

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1384

6 By: Barrington of the Senate

7 and

8 Billy of the House

9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to public safety; amending 47 O.S.
11 2001, Sections 11-702, as last amended by Section 13,
12 Chapter 418, O.S.L. 2004, 12-101, as last amended by
13 Section 15, Chapter 62, O.S.L. 2007, 15-112, as last
14 amended by Section 17, Chapter 326, O.S.L. 2007, 40-
15 102, as last amended by Section 14, Chapter 394,
16 O.S.L. 2005, 158.2, 1102, as last amended by Section
17 1 of Enrolled Senate Bill No. 1998 of the 2nd Session
18 of the 51st Oklahoma Legislature, 1602, as amended by
19 Section 18, Chapter 62, O.S.L. 2007, and 1603, as
20 amended by Section 19, Chapter 62, O.S.L. 2007 (47
21 O.S. Supp. 2007, Sections 11-702, 12-101, 15-112, 40-
22 102, 1602, and 1603), which relate to railroad
23 crossings, motor vehicle equipment requirements,
24 physical disability placards, traffic collision
reports, operation of vehicles by state departments,
defining motor vehicles for registration and titling,
defining terms for the refueling service program, and
the refueling service program; requiring buses to
comply with certain railroad crossing provisions;
providing for compliance of certain vehicles with
motor vehicle equipment requirements; providing
exception from certain definition; removing certain
fee for physical disability placards; clarifying
language regarding use of certain data for commercial
purposes; declaring operation of vehicles by certain
state departments to be a public governmental
function; defining term; limiting applicability of
certain definitions; specifying statutory section

1 which establishes certain program; amending 63 O.S.
2 2001, Section 2805, as amended by Section 54, Chapter
3 329, O.S.L. 2003 (63 O.S. Supp. 2007, Section 2805),
4 which relates to 911 systems; updating references to
5 certain state entities; amending 68 O.S. 2001,
6 Sections 1355, as last amended by Section 1, Chapter
7 177, O.S.L. 2007, and 2101, as amended by Section 8,
8 Chapter 284, O.S.L. 2005 (68 O.S. Supp. 2007,
9 Sections 1355 and 2101), which relate to sales tax
10 exemptions and definitions; exempting the sale of
11 certain vehicles from sales tax; defining term;
12 requiring registration of certain vehicles; directing
13 the Oklahoma Tax Commission to promulgate certain
14 rules; providing for operation of certain vehicles on
15 certain roadways; prohibiting operation of certain
16 vehicles on certain highways; requiring compliance
17 with certain traffic regulations and rules of
18 conduct; repealing 47 O.S. 2001, Section 12-418,
19 which relates to assessment of points to driving
20 records; providing for codification; providing for
21 recodification; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-702, as
24 last amended by Section 13, Chapter 418, O.S.L. 2004 (47 O.S. Supp.
2007, Section 11-702), is amended to read as follows:

Section 11-702. The driver of a bus as defined in Section 1-105
of this title or any commercial motor vehicle as defined in 49
C.F.R., Section 390.5, shall comply with the railroad crossing
provisions as prescribed in 49 C.F.R., Section 392.10.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 12-101, as
last amended by Section 15, Chapter 62, O.S.L. 2007 (47 O.S. Supp.
2007, Section 12-101), is amended to read as follows:

1 Section 12-101. A. It shall be a misdemeanor, upon conviction,
2 punishable as provided in Section 17-101 of this title, for any
3 person:

4 1. To drive or move, or for the owner to cause or permit to be
5 driven or moved on any highway, any vehicle or combination of
6 vehicles which:

7 a. is known to be in such unsafe condition as to endanger
8 any person,

9 b. is known not to contain those parts required by this
10 chapter,

11 c. is not at all times equipped with such lamps and other
12 equipment in proper condition and adjustment as
13 required in this chapter, or

14 d. is known to be equipped in any manner in violation of
15 this chapter;

16 2. To do any act forbidden under this chapter; or

17 3. To fail to perform any act required under this chapter.

18 B. Nothing contained in this chapter shall be construed to
19 prohibit on any vehicle:

20 1. Equipment required by the United States Department of
21 Transportation pursuant to 49 C.F.R., Chapter V; or

22 2. The use of additional parts and accessories which are not
23 inconsistent with provisions of this chapter.

1 C. The provisions of Article II et seq. of this chapter with
2 respect to equipment on vehicles shall not apply to implements of
3 husbandry, road machinery, road rollers, farm tractors, motorcycles
4 as defined in Section 12-601 of this title, or vehicles designed to
5 be moved solely by animal or human power, except as specifically
6 made applicable in this chapter.

7 D. Any specific requirement of this chapter with respect to
8 equipment on any vehicle, other than a bicycle, shall not apply if
9 the vehicle was lawfully designed and manufactured without such
10 equipment; provided, the provisions of this chapter shall apply to
11 any homemade vehicle or any vehicle constructed from a kit or from
12 plans.

13 E. ~~A low-speed~~ Low-speed and medium-speed electrical ~~vehiele~~
14 vehicles which ~~is~~ are in compliance with the equipment requirements
15 in 49 C.F.R., Section 571.500 shall be deemed to be in compliance
16 with the provisions of this chapter.

