

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1833

By: Childers

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 11-1116, which relates to self-
9 propelled or motor-driven and operated vehicles;
10 deleting certain provision relating to the operation
11 of all-terrain vehicles on certain roads; defining
12 terms; setting certain equipment requirements for
13 certain off-highway vehicles; requiring certain
14 safety headgear; restricting where certain vehicle
15 may be operated; requiring certain standards for
16 certain equipment; prohibiting the operation of
17 certain vehicles on the interstate system; providing
18 penalties; authorizing the Department of Public
19 Safety to adopt certain rules; excepting certain
20 lands from certain provisions; prohibiting certain
21 organized events without certain authorization;
22 setting penalty for certain violations; requiring
23 certain registration; requiring certain vehicle
24 plate; providing exception; providing for certain
fee; setting certain requirements for certain license
plate; providing exception; setting certain equipment
requirements for certain motorcycles and all-terrain
vehicles; providing exception; providing for certain
liability; providing an exception; defining terms;
restricting certain manner of operating certain
vehicles; prohibiting certain actions relating to
certain signage; providing exception; authorizing
certain orders by a judge; excepting certain
operation of certain vehicles from certain
provisions; requiring the Oklahoma Department of
Public Safety to conduct or approve certain
educational courses of instruction; stating what such
courses shall include; providing for course
completion requirements; authorizing certain fees;
requiring certain liability insurance for certain

1 vehicles; providing for codification; and providing
2 an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-1116, is
6 amended to read as follows:

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

11 B. Self-propelled or motor-driven cycles, known and commonly
12 referred to as "minibikes" and other similar trade names, shall be
13 prohibited from operating on the streets and highways of this state,
14 except:

15 1. When used in a parade; or

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

20 All minibikes offered for sale in this state shall bear the
21 following notice to the customer: "This machine is not manufactured
22 or sold for operation on the public streets or highways. Since it
23 is not provided with equipment required by law for street or highway
24 use, all persons are cautioned that any operation of this vehicle

1 upon a public street or highway will be in violation of the motor
2 vehicle laws of this state and will subject the violator to arrest."

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

6 1. Golf carts or utility vehicles owned by the Oklahoma Tourism
7 and Recreation Department, and operated by employees or agents of
8 the Department or employees of independent management companies
9 working on behalf of the Department, may be operated on the streets
10 and highways of this state during daylight hours or under rules
11 developed by the Oklahoma Tourism and Recreation Commission, when
12 the streets and highways are located within the boundaries of a
13 state park. The Department shall have warning signs placed at the
14 entrance and other locations at those state parks allowing golf
15 carts or utility vehicles to be operated on the streets and highways
16 of this state located within the boundaries of those state parks.
17 The warning signs shall state that golf carts and utility vehicles
18 may be operating on streets and highways and that motor vehicle
19 operators shall take special precautions to be alert for the
20 presence of golf carts or utility vehicles on the streets and
21 highways;

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

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

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

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

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

12 c. appropriate signage, cautioning motorists of the
13 possibility of golf cart or utility vehicle traffic,
14 is erected by the board of county commissioners.

15 ~~D. All terrain vehicles shall not be operated on the streets
16 and highways of this state, except:~~

17 ~~1. On unpaved roads which are located within the boundaries of
18 any property of the Forest Service of the United States Department
19 of Agriculture;~~

20 ~~2. On public streets and highways if:~~

21 ~~a. the vehicle needs to make a direct crossing of the
22 street or highway while the vehicle is traveling upon
23 a regularly traveled trail and needs to continue
24 travel from one area of the trail to another and, if~~

1 ~~the vehicle comes to a complete stop, yields the~~
2 ~~right-of-way to all oncoming traffic that constitutes~~
3 ~~an immediate hazard, and crosses the street or highway~~
4 ~~at an angle of approximately ninety (90) degrees to~~
5 ~~the direction of the street or highway. This~~
6 ~~exception shall not apply to divided highways or~~
7 ~~streets or highways with a posted speed limit of more~~
8 ~~than thirty-five (35) miles per hour in the area of~~
9 ~~the crossing,~~

