

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2133

By: George

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2021, Sections 1-103.2, 1-133.2, 1-135, and 1-136,
9 which relate to definitions of autocycles, mopeds,
10 motorcycles and motor-driven cycles; modifying
11 definitions; amending 47 O.S. 2021, Section 6-105, as
12 amended by Section 42, Chapter 282, O.S.L. 2022 (47
13 O.S. Supp. 2022, Section 6-105), which relates to
14 motorcycle-only licenses; limiting allowable power of
15 certain electric motorcycles; and providing an
16 effective date.

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

17 SECTION 1. AMENDATORY 47 O.S. 2021, Section 1-103.2, is
18 amended to read as follows:

19 Section 1-103.2 Autocycle.

20 Autocycle.

21 A. An autocycle is any motor vehicle having:

22 1. A seat or saddle for the use of each rider;

23 2. Three wheels in contact with the ground, but excluding a

24 tractor;

1 3. A combustion engine or an electric motor:

2 a. if the power source is a combustion engine, an engine

3 with a piston or rotor displacement of one hundred

4 fifty cubic centimeters (150 ~~eu em~~ cc) or greater, or

5 b. if the power source is an electric motor, a power

6 source capable of producing one thousand (1,000) watts

7 or greater;

8 4. For each occupant, safety belts or safety shoulder harnesses
9 which shall be of a type and shall be installed pursuant to 49
10 C.F.R., Section 571.208 et seq.; and

11 5. All equipment required by the provisions of Article II et
12 seq. of Chapter 12 of this title, with respect to equipment on
13 vehicles.

14 B. An autocycle shall be registered as a motor vehicle.

15 C. The operator of an autocycle shall not be required to have
16 an "M" endorsement on the Class D License pursuant to Section 6-
17 110.1 of this title.

18 SECTION 2. AMENDATORY 47 O.S. 2021, Section 1-133.2, is
19 amended to read as follows:

20 Section 1-133.2 Moped.

21 Moped.

22 A "moped" is any motor-driven cycle with ~~a~~ an electric or
23 internal combustion motor which produces not to exceed two brake
24 horsepower and which is not capable of propelling the vehicle at a

1 speed in excess of thirty-five (35) miles per hour on level ground.
2 If an internal combustion engine is used, the displacement shall not
3 exceed fifty ~~(50)~~ cubic centimeters (50 cc), and the moped shall
4 have a power drive system that functions directly or automatically
5 without clutching or shifting by the operator after the drive system
6 is engaged.

7 SECTION 3. AMENDATORY 47 O.S. 2021, Section 1-135, is
8 amended to read as follows:

9 Section 1-135. Motorcycle.

10 Motorcycle.

11 A motorcycle is any motor vehicle having:

12 1. A seat or saddle for the use of each rider;

13 2. Not more than three wheels in contact with the ground, but
14 excluding a tractor; and

15 3. A An electric or combustion engine motor:

16 a. if the power source is a combustion engine, an engine

17 with a piston or rotor displacement of one hundred

18 fifty cubic centimeters (150 ~~cu cm~~ cc) or greater, or

19 b. if the power source is an electric motor, with a power

20 source capable of producing one thousand (1,000) watts

21 or greater.

22 SECTION 4. AMENDATORY 47 O.S. 2021, Section 1-136, is
23 amended to read as follows:

24 Section 1-136. Motor-driven cycle.

1 Motor-driven cycle.

2 A motor-driven cycle is any motor vehicle having:

3 1. A power source that:

4 a. if the power source is a combustion engine, has a
5 piston or rotor displacement of greater than thirty-
6 five cubic centimeters (35 ~~eu-em~~ cc) but less than one
7 hundred fifty cubic centimeters (150 ~~eu-em~~ cc)
8 regardless of the number of chambers in the power
9 source, or

10 b. if the power source is electric, has a power output of
11 ~~greater~~ less than one thousand (1,000) watts; and

12 2. A seat or saddle for the use of each rider; and

13 3. Not more than three wheels in contact with the ground.

14 SECTION 5. AMENDATORY 47 O.S. 2021, Section 6-105, as
15 amended by Section 42, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022,
16 Section 6-105), is amended to read as follows:

17 Section 6-105. A. Unless a legal custodial parent or legal
18 guardian has filed an objection to licensure pursuant to Section 6-
19 103.1 of this title, any person under eighteen (18) years of age who
20 is in compliance with or not subject to Section 6-107.3 of this
21 title may be permitted to operate:

22 1. A Class D motor vehicle under the graduated driver license
23 provisions prescribed in subsections B through E of this section;

1 2. A motorcycle under the provisions prescribed in subsection H
2 of this section; or

3 3. A farm vehicle under the provisions prescribed in subsection
4 I of this section.

