

1 THE STATE SENATE  
2 Wednesday, March 31, 2010

3 ENGROSSED

4 House Bill No. 2322

5 As Amended

6 ENGROSSED HOUSE BILL NO. 2322 - By: Roan of the House and Ellis of  
7 the Senate.

8 An Act relating to motor vehicles; amending 47 O.S. 2001,  
9 Sections 1-107.4, as last amended by Section 1, Chapter 388,  
10 O.S.L. 2009 and 1-135, as amended by Section 3, Chapter 521,  
11 O.S.L. 2004 (47 O.S. Supp. 2009, Sections 1-107.4 and 1-  
12 135), which relate to definitions of vehicles and  
13 motorcycles; clarifying scope of definitions; and providing  
14 an effective date.

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

16 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1-107.4, as  
17 last amended by Section 1, Chapter 388, O.S.L. 2009 (47 O.S. Supp.  
18 2009, Section 1-107.4), is amended to read as follows:

19 Section 1-107.4

20 CLASS D MOTOR VEHICLE

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

23 1. Regardless of weight:

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

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

- 1           2. Is a single or combination vehicle with a gross combined  
2 weight rating of less than twenty-six thousand one (26,001) pounds;
- 3           3. Is a single or combination farm vehicle with a gross  
4 combined weight rating of more than twenty-six thousand one (26,001)  
5 pounds if:
- 6           a. it is entitled to be registered with a farm tag and  
7 has a farm tag attached thereto,
- 8           b. it is controlled and operated by a farmer, his or her  
9 family or employees,
- 10          c. it is used to transport either agricultural products,  
11 farm machinery, farm supplies or any combination of  
12 those materials to or from a farm,
- 13          d. it is not used in the operations of a common or  
14 contract motor carrier, and
- 15          e. it is used within one hundred fifty (150) air miles of  
16 the person's farm or as otherwise provided by federal  
17 law; or
- 18          4. Is operated by a licensed driver employed by a unit of local  
19 government that operates a commercial motor vehicle within the  
20 boundaries of that unit of local government for the purpose of  
21 removing snow or ice from a roadway by plowing, sanding or salting,  
22 if:

1           a.    the properly licensed employee who ordinarily operates  
2                    a commercial vehicle for these purposes is unable to  
3                    operate the vehicle, or

4           b.    the employing governmental entity determines that a  
5                    snow or ice emergency requires additional assistance.

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

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

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

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

18          Section 1-135.   Motorcycle.

19          A motorcycle is any motor vehicle having:

20          1.    A seat or saddle for the use of each rider;

21          2.    Not more than three wheels in contact with the ground, but  
22 excluding a tractor; and

1           3. A combustion engine with a piston or rotor displacement of  
2 ~~greater than~~ one hundred fifty cubic centimeters (150 cu cm) or  
3 greater.

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

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

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

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

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

20           COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 3-30-10 - DO  
21           PASS, As Amended.