An Act

ENROLLED SENATE
BILL NO. 325

By: Anderson of the Senate

and

Armes of the House

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 1102, as last amended by Section 1, Chapter 312, O.S.L. 2010 (47 O.S. Supp. 2010, Section 1102), which relates to definitions in the Oklahoma Vehicle License and Registration Act; modifying certain definition; adding certain definition; amending Section 1, Chapter 124, O.S.L. 2007, as amended by Section 4, Chapter 98, O.S.L. 2008 (47 O.S. Supp. 2010, Section 11-1117), which relates to all-terrain vehicle restrictions; amending certain definition; adding certain definition; and providing an effective date.

SUBJECT: Motor vehicle definitions

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 1102, as last amended by Section 1, Chapter 312, O.S.L. 2010 (47 O.S. Supp. 2010, Section 1102), is amended to read as follows:

Section 1102. As used in the Oklahoma Vehicle License and Registration Act:

1. "All-terrain vehicle" means a vehicle ~~powered by an internal combustion engine~~ manufactured and used exclusively for off-highway use traveling on four or more ~~low pressure~~ non-highway tires, and

having a seat designed to be straddled by the operator and handlebars for steering;

2. "Carrying capacity" means the carrying capacity of a vehicle as determined or declared in tons of cargo or payload by the owner; provided, that such declared capacity shall not be less than the minimum tonnage capacity fixed, listed or advertised by the manufacturer of any vehicle;

3. "Certificate of title" means a document which is proof of legal ownership of a motor vehicle as described and provided for in Section 1105 of this title;

4. "Chips and oil" or the term "road oil and crushed rock" means, with respect to materials authorized for use in the surfacing of roads or highways in this title or in any equivalent statute pertaining to road or highway surfacing in the State of Oklahoma, any asphaltic materials. Wherever chips and oil or road oil and crushed rock are authorized for use in the surfacing of roads or highways in this state, whether by the Department of Transportation, or by the county commissioners, or other road building authority subject to the Oklahoma Vehicle License and Registration Act, asphaltic materials are also authorized for use in such surfacing and construction;

5. "Combined laden weight" means the weight of a truck or station wagon and its cargo or payload transported thereon, or the weight of a truck or truck-tractor plus the weight of any trailers or semitrailers together with the cargo or payload transported thereon;

6. "Commercial trailer" means any trailer, as defined in Section 1-180 of this title, or semitrailer, as defined in Section 1-162 of this title, when such trailer or semitrailer is used primarily for business or commercial purposes;

7. "Commercial trailer dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used commercial trailers;

8. "Commercial vehicle" means any vehicle over eight thousand (8,000) pounds combined laden weight used primarily for business or

commercial purposes. Each motor vehicle being registered pursuant to the provisions of this section shall have the name of the commercial establishment or the words "Commercial Vehicle" permanently and prominently displayed upon the outside of the vehicle in letters not less than two (2) inches high. Such letters shall be in sharp contrast to the background and shall be of sufficient shape and color as to be readily legible during daylight hours, from a distance of fifty (50) feet while the vehicle is not in motion;

9. "Commission" or "Tax Commission" means the Oklahoma Tax Commission;

10. "Dealer" means any person, firm, association, corporation or trust who sells, solicits or advertises the sale of new and unused motor vehicles and holds a bona fide contract or franchise in effect with a manufacturer or distributor of a particular make of new or unused motor vehicle or vehicles for the sale of same;

11. "Mini-truck" means a foreign-manufactured import or domestic-manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds or less, traveling on four or more tires, having a top speed of approximately fifty-five (55) miles per hour, equipped with a bed or compartment for hauling, and having an enclosed passenger cab;

12. "Interstate commerce" means any commerce moving between any place in a state and any place in another state or between places in the same state through another state;

13. "Laden weight" means the combined weight of a vehicle when fully equipped for use and the cargo or payload transported thereon; provided, that in no event shall the laden weight be less than the unladen weight of the vehicle fully equipped for use, plus the manufacturer's rated carrying capacity;

14. "Local authorities" means every county, municipality or local board or body having authority to adopt police regulations under the Constitution and laws of this state;

15. "Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500;

16. "Manufactured home" means a residential dwelling built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and rules promulgated pursuant thereto and the rules promulgated by the Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section 582 of this title;