10 ~~b. the vehicle needs to travel on a public street or~~
11 ~~highway in order to cross a railroad track. In that~~
12 ~~event, the all-terrain vehicle may travel for not more~~
13 ~~than three hundred (300) feet on a public street or~~
14 ~~highway to cross a railroad track,~~

15 ~~c. the operator of the all-terrain vehicle making the~~
16 ~~crossing at a street or highway has a valid driver~~
17 ~~license, and~~

18 ~~d. the operator of the vehicle makes a crossing on a~~
19 ~~street or highway during daylight hours only;~~

20 ~~3. All-terrain vehicles may be operated on streets and highways~~
21 ~~within a municipality if the municipal governing body has adopted an~~
22 ~~ordinance governing the operation of golf carts, utility vehicles or~~
23 ~~all-terrain vehicles on streets and highways within the~~
24 ~~municipality.~~

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 11-1116A of Title 47, unless
3 there is created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "All-terrain vehicle" means either of the following:

6 a. a motor vehicle that satisfies all of the following:

- 7 (1) is designed primarily for recreational non-
8 highway all-terrain travel,
9 (2) is fifty (50) or fewer inches in width,
10 (3) has an unladen weight of one thousand two hundred
11 (1,200) pounds or less,
12 (4) travels on three or more non-highway tires,
13 (5) has a seat to be straddled by the operator and
14 handlebars for steering control, and
15 (6) is operated on a public highway, or

16 b. a recreational off-highway vehicle that satisfies all
17 of the following:

- 18 (1) is designed primarily for recreational non-
19 highway all-terrain travel,
20 (2) is sixty-four (64) or fewer inches in width,
21 (3) has an unladen weight of one thousand eight
22 hundred (1,800) pounds or less,
23 (4) travels on four or more non-highway tires, and
24

1 (5) has a nonstraddle seat and a steering wheel for
2 steering control;

3 2. "Golf cart" means a motor vehicle that has not less than
4 three (3) wheels in contact with the ground, that has an unladen
5 weight of less than one thousand eight hundred (1,800) pounds, that
6 is designed to be and is operated at not more than twenty-five (25)
7 miles per hour and that is designed to carry not more than four (4)
8 persons including the driver;

9 3. "Motorcycle" means a motor vehicle that has a seat or saddle
10 for the use of the rider and that is designed to travel on not more
11 than three (3) wheels in contact with the ground but excluding a
12 tractor and a moped;

13 4. "Neighborhood electric vehicle" means a self-propelled
14 electrically powered motor vehicle to which all of the following
15 apply:

- 16 a. the vehicle is emission free,
- 17 b. the vehicle has at least four (4) wheels in contact
18 with the ground, and
- 19 c. the vehicle complies with the definition and standards
20 for low speed vehicles set forth in federal motor
21 vehicle safety standard 500 and 49 Code of Federal
22 Regulations sections 571.3(b) and 571.500,
23 respectively;

1 5. "Off-road recreational motor vehicle" means a motor vehicle
2 that is designed primarily for recreational non-highway all-terrain
3 travel and that is not operated on a public highway. Off-road
4 recreational motor vehicle does not mean a motor vehicle used for
5 construction, building trade, mining or agricultural purposes;

6 6. "Off-highway vehicle":

7 a. means a motorized vehicle operated primarily off of
8 highways on land, water, snow, ice or other natural
9 terrain or on a combination of land, water, snow, ice
10 or other natural terrain,

11 b. includes a two-wheel, three-wheel or four-wheel
12 vehicle, motorcycle, four-wheel drive vehicle, dune
13 buggy, amphibious vehicle, ground effects or air-
14 cushion vehicle and any other means of land
15 transportation deriving motive power from a source
16 other than muscle or wind, and

17 c. does not include a vehicle that is either:

18 (1) designed primarily for travel on, over or in the
19 water, or

20 (2) used in installation, inspection, maintenance,
21 repair or related activities involving facilities
22 for the provision of utility or railroad service;