5 B. Any person who is at least fifteen (15) years of age may
6 drive during a session in which the driver is being instructed in a
7 driver education course, as set out in subparagraphs a, b, c, d and
8 e of paragraph 1 of subsection C of this section, by a certified
9 driver education instructor who is seated in the right front seat of
10 the motor vehicle.

11 C. Any person:

12 1. Who is at least fifteen and one-half (15 1/2) years of age
13 and is currently receiving instruction in or has successfully
14 completed driver education. For purposes of this section, the term
15 "driver education" shall mean:

16 a. a prescribed secondary school driver education course,
17 as provided for in Sections 19-113 through 19-121 of
18 Title 70 of the Oklahoma Statutes,

19 b. a driver education course, certified by the Department
20 of Public Safety, from a parochial, private, or other
21 nonpublic secondary school,

22 c. a commercial driver training course, as defined by
23 Sections 801 through 808 of this title,
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- d. a parent-taught driver education course, certified by the Department of Public Safety. The Department shall promulgate rules for any parent-taught driver education course, or
- e. a driver education course certified by a state other than Oklahoma; or

2. Who is at least sixteen (16) years of age, may, upon successfully passing all parts of the driver license examination administered by Service Oklahoma, or an approved written examination proctor, except the driving examination, be issued a learner permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways only between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee; provided, the written examination for a learner permit may be waived by Service Oklahoma upon verification that the person has successfully completed driver education.

D. 1. Any person:

- a. who has applied for, been issued, and has possessed a learner permit for a minimum of six (6) months, and
- b. whose custodial legal parent or legal guardian certifies to Service Oklahoma by sworn affidavit that the person has received a minimum of fifty (50) hours

1 of actual behind-the-wheel training, of which at least
2 ten (10) hours of such training was at night, from a
3 licensed driver who was at least twenty-one (21) years
4 of age and who was properly licensed to operate a
5 Class D motor vehicle for a minimum of two (2) years,
6 may be issued an intermediate Class D license upon successfully
7 passing all parts of the driver license examinations administered by
8 Service Oklahoma; provided, the written examination, if it has not
9 previously been administered or waived, may be waived by Service
10 Oklahoma upon verification that the person has successfully
11 completed driver education or the driving examination may be waived
12 by Service Oklahoma upon successful passage of the examination
13 administered by a certified designated examiner, as provided for in
14 Section 6-110 of this title. However, notwithstanding the date of
15 issuance of the learner permit, if the person has been convicted of
16 a traffic offense which is reported on the driving record of that
17 person, the time period specified in subparagraph a of this
18 paragraph shall be recalculated to begin from the date of conviction
19 for the traffic offense, and must elapse before that person may be
20 issued an intermediate Class D license. If the person has been
21 convicted of more than one traffic offense which is reported on the
22 driving record of that person, the time period specified in
23 subparagraph a of this paragraph shall be recalculated to begin from
24

1 the most recent date of conviction, and must elapse before that
2 person may be issued an intermediate Class D license.

3 2. A person who has been issued an intermediate Class D license
4 under the provisions of this subsection:

5 a. shall be granted the privilege to operate a Class D
6 motor vehicle upon the public highways:

7 (1) only between the hours of 5:00 a.m. and 10:00
8 p.m., except for driving to and from work,
9 school, school activities, and church activities,
10 or

11 (2) at any time, if a licensed driver who is at least
12 twenty-one (21) years of age is actually
13 occupying a seat beside the intermediate Class D
14 licensee, or if the intermediate Class D licensee
15 is a farm or ranch resident, and is operating a
16 motor vehicle while engaged in farming or
17 ranching operations outside the limits of a
18 municipality, or driving to and from work,
19 school, school activities, or church activities,
20 and

21 b. shall not operate a motor vehicle with more than one
22 passenger unless:

23 (1) all passengers live in the same household as the
24 custodial legal parent or legal guardian, or

1 (2) a licensed driver at least twenty-one (21) years
2 of age is actually occupying a seat beside the
3 intermediate Class D licensee.