17 F. The provisions of this chapter shall not apply to vehicles
18 registered in Oklahoma as antique or classic vehicles pursuant to
19 Sections 1105 and 1135.1 of this title and rules promulgated
20 pursuant thereto.

21 G. The Commissioner of Public Safety may promulgate rules
22 regarding vehicle equipment and standards for vehicle equipment
23 required to maintain such equipment in safe condition and in
24 compliance with this chapter.

1 H. Any person producing proof within forty-eight (48) hours
2 that a condition or equipment for which the person was cited as
3 defective, missing, prohibited, improper, unauthorized or otherwise
4 in violation of this chapter has been remedied by the person shall
5 be entitled to dismissal of such charge without assessment of court
6 costs.

7 I. As used in this chapter:

8 1. "Lamp" means an electrical device producing artificial
9 illumination by use of one or more lights, each light of which
10 performs the same function or separate functions as required by this
11 chapter;

12 2. "Lightweight vehicle" means a motor vehicle that has a
13 manufacturer's gross vehicle weight rating of ten thousand (10,000)
14 pounds or less, other than:

15 a. a vehicle that is being used to transport passengers
16 for hire, or

17 b. a vehicle that is being used to transport hazardous
18 materials of a type or quantity that requires the
19 vehicle to be marked or placarded under 49 C.F.R.,
20 Section 177.823;

21 3. "Nighttime" or "night" means any time from one-half (1/2)
22 hour after sunset to one-half (1/2) hour before sunrise; and

23 4. "Passenger car" means a motor vehicle designed for carrying
24 ten persons, including the driver, or less except a low-speed

1 ~~electric~~ or medium-speed electrical vehicle or motorcycle, as
2 defined in Section 12-601 of this title.

3 SECTION 3. AMENDATORY 47 O.S. 2001, Section 15-112, as
4 last amended by Section 17, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
5 2007, Section 15-112), is amended to read as follows:

6 Section 15-112. A. As used in this section:

7 1. "Physician" means any person holding a valid license to
8 practice medicine and surgery, osteopathic medicine, chiropractic,
9 podiatric medicine, or optometry, pursuant to the state licensing
10 provisions of Title 59 of the Oklahoma Statutes;

11 2. "Physician assistant" means any person holding a valid
12 license as a physician assistant, pursuant to the state licensing
13 provisions of the Physician Assistant Act;

14 3. "Advanced registered nurse practitioner" means any person
15 who holds a current license as a registered nurse and a current
16 certificate of recognition for practice as an Advanced Registered
17 Nurse Practitioner as set forth in the Oklahoma Nursing Practice Act
18 pursuant to the state licensing provisions contained in paragraph 5
19 of Section 567.3a of Title 59 of the Oklahoma Statutes; and

20 4. "Physical disability" means an illness, disease, injury or
21 condition by reason of which a person:

22 a. cannot walk two hundred (200) feet without stopping to
23 rest,

24

- b. cannot walk without the use of or assistance from a
brace, cane, crutch, another person, prosthetic
device, wheelchair or other assistance device,
- c. is restricted to such an extent that the person's
forced (respiratory) expiratory volume for one (1)
second, when measured by spirometry, is less than one
(1) liter, or the arterial oxygen tension is less than
sixty (60) mm/hg on room air at rest,
- d. must use portable oxygen,
- e. has functional limitations which are classified in
severity as Class III or Class IV according to
standards set by the American Heart Association,
- f. is severely limited in the person's ability to walk
due to an arthritic, neurological or orthopedic
condition, or from complications due to pregnancy,
- g. is certified legally blind, or
- h. is missing one or more limbs.

B. 1. The Department of Public Safety shall issue a detachable placard indicating physical disability to any person who submits an application on a form furnished by the Department and certified by a physician, physician assistant, or advanced registered nurse practitioner attesting that the applicant has a physical disability. The attestation of the physician, physician assistant, or advanced registered nurse practitioner shall denote "temporary" as the type

1 of placard requested and shall indicate an expiration date which the
2 physician, physician assistant, or advanced registered nurse
3 practitioner estimates to be the date of termination of such
4 physical disability; however, if the physician, physician assistant,
5 or advanced registered nurse practitioner certifies that the
6 physical disability is permanent, the physician, physician
7 assistant, or advanced registered nurse practitioner shall denote
8 "five-year" as the type of placard requested.

9 2. The person to whom such placard is issued shall be entitled
10 to the special parking privileges provided for in Section 15-111 of
11 this title; provided, however, the placard is properly displayed on
12 the parked vehicle.

13 C. Any placard issued by the Department of Public Safety shall
14 remain valid until:

15 1. The placard expires;

16 2. The person to whom the placard was issued requests a
17 replacement placard; or

18 3. The placard is no longer needed by the person to whom the
19 placard was issued for the disability for which the placard was
20 originally issued, whereupon such placard shall be returned to the
21 Department.

22 D. 1. A five-year placard shall expire five (5) years from the
23 last day of the month in which the placard was issued. Upon the
24 expiration of a five-year placard, the person to whom such placard

1 was issued may obtain a subsequent placard by reapplying to the
2 Department, in the same manner as provided in subsection B of this
3 section.

