 49 C.F.R., Part  
4 172, subpart F, shall be considered to be a Class D motor vehicle.

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

8           Section 1-135. Motorcycle.

9           A motorcycle is any motor vehicle having:

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

15           SECTION 3. This act shall become effective November 1, 2010.

16           COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-11-10 - DO  
17           PASS, As Coauthored.