17. "Manufactured home dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used manufactured homes. Such information and a valid franchise letter as proof of authorization to sell any such new manufactured home product line or lines shall be attached to the application for a dealer license to sell manufactured homes. "Manufactured home dealer" shall not include any person, firm or corporation who sells or contracts for the sale of the dealer's own personally titled manufactured home or homes. No person, firm or corporation shall be considered a manufactured home dealer as to any manufactured home purchased or acquired by such person, firm or corporation for purposes other than resale; provided, that the restriction set forth in this sentence shall not prevent an otherwise qualified person, firm or corporation from utilizing a single manufactured home as a sales office;

18. "Medium-speed electrical vehicle" means any self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one (1) mile is more than thirty (30) miles per hour but not greater than thirty-five (35) miles per hour;

19. "Motor license agent" means any person appointed, designated or authorized by the Oklahoma Tax Commission to collect

the fees and to enforce the provisions provided for in the Oklahoma Vehicle License and Registration Act;

20. "New vehicle" or "unused vehicle" means a vehicle which has been in the possession of the manufacturer, distributor or wholesaler or has been sold only by the manufacturer, distributor or wholesaler to a dealer;

21. "Nonresident" means any person who is not a resident of this state;

22. "Off-road motorcycle" means any motorcycle, as defined in Section 1-135 of this title, when such motorcycle has been manufactured for and used exclusively off roads, highways and any other paved surfaces;

23. "Owner" means any person owning, operating or possessing any vehicle herein defined;

24. "Person" means any individual, copartner, joint venture, association, corporation, limited liability company, estate, trust, business trust, syndicate, the State of Oklahoma, or any county, city, municipality, school district or other political subdivision thereof, or any group or combination acting as a unit, or any receiver appointed by the state or federal court;

25. "Powersports vehicle" means motorcycles, scooters, mopeds, all-terrain vehicles, and utility vehicles;

26. "Powersports vehicle dealer" means any person, firm, or corporation who is in the business of selling any new and unused or used, or both new and used powersports vehicles except for those dealers engaged principally in agricultural or farm implement sales;

27. "Recreational off-highway vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, having non-straddle seating and which is steered by a steering wheel;

28. "Recreational vehicle" means every vehicle which is built on or permanently attached to a self-propelled motor chassis or chassis cab which becomes an integral part of the completed vehicle

and is capable of being operated on the highways. In order to qualify as a recreational vehicle pursuant to this paragraph such vehicle shall be permanently constructed and equipped for human habitation, having its own sleeping and kitchen facilities, including permanently affixed cooking facilities, water tanks and holding tank with permanent toilet facilities. Recreational vehicle shall not include manufactured homes or any vehicle with portable sleeping, toilet and kitchen facilities which are designed to be removed from such vehicle;

~~28.~~ 29. "Remanufactured vehicle" means a vehicle which has been assembled by a vehicle remanufacturer using a new body and which may include original, reconditioned, or remanufactured parts, and which is not a salvage, rebuilt, or junked vehicle as defined by paragraphs 1, 2, and 5, respectively, of subsection A of Section 1105 of this title;

~~29.~~ 30. "Rental trailer" means all small or utility trailers or semitrailers constructed and suitable for towing by a passenger automobile and designed only for carrying property, when the trailers or semitrailers are owned by, or are in the possession of, any person engaged in renting or leasing such trailers or semitrailers for intrastate or interstate use or combined intrastate and interstate use;

~~30.~~ 31. "Special mobilized machinery" means special purpose machines or devices, either self-propelled or drawn as trailers or semitrailers, which derive no revenue from the transportation of persons or property, whose use of the highway is only incidental, and whose useful revenue producing service is performed at destinations in an area away from the traveled surface of an established open highway;

~~31.~~ 32. "State" means the State of Oklahoma;

~~32.~~ 33. "Station wagon" means any passenger vehicle which does not have a separate luggage compartment or trunk and which does not have open beds, and has one or more rear seats readily lifted out or folded, whether same is called a station wagon or ranch wagon;

~~33.~~ 34. "Travel trailer" means any vehicular portable structure built on a chassis, used as a temporary dwelling for travel,

recreational or vacational use, and, when factory-equipped for the road, it shall have a body width not exceeding eight (8) feet and an overall length not exceeding forty (40) feet, including the hitch or coupling;