4 2. A temporary placard shall indicate the expiration date which
5 the physician, physician assistant, or advanced registered nurse
6 practitioner certifying the physical disability estimates to be the
7 date of termination of such physical disability, which shall not be
8 later than six (6) months from the date of issuance and upon which
9 date such placard shall expire and shall be returned to the
10 Department; provided, however, nothing in this paragraph shall be
11 construed to prevent the holder from applying for another placard,
12 as provided for in this section.

13 3. In the event that a placard is lost or destroyed, the person
14 to whom such placard was issued may apply in writing to the
15 Department for a replacement placard, which the Department shall
16 issue with the same expiration date as the original placard.

17 4. On and after January 1, 1998, all placards issued prior to
18 October 31, 1990, shall expire on the last day of the month in which
19 the placard was issued, and the person to whom such placard was
20 issued may follow the procedure provided for in subsection B of this
21 section to obtain a second or subsequent placard.

22 5. On and after January 1, 2000, all placards issued between
23 November 1, 1990, and June 30, 1995, shall expire on the last day of
24 the birth month of the person to whom the placard was issued, and

1 the person to whom such placard was issued may follow the procedure
2 provided for in subsection B of this section to obtain a second or
3 subsequent placard.

4 E. A physician, physician assistant, or advanced registered
5 nurse practitioner may sign an application certifying that a person
6 has a physical disability, as provided in subsection B of this
7 section, only if care and treatment of the illness, disease, injury
8 or condition causing the physical disability of such person falls
9 within the authorized scope of practice of the physician or
10 physician assistant, or advanced registered nurse practitioner.

11 F. The Department shall recognize handicap and disability
12 stickers issued by the Department of Veterans Affairs and federal
13 military bases in the same manner as the placard issued by the
14 Department as provided for in this section. For purposes of this
15 section and other sections of law relating to the physical
16 disability placard, the term "physical disability placard" shall
17 include those handicap and disability stickers issued by the
18 Department of Veterans Affairs and federal military bases.

19 G. The Department shall have the power to formulate, adopt and
20 promulgate rules as may be necessary to implement and administer the
21 provisions of this section, including, but not limited to,
22 prescribing the manner in which the placard is to be displayed on a
23 motor vehicle.

24

1 H. The Commissioner of Public Safety is hereby authorized to
2 enter into reciprocity agreements with other states for the purpose
3 of recognizing parking placards or license plates indicating
4 physical disability issued by those states.

5 ~~I. The Department shall charge and the applicant shall pay to~~
6 ~~the Department a fee of One Dollar (\$1.00) for each placard issued.~~
7 ~~The fee shall be deposited in the Department of Public Safety~~
8 ~~Revolving Fund.~~

9 SECTION 4. AMENDATORY 47 O.S. 2001, Section 40-102, as
10 last amended by Section 14, Chapter 394, O.S.L. 2005 (47 O.S. Supp.
11 2007, Section 40-102), is amended to read as follows:

12 Section 40-102. A. 1. Every law enforcement officer who, in
13 the regular course of duty, investigates or receives a report of a
14 traffic collision resulting in injury to or death of a person or
15 total property damage to an apparent extent of Five Hundred Dollars
16 (\$500.00) or more shall prepare a written report of the collision on
17 the standard collision report form supplied by the Department of
18 Public Safety. The reports shall be forwarded within thirty (30)
19 days of the collision or, if the collision results in the death of
20 any person, then within twenty (20) days of the death of the person,
21 whichever time period is lesser, by the law enforcement agency
22 preparing the report to the Department of Public Safety.

23 2. Reports of collisions shall be kept confidential for a
24 period of sixty (60) days after the date of the collision; provided,

1 the reports shall be made available as soon as practicable upon
2 request to any:

- 3 a. party involved in the collision,
- 4 b. legal representatives of a party involved in the
5 collision,
- 6 c. state, county or city law enforcement agency,
- 7 d. the Department of Transportation or any county or city
8 transportation or road and highway maintenance agency,
- 9 e. licensed insurance agents of a party involved in the
10 collision,
- 11 f. insurer of a party involved in the collision,
- 12 g. insurer to which a party has applied for coverage,
- 13 h. person under contract with an insurer, as described in
14 subparagraph e, f or g of this paragraph, to provide
15 claims or underwriting information,
- 16 i. prosecutorial authority,
- 17 j. newspaper as defined in Section 106 of Title 25 of the
18 Oklahoma Statutes,
- 19 k. radio or television broadcaster,
- 20 l. licensed private investigators employed by a party
21 involved in the collision, or
- 22 m. provider of health services to a party involved in the
23 collision.

24

1 3. Any person who knowingly violates this section and obtains
2 or provides information made confidential by this section is guilty
3 of a misdemeanor and shall be fined no more than Two Thousand Five
4 Hundred Dollars (\$2,500.00). Second and subsequent offenses shall
5 carry a penalty of imprisonment in the county jail for not more than
6 thirty (30) days.

