

1 **SENATE FLOOR VERSION**

2 February 24, 2011

3 SENATE BILL NO. 742

By: Barrington and Simpson of
the Senate

4
5 and

6 Hardin of the House

7
8 An Act relating to motor vehicles; amending Section
9 16, Chapter 418, O.S.L. 2004, as last amended by
10 Section 1, Chapter 402, O.S.L. 2008 (47 O.S. Supp.
11 2010, Section 11-1116), which relates to rules for
12 off-highway vehicles; modifying authorization for
13 certain road use for certain vehicles; providing
14 reference for definitions; and declaring an
15 emergency.

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

17 SECTION 1. AMENDATORY Section 16, Chapter 418, O.S.L.
18 2004, as last amended by Section 1, Chapter 402, O.S.L. 2008 (47
19 O.S. Supp. 2010, Section 11-1116), is amended to read as follows:

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

24 B. Self-propelled or motor-driven cycles, known and commonly
referred to as "minibikes" and other similar trade names, shall be

1 prohibited from operating on the streets and highways of this state,
2 except:

3 1. When used in a parade; or

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

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

15 C. Golf carts and utility vehicles, as defined by Section 1102
16 of this title, shall not be operated on the streets and highways of
17 this state except:

18 1. Golf carts or utility vehicles owned by the Oklahoma Tourism
19 and Recreation Department, and operated by employees or agents of
20 the Department or employees of independent management companies
21 working on behalf of the Department, may be operated on the streets
22 and highways of this state during daylight hours or under rules
23 developed by the Oklahoma Tourism and Recreation Commission, when
24 the streets and highways are located within the boundaries of a

1 state park. The Department shall have warning signs placed at the
2 entrance and other locations at those state parks allowing golf
3 carts or utility vehicles to be operated on the streets and highways
4 of this state located within the boundaries of those state parks.
5 The warning signs shall state that golf carts and utility vehicles
6 may be operating on streets and highways and that motor vehicle
7 operators shall take special precautions to be alert for the
8 presence of golf carts or utility vehicles on the streets and
9 highways;

10 2. The municipal governing body has adopted an ordinance
11 governing the operation of golf carts and/or utility vehicles on
12 city streets, and the operation occurs during daylight hours only;

13 3. Golf carts or utility vehicles may operate on state highways
14 only if making a perpendicular crossing of a state highway located
15 within the boundaries of a municipality which has adopted an
16 ordinance governing the operation of golf carts and/or utility
17 vehicles; or

18 4. The board of county commissioners of a county has approved
19 the operation of golf cart and/or utility vehicle traffic on
20 roadways within the county, and:

21 a. the roadway has a posted speed limit of twenty-five
22 (25) miles per hour or less,

23 b. the roadway is located in an unincorporated area, and
24

1 c. appropriate signage, cautioning motorists of the
2 possibility of golf cart or utility vehicle traffic,
3 is erected by the board of county commissioners.

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

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

9 2. On public streets and highways if:

10 a. the vehicle needs to make a direct crossing of the
11 street or highway while the vehicle is traveling upon
12 a regularly traveled trail and needs to continue
13 travel from one area of the trail to another and, if
14 the vehicle comes to a complete stop, yields the
15 right-of-way to all oncoming traffic that constitutes
16 an immediate hazard, and crosses the street or highway
17 at an angle of approximately ninety (90) degrees to
18 the direction of the street or highway. This
19 exception shall not apply to divided highways or
20 streets or highways with a posted speed limit of more
21 than thirty-five (35) miles per hour in the area of
22 the crossing,

23 b. the vehicle needs to travel on a public street or
24 highway in order to cross a railroad track. In that

1 event, the all-terrain vehicle ~~or utility vehicle~~ may
2 travel for not more than three hundred (300) feet on a
3 public street or highway to cross a railroad track,

4 c. the operator of the all-terrain vehicle ~~or utility~~
5 ~~vehicle~~ making the crossing at a street or highway has
6 a valid driver license, and

7 d. the operator of the vehicle makes a crossing on a
8 street or highway during daylight hours only;

9 3. All-terrain vehicles ~~or utility vehicles~~ may be operated on
10 streets and highways within a municipality if the municipal
11 governing body has adopted an ordinance governing the operation of
12 golf carts, utility vehicles or all-terrain vehicles on streets and
13 highways within the municipality.

14 SECTION 2. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this resolution shall take
17 effect and be in full force from and after its passage and approval.

18 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 2-22-11 - DO
19 PASS, As Coauthored.