

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 337

By: Boggs of the Senate

6 and

7 Grego of the House

8
9 An Act relating to mopeds; amending 47 O.S. 2011,
10 Section 1-133.2, which relates to mopeds; modifying
11 definition; amending 47 O.S. 2011, Section 11-1116,
12 as last amended by Section 9, Chapter 4, O.S.L. 2014
13 (47 O.S. Supp. 2018, Section 11-1116), which relates
14 to operation of mopeds; modifying certain areas in
15 which mopeds are allowed to operate; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1-133.2, is
19 amended to read as follows:

20 Section 1-133.2. Moped.

21 A "moped" is any motor-driven cycle with a motor which produces
22 not to exceed two brake horsepower and which is not capable of
23 propelling the vehicle at a speed in excess of ~~thirty (30)~~ thirty-
24 five (35) miles per hour on level ground. If an internal combustion
engine is used, the displacement shall not exceed fifty (50) cubic
centimeters, and the moped shall have a power drive system that

1 functions directly or automatically without clutching or shifting by
2 the operator after the drive system is engaged.

3 SECTION 2. AMENDATORY 47 O.S. 2011, Section 11-1116, as
4 last amended by Section 9, Chapter 4, O.S.L. 2014 (47 O.S. Supp.
5 2018, Section 11-1116), is amended to read as follows:

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

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

14 1. When used in a parade; or

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

19 All minibikes offered for sale in this state shall bear the
20 following notice to the customer: "This machine is not manufactured
21 or sold for operation on the public streets or highways. Since it
22 is not provided with equipment required by law for street or highway
23 use, all persons are cautioned that any operation of this vehicle
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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
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1 city streets; provided, such ordinances shall include necessary
2 vehicle lighting and safety requirements;

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

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

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

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

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

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

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

22 2. On public streets and highways if:

23 a. the vehicle needs to make a direct crossing of the
24 street or highway while the vehicle is traveling upon

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

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

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

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

22 3. On streets and highways within a municipality if the
23 municipal governing body has adopted an ordinance governing the
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1 operation of golf carts, utility vehicles or all-terrain vehicles on
2 streets and highways within the municipality; or

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

8 E. Mopeds, as defined by Section 1-133.2 of this title, may be
9 operated on the streets and highways of this state if:

10 1. The municipal governing body has adopted an ordinance
11 governing the operation of mopeds on city streets; provided, such
12 ordinances shall include necessary vehicle lighting and safety
13 requirements; or

14 2. The board of county commissioners of a county has approved
15 the operation of mopeds on roadways within the county.

16 SECTION 3. This act shall become effective November 1, 2019.

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18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/28/2019 -
19 DO PASS.

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