7 B. 1. No public employee or officer shall allow a person to
8 examine or reproduce a collision report or any related investigation
9 report if examination or reproduction of the report is sought for
10 the purpose of making a commercial solicitation. Any person
11 requesting a collision report may be required to state, in writing,
12 under penalty of perjury, that the report will not be examined,
13 reproduced or otherwise used for commercial solicitation purposes.
14 It shall be unlawful and constitute a misdemeanor for any person to
15 obtain or use information from a collision report or a copy thereof
16 for the purpose of making a commercial solicitation.

17 2. As used in this subsection:

18 a. "commercial solicitation" means any attempt to use, or
19 offer for use, information contained in a collision
20 report to solicit any person named in the report, or a
21 relative of the person, or to solicit a professional,
22 business, or commercial relationship. "Commercial
23 solicitation" does not include publication in a
24 newspaper, as defined in Section 106 of Title 25 of

1 the Oklahoma Statutes, or broadcast of information by
2 news media for news purposes, or obtaining information
3 for the purpose of verification or settlement of
4 claims by insurance companies, and

5 b. "collision report" means any report regarding a motor
6 vehicle collision which has been submitted by an
7 individual or investigating officer on a form
8 prescribed or used by the Department of Public Safety
9 or local police department.

10 3. Publication in a newspaper, as defined in Section 106 of
11 Title 25 of the Oklahoma Statutes, or broadcast by news media for
12 news purposes shall not constitute a resale or use of data for trade
13 or commercial solicitation purposes. Because publication by a
14 newspaper, broadcast by news media for news purposes, or obtaining
15 information for verification or settlement of claims by insurance
16 companies is not a resale or use of data for commercial solicitation
17 purposes, an affidavit shall not be required as a condition for
18 allowing a member of a newspaper or broadcast news media, or
19 allowing an agent, or business serving as an agent, to insurance
20 companies, to examine or obtain a copy of a collision report. Any
21 agent or business obtaining information for verification or
22 settlement of claims involving persons named in a report shall
23 secure an affidavit annually from each client stating the
24

1 information provided to the client shall not be used for commercial
2 solicitation purposes under penalty of law.

3 4. The Department and local police departments shall include
4 the following or a similar notice upon any copy of a collision
5 report furnished to others: "Warning - State Law. Use of contents
6 for commercial solicitation is unlawful."

7 C. As used in this section:

8 1. "Newspaper" means a legal newspaper as defined in Section
9 106 of Title 25 of the Oklahoma Statutes, provided that the primary
10 purpose of the newspaper is not the publication of personally
11 identifying information concerning parties involved in the traffic
12 collision; and

13 2. "Provider of health services" means any person that provides
14 health care services to the injured person under a license,
15 certification or registration issued pursuant to Title 59 of the
16 Oklahoma Statutes, or any hospital or related institution that
17 offers or provides health care services under a license issued
18 pursuant to Section 1-702 et seq. of Title 63 of the Oklahoma
19 Statutes.

20 SECTION 5. AMENDATORY 47 O.S. 2001, Section 158.2, is
21 amended to read as follows:

22 Section 158.2 The operation of ~~such~~ vehicles, motorized
23 machinery and equipment by the ~~departments described in Section~~
24 ~~158.1 of this title~~ Department of Central Services, the State

1 Department of Health, the Department of Public Safety, the
2 Department of Mental Health and Substance Abuse Services, the
3 Department of Corrections, and all other state departments and
4 agencies not otherwise specifically authorized by law, is hereby
5 declared to be a public governmental function. An action for
6 damages may be brought against such departments, but the
7 governmental immunity of such departments shall be waived only to
8 the extent of the amount of insurance purchased. The departments
9 shall be liable for negligence only while such insurance is in
10 force, but in no case in an amount exceeding the limits of the
11 coverage of any such insurance policy. No attempt shall be made in
12 the trial of any action brought against any such departments to
13 suggest the existence of any insurance which covers in whole or in
14 part any judgment or award which may be rendered in favor of the
15 plaintiff, and if the verdict rendered by the jury exceeds the
16 limits of the applicable insurance, the court shall reduce the
17 amount of said judgment or award to a sum equal to the applicable
18 limits stated in the policy. The insurer may not plead as a defense
19 in any action involving insurance purchases by the authority of this
20 ~~Act~~ section the governmental immunity of either the State of
21 Oklahoma, the State Department of Health, Department of Public
22 Safety, Department of Mental Health and Substance Abuse Services, or
23 the ~~Oklahoma State Penitentiary~~ Department of Corrections.

24

1 SECTION 6. AMENDATORY 47 O.S. 2001, Section 1102, as
2 last amended by Section 1 of Enrolled Senate Bill No. 1998 of the
3 2nd Session of the 51st Oklahoma Legislature, is amended to read as
4 follows:

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

7 1. "All-terrain vehicle" means a vehicle powered by an internal
8 combustion engine manufactured and used exclusively for off-highway
9 use traveling on four or more low-pressure tires, and having a seat
10 designed to be straddled by the operator and handlebars for
11 steering;

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

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

20 4. "Chips and oil" or the term "road oil and crushed rock"
21 means, with respect to materials authorized for use in the surfacing
22 of roads or highways in this title or in any equivalent statute
23 pertaining to road or highway surfacing in the State of Oklahoma,
24 any asphaltic materials. Wherever chips and oil or road oil and