23 7. "Off-highway vehicle special event" means an event that is
24 endorsed, authorized, permitted or sponsored by a federal, state,

1 county or municipal agency and in which the event participants
2 operate off-highway vehicles on specific routes or areas designated
3 by a local authority;

4 8. "Off-highway vehicle trail" means a multiple use corridor
5 that is both of the following:

- 6 a. open to recreational travel by an off-highway vehicle,
7 and
- 8 b. designated or managed by or for the managing authority
9 of the property that the trail traverses for off-
10 highway vehicle use; and

11 9. "Off-highway vehicle use area" means the entire area of a
12 parcel of land, except for approved buffer areas, that is managed or
13 designated for off-highway vehicle use.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 11-1116B of Title 47, unless
16 there is created a duplication in numbering, reads as follows:

17 A. An off-highway vehicle in operation in this state shall be
18 equipped with all of the following:

19 1. Brakes adequate to control the movement of the vehicle and
20 to stop and hold the vehicle under normal operating conditions;

21 2. Lighted headlights and taillights that meet or exceed
22 original equipment manufacturer guidelines if operated between one-
23 half (1/2) hour after sunset and one-half (1/2) hour before sunrise;

24

1 3. Either a muffler or other noise dissipative device that
2 prevents sound above ninety-six (96) decibels, except when operating
3 on a closed course;

4 4. A spark-arrestor device that is approved by the United
5 States department of agriculture and that is in constant operation
6 except if operating on a closed course;

7 5. A safety flag that is at least six by twelve inches and that
8 is attached to the off-highway vehicle at least eight feet above the
9 surface of level ground, if operated on sand dunes or areas
10 designated by the managing agency;

11 6. Tires approved by the United States Department of
12 Transportation;

13 7. A steering stabilizer or dampener; and

14 8. A floorboard or nerf bars for foot and leg protection, may
15 be licensed as a motorcycle pursuant to Oklahoma Vehicle and License
16 Registration Act to be operated on public streets and highways.

17 B. A person who is under eighteen (18) years of age may not
18 operate or ride on an off-highway vehicle on public or state land
19 unless the person is wearing protective headgear that is properly
20 fitted and fastened, that is designed for motorized vehicle use and
21 that has a minimum United States Department of Transportation safety
22 rating.

23 C. Prior to being licensed to operate on public streets and
24 highways, the all-terrain vehicle or off-highway vehicle shall meet

1 all of the necessary light, brake, equipment and other vehicle
2 accessory requirements provided by Article VI of Chapter 12 of Title
3 47 of the Oklahoma Statutes that are applicable to motorcycles.

4 D. The licensed all-terrain vehicle shall only be operated on
5 public streets and highways that have a posted speed limit of fifty
6 (50) miles per hour or less.

7 E. The licensed all-terrain vehicle shall not be operated on
8 the interstate highway system. Any person who operates such a
9 licensed all-terrain vehicle on the Interstate Highway System shall,
10 upon conviction, be guilty of a misdemeanor and shall be punished as
11 provided in Section 17-101 of Title 47 of the Oklahoma Statutes.

12 F. In consultation with the Department of Transportation and
13 the Department of Tourism, the Oklahoma Department of Public Safety
14 shall:

- 15 1. Adopt rules necessary to implement this section; and
- 16 2. Prescribe additional equipment requirements not in conflict
17 with federal laws.

18 G. This section does not apply to a private landowner or lessee
19 performing normal agricultural or ranching practices while operating
20 an all-terrain vehicle or an off-highway vehicle on the private or
21 leased land in accordance with the landowner's or lessee's lease.

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 11-1116C of Title 47, unless
24 there is created a duplication in numbering, reads as follows:

1 No person may organize, promote or hold an off-highway vehicle
2 race or other organized event on any land or highway in this state,
3 except as authorized by the appropriate agency that has jurisdiction
4 over the land or highway or the landowner.