4 E. Any person who has been issued an intermediate Class D
5 license for a minimum of:

6 1. One (1) year; or

7 2. Six (6) months, if the person has completed both the driver
8 education and the parent-certified behind-the-wheel training
9 provisions of subparagraph b of paragraph 1 of subsection D of this
10 section,

11 may be issued a Class D license. However, notwithstanding the date
12 of issuance of the Class D license, if the person has been convicted
13 of a traffic offense which is reported on the driving record of that
14 person, the time periods specified in paragraph 1 or 2 of this
15 subsection, as applicable, shall be recalculated to begin from the
16 date of conviction for the traffic offense, and must elapse before
17 that person may be issued a Class D license. If the person has been
18 convicted of more than one traffic offense which is reported on the
19 driving record of that person, the time periods specified in
20 paragraph 1 or 2 of this subsection, as applicable, shall be
21 recalculated to begin from the most recent date of conviction, and
22 must elapse before that person may be issued a Class D license.

23 F. Learner permits and intermediate Class D licenses shall be
24 issued for the same period as all other driver licenses. The

1 licenses may be suspended or canceled at the discretion of the
2 Department for violation of restrictions, for failing to give the
3 required or correct information on the application, for knowingly
4 giving false or inaccurate information on the application or any
5 subsequent documentation related to the granting of driving
6 privileges, for using a hand-held electronic device while operating
7 a motor vehicle for non-life-threatening emergency purposes or for
8 violation of any traffic laws of this state pertaining to the
9 operation of a motor vehicle.

10 G. Service Oklahoma shall promulgate rules establishing
11 procedures for removal of learner permit and intermediate Class D
12 license restrictions from the permit or license upon the permittee
13 or licensee qualifying for a less restricted or an unrestricted
14 license.

15 H. Any person fourteen (14) years of age or older may apply for
16 a restricted Class D license with a motorcycle-only restriction.
17 After the person has successfully passed all parts of the motorcycle
18 examination other than the driving examination, has successfully
19 completed a certified state-approved motorcycle basic rider course
20 approved by the Department of Public Safety, in conjunction with
21 Service Oklahoma, and has met all requirements provided for in the
22 rules of the Department and Service Oklahoma, Service Oklahoma shall
23 issue to the person a restricted Class D license with a motorcycle-
24 only restriction which shall grant to the person, while having the

1 license in the person's immediate possession, the privilege to
2 operate a motorcycle or motor-driven cycle:

3 1. With a piston displacement not to exceed three hundred ~~(300)~~
4 cubic centimeters (300 cc) or a sixteen and eight-tenths (16.8)
5 kilowatt electric power source;

6 2. Between the hours of 4:30 a.m. to 9:00 p.m. only;

7 3. While wearing approved protective headgear; and

8 4. While accompanied by and receiving instruction from any
9 person who is at least twenty-one (21) years of age and who is
10 properly licensed pursuant to the laws of this state to operate a
11 motorcycle or motor-driven cycle, and who has visual contact with
12 the restricted licensee.

13 The restricted licensee may apply on or after thirty (30) days
14 from date of issuance of the restricted Class D license with a
15 motorcycle-only restriction to have the restriction of being
16 accompanied by a licensed driver removed by successfully completing
17 the driving portion of an examination.

18 The written examination and driving examination for a restricted
19 Class D license with a motorcycle-only endorsement shall be waived
20 by Service Oklahoma upon verification that the person has
21 successfully completed a certified state-approved motorcycle basic
22 rider course approved by the Department and Service Oklahoma.

23 I. Service Oklahoma may in its discretion issue a special
24 permit to any person who has attained the age of fourteen (14)

1 years, authorizing such person to operate farm vehicles between the
2 farm and the market to haul commodities grown on the farm; provided,
3 that the special permit shall be temporary and shall expire not more
4 than thirty (30) days after the issuance of the special permit.
5 Special permits shall be issued only to farm residents and shall be
6 issued only during the time of the harvest of the principal crops
7 grown on such farm. Provided, however, Service Oklahoma shall not
8 issue a special permit pursuant to this subsection until Service
9 Oklahoma is fully satisfied after the examination of the application
10 and other evidence furnished in support thereof, that the person is
11 physically and mentally developed to such a degree that the
12 operation of a motor vehicle by the person would not be inimical to
13 public safety.

14 J. As used in this section:

15 1. "Hand-held electronic device" means a mobile telephone or
16 electronic device with which a user engages in a telephone call,
17 plays or stores media, including but not limited to music and video,
18 or sends or reads a text message while requiring the use of at least
19 one hand; and

20 2. "Using a hand-held electronic device" means engaging any
21 function on an electronic device.

22 K. All driver education courses provided for in paragraph 1 of
23 subsection C of this section shall include education regarding the
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1 dangers of texting while driving and the effects of being under the
2 influence of alcohol or other intoxicating substance while driving.

3 SECTION 6. This act shall become effective November 1, 2023.

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