1 crushed rock are authorized for use in the surfacing of roads or
2 highways in this state, whether by the Department of Transportation,
3 or by the county commissioners, or other road building authority
4 subject to the Oklahoma Vehicle License and Registration Act,
5 asphaltic materials are also authorized for use in such surfacing
6 and construction;

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

12 6. "Commercial trailer" means any trailer, as defined in
13 Section 1-180 of this title, or semitrailer, as defined in Section
14 1-162 of this title, when such trailer or semitrailer is used
15 primarily for business or commercial purposes;

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

19 8. "Commercial vehicle" means any vehicle over eight thousand
20 (8,000) pounds combined laden weight used primarily for business or
21 commercial purposes. Each motor vehicle being registered pursuant
22 to the provisions of this section shall have the name of the
23 commercial establishment or the words "Commercial Vehicle"
24 permanently and prominently displayed upon the outside of the

1 vehicle in letters not less than two (2) inches high. Such letters
2 shall be in sharp contrast to the background and shall be of
3 sufficient shape and color as to be readily legible during daylight
4 hours, from a distance of fifty (50) feet while the vehicle is not
5 in motion;

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

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

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

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

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

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

9 15. "Low-speed electrical vehicle" means any four-wheeled
10 electrical vehicle that is powered by an electric motor that draws
11 current from rechargeable storage batteries or other sources of
12 electrical current and whose top speed is greater than twenty (20)
13 miles per hour but not greater than twenty-five (25) miles per hour
14 and is manufactured in compliance with the National Highway Traffic
15 Safety Administration standards for low-speed vehicles in 49 C.F.R.
16 571.500;

17 16. "Manufactured home" means a residential dwelling built in
18 accordance with the National Manufactured Housing Construction and
19 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and
20 rules promulgated pursuant thereto and the rules promulgated by the
21 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section
22 582 of this title;

23 17. "Manufactured home dealer" means any person, firm or
24 corporation engaged in the business of selling any new and unused,

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

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

19 19. "Motor license agent" means any person appointed,
20 designated or authorized by the Oklahoma Tax Commission to collect
21 the fees and to enforce the provisions provided for in the Oklahoma
22 Vehicle License and Registration Act;

23 ~~19.~~ 20. "New vehicle" or "unused vehicle" means a vehicle which
24 has been in the possession of the manufacturer, distributor or

1 wholesaler or has been sold only by the manufacturer, distributor or
2 wholesaler to a dealer;

3 ~~20.~~ 21. "Nonresident" means any person who is not a resident of
4 this state;

5 ~~21.~~ 22. "Off-road motorcycle" means any motorcycle, as defined
6 in Section 1-135 of this title, when such motorcycle has been
7 manufactured for and used exclusively off roads, highways and any
8 other paved surfaces;

9 ~~22.~~ 23. "Owner" means any person owning, operating or
10 possessing any vehicle herein defined;

11 ~~23.~~ 24. "Person" means any individual, copartner, joint
12 venture, association, corporation, limited liability company,
13 estate, trust, business trust, syndicate, the State of Oklahoma, or
14 any county, city, municipality, school district or other political
15 subdivision thereof, or any group or combination acting as a unit,
16 or any receiver appointed by the state or federal court;

17 ~~24.~~ 25. "Recreational vehicle" means every vehicle which is
18 built on or permanently attached to a self-propelled motor chassis
19 or chassis cab which becomes an integral part of the completed
20 vehicle and is capable of being operated on the highways. In order
21 to qualify as a recreational vehicle pursuant to this paragraph such
22 vehicle shall be permanently constructed and equipped for human
23 habitation, having its own sleeping and kitchen facilities,
24 including permanently affixed cooking facilities, water tanks and

1 holding tank with permanent toilet facilities. Recreational vehicle
2 shall not include manufactured homes or any vehicle with portable
3 sleeping, toilet and kitchen facilities which are designed to be
4 removed from such vehicle;

5 ~~25.~~ 26. "Remanufactured vehicle" means a vehicle which has been
6 assembled by a vehicle remanufacturer using a new body and which may
7 include original, reconditioned, or remanufactured parts, and which
8 is not a salvage, rebuilt, or junked vehicle as defined by
9 paragraphs 1, 2, and 5, respectively, of subsection A of Section
10 1105 of this title;

11 ~~26.~~ 27. "Rental trailer" means all small or utility trailers or
12 semitrailers constructed and suitable for towing by a passenger
13 automobile and designed only for carrying property, when the
14 trailers or semitrailers are owned by, or are in the possession of,
15 any person engaged in renting or leasing such trailers or
16 semitrailers for intrastate or interstate use or combined intrastate
17 and interstate use;

18 ~~27.~~ 28. "Special mobilized machinery" means special purpose
19 machines or devices, either self-propelled or drawn as trailers or
20 semitrailers, which derive no revenue from the transportation of
21 persons or property, whose use of the highway is only incidental,
22 and whose useful revenue producing service is performed at
23 destinations in an area away from the traveled surface of an
24 established open highway;

1 ~~28.~~ 29. "State" means the State of Oklahoma;

2 ~~29.~~ 30. "Station wagon" means any passenger vehicle which does
3 not have a separate luggage compartment or trunk and which does not
4 have open beds, and has one or more rear seats readily lifted out or
5 folded, whether same is called a station wagon or ranch wagon;