~~34.~~ 35. "Travel trailer dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used travel trailers. Such information and a valid franchise letter as proof of authorization to sell any such new travel trailer product line or lines shall be attached to the application for a dealer license to sell travel trailers. "Travel trailer dealer" shall not include any person, firm or corporation who sells or contracts for the sale of his or her own personally titled travel trailer or trailers. No person, firm or corporation shall be considered as a travel trailer dealer as to any travel trailer purchased or acquired by such person, firm or corporation for purposes other than resale;

~~35.~~ 36. "Used motor vehicle dealer" means "used motor vehicle dealer" as defined in Section 581 of this title;

~~36.~~ 37. "Used vehicle" means any vehicle which has been sold, bargained, exchanged or given away, or used to the extent that it has become what is commonly known, and generally recognized, as a "secondhand" vehicle. This shall also include any vehicle other than a remanufactured vehicle, regardless of age, owned by any person who is not a dealer;

~~37.~~ 38. "Utility vehicle" means a vehicle powered by an internal combustion engine, manufactured and used exclusively for off-highway use, equipped with seating for two or more people and a steering wheel, traveling on four or more wheels;

~~38.~~ 39. "Vehicle" means any type of conveyance or device in, upon or by which a person or property is or may be transported from one location to another upon the avenues of public access within the state. "Vehicle" does not include bicycles, trailers except travel trailers and rental trailers, or implements of husbandry as defined in Section 1-125 of this title. All implements of husbandry used as conveyances shall be required to display the owner's driver license number or license plate number of any vehicle owned by the owner of the implement of husbandry on the rear of the implement in numbers

not less than two (2) inches in height. The use of the owner's social security number on the rear of the implement of husbandry shall not be required; and

~~39.~~ 40. "Vehicle remanufacturer" means a commercial entity which assembles remanufactured vehicles.

SECTION 2. AMENDATORY Section 1, Chapter 124, O.S.L. 2007, as amended by Section 4, Chapter 98, O.S.L. 2008 (47 O.S. Supp. 2010, Section 11-1117), is amended to read as follows:

Section 11-1117. A. It shall be unlawful for a person less than eighteen (18) years of age to operate or to be carried as a passenger upon an all-terrain vehicle unless the person wears a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218.

B. It shall be unlawful for the operator of an all-terrain vehicle to carry a passenger unless that all-terrain vehicle has been specifically designed by the manufacturer to carry passengers in addition to the operator.

C. Fine and court costs for violating the provisions of this section shall not exceed Twenty-five Dollars ($25.00). Any peace officer of this state including, but not limited to, park rangers, is authorized to enforce the provisions of this section. All monies collected pursuant to a citation for a violation of this section shall be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund for credit to the cost center of the state park or public recreation area where such citation was issued.

D. Any parent, legal guardian or person having actual responsibility for a person under eighteen (18) years of age, or who is the owner of the all-terrain vehicle operated by a person under eighteen (18) years of age, who knows, or should have known, that the person operating the all-terrain vehicle is not in compliance with the provisions of this section, shall be punishable according to the provisions of subsection C of this section.

E. As used in this section, "all-terrain vehicle" means a vehicle ~~powered by an internal combustion engine~~ manufactured and used exclusively for off-highway use, traveling on four or more ~~low-~~

~~pressure~~ non-highway tires, having a seat designed to be straddled by the operator, and which is steered by the use of handlebars.

F. "Recreational off-highway vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, having non-straddle seating and which is steered by a steering wheel.

G. The provisions of this section shall apply only to persons operating all-terrain vehicles on public lands.

~~G.~~ H. The provisions of this section shall not apply to persons operating an all-terrain vehicle on privately owned property.

SECTION 3. This act shall become effective November 1, 2011.

Passed the Senate the 24th day of February, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 18th day of April, 2011.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 19th

day of April, 20 11,

at 2:40 o'clock P M.

By: Jamie R. Rogers

Approved by the Governor of the State of Oklahoma the 25th day of

April, 20 11, at 11:56 o'clock A.M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

25th day of April, 20 11,

at 1:26 o'clock P M.

By: Michelle R Day