5 SECTION 5. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 11-1116D of Title 47, unless
7 there is created a duplication in numbering, reads as follows:

8 Unless otherwise specified in this act, any violation of this
9 act shall be a civil traffic violation.

10 SECTION 6. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 11-1116E of Title 47, unless
12 there is created a duplication in numbering, reads as follows:

13 A. All-terrain and or off-highway vehicles shall be required to
14 register pursuant to Section 1102 of Title 47 of the Oklahoma
15 Statutes. In addition any all-terrain vehicle driven on public
16 roadways shall purchase an all-terrain vehicle plate.

17 B. All-terrain vehicles not driven on public roadways shall not
18 be required to purchase an all-terrain vehicle plate.

19 C. The fee for a plate issued pursuant to this section is to be
20 determined by Oklahoma Tax Commission.

21 D. The license plate assigned to a motor vehicle pursuant to
22 this section shall be:

23 1. Attached to the rear of the vehicle; and
24

1 2. Securely fastened to the vehicle in a clearly visible
2 position.

3 E. An owner of an off-highway vehicle participating in an off-
4 highway vehicle special event is exempt from the requirements of
5 this section.

6 SECTION 7. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 11-1116F of Title 47, unless
8 there is created a duplication in numbering, reads as follows:

9 A. An operator or passenger of a motorcycle, all-terrain
10 vehicle or motor driven cycle who is under eighteen years of age
11 shall wear at all times a protective helmet on the operator's or
12 passenger's head in an appropriate manner. The protective helmet
13 shall be safely secured while the operator or passenger is operating
14 or riding on the motorcycle, all-terrain vehicle or motor driven
15 cycle. An operator of a motorcycle, all-terrain vehicle or motor
16 driven cycle shall wear at all times protective glasses, goggles or
17 a transparent face shield of a type approved by the Department of
18 Public Safety unless the motorcycle, all-terrain vehicle, off-
19 highway vehicle or motor driven cycle is equipped with a protective
20 windshield. This subsection does not apply to electrically powered
21 three- or four-wheeled vehicles on which the operator and passenger
22 ride within an enclosed cab.

23 B. A motorcycle, all-terrain vehicle, off-highway vehicle or
24 motor driven cycle shall be equipped with a rearview mirror, seat

1 and footrests for the operator. A motorcycle, all-terrain vehicle
2 or motor driven cycle operated with a passenger shall be equipped
3 with a seat, footrests and handrails for the passenger.

4 SECTION 8. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 11-1116G of Title 47, unless
6 there is created a duplication in numbering, reads as follows:

7 A. A public or private owner, easement holder, lessee, tenant,
8 manager or occupant of premises is not liable to a recreational or
9 educational user except on a showing that the owner, easement
10 holder, lessee, tenant, manager or occupant was guilty of willful,
11 malicious or grossly negligent conduct that was a direct cause of
12 the injury to the recreational or educational user.

13 B. This section does not limit the liability that otherwise
14 exists for maintaining an attractive nuisance, except with respect
15 to dams, channels, canals and lateral ditches used for flood
16 control, agricultural, industrial, metallurgical or municipal
17 purposes.

18 C. For the purposes of this section:

19 1. "Educational user" means a person to whom permission has
20 been granted or implied without the payment of an admission fee or
21 any other consideration to enter premises to participate in an
22 educational program, including but not limited to, the viewing of
23 historical, natural, archaeological or scientific sights. A nominal
24 fee that is charged by a public entity or a nonprofit corporation to

1 offset the cost of providing the educational or recreational
2 premises and associated services does not constitute an admission
3 fee or any other consideration as prescribed by this section;

4 2. "Grossly negligent" means a knowing or reckless indifference
5 to the health and safety of others;

6 3. "Premises" means agricultural, range, open space, park,
7 flood control, mining, forest, water delivery, water drainage or
8 railroad lands, and any other similar lands, wherever located, that
9 are available to a recreational or educational user, including, but
10 not limited to, paved or unpaved multi-use trails and special
11 purpose roads or trails not open to automotive use by the public and
12 any building, improvement, fixture, water conveyance system, body of
13 water, channel, canal or lateral, road, trail or structure on such
14 lands; and