6 ~~30.~~ 31. "Travel trailer" means any vehicular portable structure
7 built on a chassis, used as a temporary dwelling for travel,
8 recreational or vacational use, and, when factory-equipped for the
9 road, it shall have a body width not exceeding eight (8) feet and an
10 overall length not exceeding forty (40) feet, including the hitch or
11 coupling;

12 ~~31.~~ 32. "Travel trailer dealer" means any person, firm or
13 corporation engaged in the business of selling any new and unused,
14 or used, or both new and used travel trailers. Such information and
15 a valid franchise letter as proof of authorization to sell any such
16 new travel trailer product line or lines shall be attached to the
17 application for a dealer license to sell travel trailers. "Travel
18 trailer dealer" shall not include any person, firm or corporation
19 who sells or contracts for the sale of his or her own personally
20 titled travel trailer or trailers. No person, firm or corporation
21 shall be considered as a travel trailer dealer as to any travel
22 trailer purchased or acquired by such person, firm or corporation
23 for purposes other than resale;

1 ~~32.~~ 33. "Used motor vehicle dealer" means "used motor vehicle
2 dealer" as defined in Section 581 of this title;

3 ~~33.~~ 34. "Used vehicle" means any vehicle which has been sold,
4 bargained, exchanged or given away, or used to the extent that it
5 has become what is commonly known, and generally recognized, as a
6 "secondhand" vehicle. This shall also include any vehicle other
7 than a remanufactured vehicle, regardless of age, owned by any
8 person who is not a dealer;

9 ~~34.~~ 35. "Utility vehicle" means a vehicle powered by an
10 internal combustion engine, manufactured and used exclusively for
11 off-highway use, equipped with seating for two or more people and a
12 steering wheel, traveling on four or more wheels;

13 ~~35.~~ 36. "Vehicle" means any type of conveyance or device in,
14 upon or by which a person or property is or may be transported from
15 one location to another upon the avenues of public access within the
16 state. "Vehicle" does not include bicycles, trailers except travel
17 trailers and rental trailers, or implements of husbandry as defined
18 in Section 1-125 of this title. All implements of husbandry used as
19 conveyances shall be required to display the owner's driver license
20 number or license plate number of any vehicle owned by the owner of
21 the implement of husbandry on the rear of the implement in numbers
22 not less than two (2) inches in height. The use of the owner's
23 social security number on the rear of the implement of husbandry
24 shall not be required; and

1 ~~36.~~ 37. "Vehicle remanufacturer" means a commercial entity
2 which assembles remanufactured vehicles.

3 SECTION 7. AMENDATORY 47 O.S. 2001, Section 1602, as
4 amended by Section 18, Chapter 62, O.S.L. 2007 (47 O.S. Supp. 2007,
5 Section 1602), is amended to read as follows:

6 Section 1602. As used in ~~Sections~~ Section 1603 and ~~1604~~ of this
7 title:

8 1. "Refueling service" means the service of pumping motor
9 vehicle fuel into the fuel tank of a motor vehicle;

10 2. "Mobility-impaired driver" means a person with a physical
11 disability, as defined in Section 15-112 of this title; and

12 3. "Motor vehicle service station" means any facility where
13 motor vehicle fuel is stored and dispensed into the fuel tanks of
14 motor vehicles of the public.

15 SECTION 8. AMENDATORY 47 O.S. 2001, Section 1603, as
16 amended by Section 19, Chapter 62, O.S.L. 2007 (47 O.S. Supp. 2007,
17 Section 1603), is amended to read as follows:

18 Section 1603. A. Unless otherwise provided in this section,
19 any motor vehicle service station in this state which offers
20 gasoline or other motor vehicle fuel for sale to the public from the
21 service station facility may, on a voluntary basis, participate in
22 the refueling service program and upon request offer refueling
23 service to a mobility-impaired driver who displays:
24

1 1. A placard indicating physical disability, issued pursuant to
2 the provisions of Section 15-112 of this title;

3 2. A physically disabled license plate, issued pursuant to the
4 provisions of Section 1135.1 of this title; or

5 3. A disabled veterans license plate with the international
6 accessibility symbol issued pursuant to the provisions of Section
7 1135.2 of this title.

8 B. The refueling service provided for under subsection A of
9 this section shall not apply when the mobility-impaired driver is
10 accompanied by another person capable of refueling the motor
11 vehicle.

12 C. Each participating motor vehicle service station in the
13 state shall post signs notifying the public of the refueling
14 services provided by the facility.

15 D. Only those motor vehicle service stations which voluntarily
16 participate in the refueling service program established in ~~Sections~~
17 ~~1601 through 1604~~ of this title section and which offer gasoline or
18 other motor vehicle fuel for sale to the public shall be required to
19 comply with the provisions of this section.

