STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 1098

By: Shoemake, Lockhart and Sherrer of the House

and

Ballenger of the Senate

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 11-1116, which relates to all-terrain vehicles; allowing all-terrain vehicles operation on county roads under certain circumstances; and providing an effective date.

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

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

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

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

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

1. When used in a parade; or

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

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

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

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

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

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

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

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

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

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

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

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

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

2. On public streets and highways if:

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

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

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

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

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

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

4. On roadways within unincorporated areas of a county if the board of county commissioners of the county has approved the operation of all-terrain vehicles on roadways within unincorporated areas of the county and the all-terrain vehicle is only used as an instrument of husbandry.

SECTION 2. This act shall become effective November 1, 2013.

54-1-1620 LKS 3/21/2013 10:52:57 AM