15 4. "Recreational user" means a person to whom permission has
16 been granted or implied without the payment of an admission fee or
17 any other consideration to travel across or to enter premises to
18 hunt, fish, trap, camp, hike, ride, engage in off-highway vehicle,
19 off-road recreational motor vehicle or all-terrain vehicle activity,
20 operate aircraft, exercise, swim or engage in outdoor recreational
21 pursuits. The purchase of a state, off-highway vehicle user indicia
22 or a state trust land recreational permit is not the payment of an
23 admission fee or any other consideration as provided in this
24 section. A nominal fee that is charged by a public entity or a

1 nonprofit corporation to offset the cost of providing the
2 educational or recreational premises and associated services does
3 not constitute an admission fee or any other consideration as
4 prescribed by this section.

5 SECTION 9. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 11-1116H of Title 47, unless
7 there is created a duplication in numbering, reads as follows:

8 Limitation of liability of a private property owner
9 participating in a state, county or municipal sponsored off-highway
10 vehicle event.

11 Any private property owner participating in a governmental
12 sanctioned off-highway vehicle special event, shall be subject to
13 the Torts claims Limits for purposes of any claims of civil
14 liability pursuant to: (need statute here).

15 SECTION 10. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 11-1116I of Title 47, unless
17 there is created a duplication in numbering, reads as follows:

18 A. A person shall not drive an off-highway vehicle:

19 1. With reckless disregard for the safety of persons or
20 property;

21 2. On roads, trails, routes or areas closed as indicated in
22 rules or regulations of a federal agency, this state, a county or a
23 municipality or by proper posting if the land is private land; or
24

1 3. In a manner that damages the environment, including
2 excessive pollution of air, water or land, abuse of the watershed or
3 cultural or natural resources or impairment of plant or animal life,
4 where it is prohibited by rule, regulation, ordinance or code.

5 B. A person shall not place or remove a regulatory sign
6 governing off-highway vehicle use on any public or state land. This
7 subsection does not apply to an agent of an appropriate federal,
8 state, county, town or city agency operating within that agency's
9 authority.

10 C. In addition to or in lieu of a fine pursuant to this
11 section, a judge may order the person to perform at least eight (8)
12 but not more than twenty-four (24) hours of community restitution or
13 to complete an approved safety course related to the off-highway
14 operation of motor vehicles, or both.

15 D. These provisions do not prohibit a private landowner or
16 lessee from performing normal agricultural or ranching practices
17 while operating an all-terrain vehicle or an off-highway vehicle on
18 the private or leased land.

19 SECTION 11. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 11-1116J of Title 47, unless
21 there is created a duplication in numbering, reads as follows:

22 A. The Oklahoma Department of Public Safety shall conduct or
23 approve an educational course of instruction in off-highway vehicle
24 safety and environmental ethics. The course shall include

1 instruction on off-highway vehicle use that limits air pollution and
2 harm to natural terrain, vegetation and animals. Successful
3 completion of the course requires attendance of at least four (4)
4 hours with a written examination.

5 B. Any governmental agency, corporation or other individual
6 that conducts a training or educational course, or both, that is
7 approved by the Oklahoma Department of Public Safety, the United
8 States Bureau of Land Management or the United States Forest Service
9 or that is approved or accepted by the All-terrain Vehicle Safety
10 Institute or the National Off-highway Vehicle Conservation Council
11 may collect a fee from the participant that is reasonable and
12 commensurate for the training and that is determined by the Director
13 of the Oklahoma Department of Public Safety by rule.

14 SECTION 12. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 11-1116K of Title 47, unless
16 there is created a duplication in numbering, reads as follows:

17 Any person who operates any type of vehicle as provided in this
18 act shall be required to have adequate liability insurance for such
19 vehicles with tags.

20 SECTION 13. This act shall become effective November 1, 2012.

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22 53-2-2518 LKS 1/24/2012 11:16:18 AM

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