20 SECTION 9. AMENDATORY 63 O.S. 2001, Section 2805, as
21 amended by Section 54, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2007,
22 Section 2805), is amended to read as follows:

23 Section 2805. In order to insure that proper preparation and
24 implementation of such systems can be accomplished as provided in

1 Section 2803 of this title, the Department of Public Safety may
2 develop an overall plan prior to development of any system and shall
3 coordinate the implementation of systems to be established pursuant
4 to the provisions of ~~this act~~ Section 2803 of this title. Any such
5 plan shall contain an estimate of the costs of installing alternate
6 911 systems and an estimate of the first year's additional operating
7 expenses, if any. The Department may formulate a plan by which it
8 and the public agencies and public safety agencies involved may
9 share proportionately the costs of any system and method from their
10 current funds. The Department may aid such agencies in the
11 formulation of concepts, methods and procedures which will improve
12 the operation of systems and which will increase cooperation between
13 public safety agencies. The Department may consult at regular
14 intervals with ~~the Oklahoma Highway Safety Coordinating Committee,~~
15 the State Fire Marshal, the Oklahoma ~~Crime Commission~~ State Bureau
16 of Investigation, the State Department of Health, the Department of
17 Emergency Management and the public utilities in this state
18 providing telephone service.

19 SECTION 10. AMENDATORY 68 O.S. 2001, Section 1355, as
20 last amended by Section 1, Chapter 177, O.S.L. 2007 (68 O.S. Supp.
21 2007, Section 1355), is amended to read as follows:

22 Section 1355. There are hereby specifically exempted from the
23 tax levied pursuant to the provisions of Section 1350 et seq. of
24 this title:

1 1. Sale of gasoline, motor fuel, methanol, "M-85" which is a
2 mixture of methanol and gasoline containing at least eighty-five
3 percent (85%) methanol, compressed natural gas, liquefied natural
4 gas, or liquefied petroleum gas on which the Motor Fuel Tax,
5 Gasoline Excise Tax, Special Fuels Tax or the fee in lieu of Special
6 Fuels Tax levied in Section 500.1 et seq., Section 601 et seq. or
7 Section 701 et seq. of this title has been, or will be paid;

8 2. Sale of motor vehicles or any optional equipment or
9 accessories attached to motor vehicles on which the Oklahoma Motor
10 Vehicle Excise Tax levied in Section 2101 et seq. of this title has
11 been, or will be paid;

12 3. Sale of crude petroleum or natural or casinghead gas and
13 other products subject to gross production tax pursuant to the
14 provisions of Section 1001 et seq. and Section 1101 et seq. of this
15 title. This exemption shall not apply when such products are sold
16 to a consumer or user for consumption or use, except when used for
17 injection into the earth for the purpose of promoting or
18 facilitating the production of oil or gas. This paragraph shall not
19 operate to increase or repeal the gross production tax levied by the
20 laws of this state;

21 4. Sale of aircraft on which the tax levied pursuant to the
22 provisions of Sections 6001 through 6007 of this title has been, or
23 will be paid or which are specifically exempt from such tax pursuant
24 to the provisions of Section 6003 of this title;

1 5. Sales from coin-operated devices on which the fee imposed by
2 Sections 1501 through 1512 of this title has been paid;

3 6. Leases of twelve (12) months or more of motor vehicles in
4 which the owners of the vehicles have paid the vehicle excise tax
5 levied by Section 2103 of this title;

6 7. Sales of charity game equipment on which a tax is levied
7 pursuant to the Oklahoma Charity Games Act, Section 401 et seq. of
8 Title 3A of the Oklahoma Statutes, or which is sold to an
9 organization that is:

10 a. a veterans' organization exempt from taxation pursuant
11 to the provisions of paragraph (4), (7), (8), (10) or
12 (19) of subsection (c) of Section 501 of the United
13 States Internal Revenue Code of 1986, as amended, 26
14 U.S.C., Section 501(c) et seq., or

15 b. a group home for mentally disabled individuals exempt
16 from taxation pursuant to the provisions of paragraph
17 (3) of subsection (c) of Section 501 of the United
18 States Internal Revenue Code of 1986, as amended, 26
19 U.S.C., Section 501(c) et seq.;

20 8. Sales of cigarettes or tobacco products to:

21 a. a federally recognized Indian tribe or nation which
22 has entered into a compact with the State of Oklahoma
23 pursuant to the provisions of subsection C of Section
24 346 of this title or to a licensee of such a tribe or

1 nation, upon which the payment in lieu of taxes
2 required by the compact has been paid, or

3 b. a federally recognized Indian tribe or nation or to a
4 licensee of such a tribe or nation upon which the tax
5 levied pursuant to the provisions of Section 349 or
6 Section 426 of this title has been paid;

7 9. Leases of aircraft upon which the owners have paid the
8 aircraft excise tax levied by Section 6001 et seq. of this title or
9 which are specifically exempt from such tax pursuant to the
10 provisions of Section 6003 of this title;

11 10. The sale of low-speed or medium speed electrical vehicles on
12 which the Oklahoma Motor Vehicle Excise Tax levied in Section 2101
13 et seq. of this title has been or will be paid; and

14 11. Effective January 1, 2005, sales of cigarettes on which the
15 tax levied in Section 301 et seq. of this title or tobacco products
16 on which the tax levied in Section 401 et seq. of this title has
17 been paid.

18 SECTION 11. AMENDATORY 68 O.S. 2001, Section 2101, as
19 amended by Section 8, Chapter 284, O.S.L. 2005 (68 O.S. Supp. 2007,
20 Section 2101), is amended to read as follows:

21 Section 2101. For the purpose of this article:

22 1. The term "motor vehicle" means and includes every
23 automobile, truck, truck-tractor, all-terrain vehicle, or any motor
24

1 bus or any self-propelled vehicle not operated or driven upon fixed
2 rails or tracks or in the air or on water;

3 2. The term "vehicle" means and includes every device in, upon,
4 or by which any person or property is, or may be, transported or
5 drawn, excepting devices moved by human or animal power, when not
6 used upon fixed rails or tracks, or in the air or on water;

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

15 4. The term "automobile" means and includes every motor vehicle
16 constructed and used solely for the transportation of persons for
17 purposes other than for hire or compensation;

18 5. The term "motorcycle" means and includes every motor vehicle
19 designed to travel on not more than three wheels other than an all-
20 terrain vehicle;

21 6. The term "truck" means and includes every motor vehicle
22 constructed or used for the transportation of property not falling
23 within the definition of truck-tractor, trailer or semitrailer, as
24 herein defined;

1 7. The term "truck-tractor" means and includes every motor
2 vehicle of the truck type designed to draw or support the front end
3 of a semitrailer;

4 8. The term "trailer" means and includes any vehicle designed
5 to be drawn by a truck, tractor or a truck-tractor, but supported
6 upon its own wheels;

7 9. The term "semitrailer" means and includes any vehicle
8 designed to be attached to, and having its front end supported by a
9 truck, tractor, or truck-tractor;

10 10. The term "motor bus" means and includes every motor vehicle
11 constructed so as to carry persons, and which is used or rented to
12 carry persons for compensation;

13 11. The term "manufactured home" means a residential dwelling
14 built in accordance with the National Manufactured Housing
15 Construction and Safety Standards Act of 1974, 42 U.S.C., Section
16 5401 et seq., and rules promulgated pursuant thereto and the rules
17 promulgated by the Oklahoma Used Motor Vehicle and Parts Commission
18 pursuant to Section 582 of Title 47 of the Oklahoma Statutes;

19 12. The term "farm tractor" means and includes any vehicle of
20 tractor type owned and operated by the purchaser and used
21 exclusively for agricultural purposes;

22 13. The term "all-terrain vehicle" means and includes every
23 vehicle defined as an all-terrain vehicle in Section 1102 of Title
24 47 of the Oklahoma Statutes;

1 14. The terms "legal ownership" and "legally owned" mean the
2 right to possession, whether acquired by purchase, barter, exchange,
3 assignment, gift, operation of law, or in any other manner;

4 15. The term "person" means and includes natural persons,
5 individuals, partnerships, firms, associations, limited liability
6 companies, corporations, estates, trustees, business trusts,
7 syndicates, this state, any county, city, municipality, school
8 district or other political subdivision of the state, or any
9 corporation or combination acting as a unit or any receiver
10 appointed by any state or federal court; and the use of the singular
11 number shall include the plural number; ~~and~~

12 16. The term "Tax Commission" means the Oklahoma Tax
13 Commission; and

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

19 SECTION 12. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1151.4 of Title 47, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Medium-speed electrical vehicles shall be registered
23 pursuant to the provisions of the Oklahoma Vehicle License and
24 Registration Act. The Oklahoma Tax Commission shall promulgate

1 rules for the titling and registration of medium-speed electric
2 vehicles.

3 B. Medium-speed electrical vehicles which have been titled and
4 registered pursuant to the provisions of the Oklahoma Vehicle
5 License and Registration Act may be operated on the roadways of this
6 state with a posted speed limit of forty-five (45) miles per hour or
7 less; provided, however, medium-speed electrical vehicles shall not
8 be permitted to travel upon any highway in this state which is a
9 part of the National System of Interstate and Defense Highways and
10 which otherwise meets or exceeds the National Highway Traffic Safety
11 Administration regulations set forth in 49 C.F.R. 571.500.

12 Operators of medium-speed electrical vehicles shall comply with all
13 traffic regulations and rules of conduct for the operation of motor
14 vehicles on the roadways of this state provided by law.

15 SECTION 13. REPEALER 47 O.S. 2001, Section 12-418, is
16 hereby repealed.

17 SECTION 14. RECODIFICATION 47 O.S. 2001, Section 11-
18 1007.1, shall be recodified as Section 15-115 of Title 47 of the
19 Oklahoma Statutes, unless there is created a duplication in
20 numbering.

21 47 O.S. 2001, Section 11-1008, shall be recodified as Section
22 15-116 of Title 47 of the Oklahoma Statutes, unless there is created
23 a duplication in numbering.

24

1 Section 1, Chapter 318, O.S.L. 2002 (47 O.S. Supp. 2007, Section
2 1151.2), shall be recodified as Section 1116.2 of Title 47 of the
3 Oklahoma Statutes, unless there is created a duplication in
4 numbering.

5 Section 12, Chapter 112, O.S.L. 2007 (74 O.S. Supp. 2007,
6 Section 151.2), shall be recodified as Section 2-106.3 of Title 47
7 of the Oklahoma Statutes, unless there is created a duplication in
8 numbering.

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

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