

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1092

By: Osburn

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6 AS INTRODUCED

7 An Act relating to small claims procedure; amending
8 12 O.S. 2011, Section 1751, as last amended by
9 Section 1, Chapter 389, O.S.L. 2017 (12 O.S. Supp.
10 2018, Section 1751), which relates to suits
11 authorized under small claims procedure; clarifying
12 limits for awarding attorney fees in uncontested
13 cases; construing provision to exclude award limits
14 for contested cases; construing provision to not
15 prohibit awarding attorney fees; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 12 O.S. 2011, Section 1751, as
19 last amended by Section 1, Chapter 389, O.S.L. 2017 (12 O.S. Supp.
20 2018, Section 1751), is amended to read as follows:

21 Section 1751. A. The following suits may be brought under the
22 small claims procedure:

23 1. Actions for the recovery of money based on contract or tort,
24 including subrogation claims, but excluding libel or slander, in
which the amount sought to be recovered, exclusive of attorney fees
and other court costs, does not exceed Ten Thousand Dollars
(\$10,000.00);

1 2. Actions to replevy personal property the value of which does
2 not exceed Ten Thousand Dollars (\$10,000.00). If the claims for
3 possession of personal property and to recover money are pled in the
4 alternative, the joinder of claims is permissible if neither the
5 value of the property nor the total amount of money sought to be
6 recovered, exclusive of attorney fees and other costs, exceeds Ten
7 Thousand Dollars (\$10,000.00); and

8 3. Actions in the nature of interpleader, as provided for in
9 Section 2022 of this title, in which the value of the money which is
10 the subject of such action does not exceed Ten Thousand Dollars
11 (\$10,000.00).

12 B. No action may be brought under the small claims procedure by
13 any collection agency, collection agent, or assignee of a claim,
14 except that an action may be brought against an insurer or third-
15 party administrator by a health care provider as that term is
16 defined in Section 6552 of Title 36 of the Oklahoma Statutes, who is
17 an assignee of benefits available under an accident and health
18 insurance policy, trust, plan, or contract.

19 C. In those cases which are uncontested:

20 1. Except as provided in paragraph 2 of this subsection, the
21 amount of attorney fees allowed shall not exceed ten percent (10%)
22 of the judgment. ~~Additionally, upon;~~
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1 2. Upon application to the court supported by sufficient
2 documentation, the court may award attorney fees not to exceed
3 twenty-five percent (25%) of the judgment.

4 Nothing in this subsection shall be construed to limit the
5 amount of attorney fees awarded in contested cases. Further,
6 nothing in this subsection shall be construed to prohibit an award
7 of attorney fees for the defense of an action brought under the
8 small claims procedure.

9 D. No action may be brought under the small claims procedure
10 for any alleged claim against any city, county or state agency, or
11 employee of a city, county or state agency, if the claim alleges
12 matters arising from incarceration, probation, parole or community
13 supervision.

14 E. No action by a plaintiff who is currently incarcerated in
15 any jail or prison in the state may be brought against any person or
16 entity under the small claims procedure.

17 F. A small claims affidavit shall include a statement
18 acknowledging that the plaintiff is disclaiming a right to a trial
19 by jury on the merits of the case.

20 SECTION 2. This act shall become effective November 1, 2019.

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22 57-1-5026 EK 01/11/19

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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2409

By: Kannady

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6 AS INTRODUCED

7 An Act relating to civil procedure; amending 12 O.S.
8 2011, Section 3009.1, as amended by Section 1,
9 Chapter 337, O.S.L. 2015 (12 O.S. Supp. 2018, Section
10 3009.1), which relates to personal injury lawsuits;
11 providing for admissibility of billing amounts in
12 certain circumstances; providing date of application;
13 and providing an effective date.

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

15 SECTION 1. AMENDATORY 12 O.S. 2011, Section 3009.1, as
16 amended by Section 1, Chapter 337, O.S.L. 2015 (12 O.S. Supp. 2018,
17 Section 3009.1), is amended to read as follows:

18 Section 3009.1 A. Upon the trial of any civil action arising
19 from personal injury, the actual amounts paid for any services in
20 the treatment of the injured party, including doctor bills, hospital
21 bills, ambulance service bills, drug and other prescription bills,
22 and similar bills shall be the amounts admissible at trial, not the
23 amounts billed for such expenses incurred in the treatment of the
24 party except as provided in subsection D of this section. If, in
addition to evidence of payment, a party submits a signed statement

1 acknowledged by the medical provider or an authorized representative
2 or sworn testimony that the provider will accept the amount paid as
3 full payment of the obligations, the statement or testimony shall be
4 admitted into evidence. The statement or testimony shall be part of
5 the record as an exhibit but need not be shown to the jury. If a
6 medical provider has filed a lien in the case for an amount in
7 excess of the amount paid, then the bills in excess of the amount
8 paid, but not more than the amount of the lien, shall be admissible.

9 B. If no payment has been made, the Medicare reimbursement
10 rates in effect when the personal injury occurred, not the amounts
11 billed except as provided in subsection D of this section, shall be
12 admissible if, in addition to evidence of nonpayment, a party
13 submits a signed statement acknowledged by the medical provider or
14 an authorized representative or sworn testimony that the provider
15 will accept payment at the Medicare reimbursement rate less cost of
16 recovery as provided in Medicare regulations as full payment of the
17 obligation. The statement or testimony shall be admitted into
18 evidence and shall be part of the record as an exhibit but need not
19 be shown to the jury. If a medical provider has filed a lien in the
20 case for an amount in excess of the Medicare rate, then the bills in
21 excess of the amount of the Medicare rate, but not more than the
22 amount of the lien, shall be admissible.

23 C. If no bills have been paid, or no statement acknowledged by
24 the medical provider or sworn testimony as provided in subsections A

1 and B of this section is provided to the opposing party and listed
2 as an exhibit by the final pretrial hearing, then the amount billed
3 shall be admissible at trial subject to the limitations regarding
4 any lien filed in the case.

5 D. This Notwithstanding the provisions of subsections A and B
6 of this section, the amount billed shall be admissible in addition
7 to the amount paid if expert testimony is provided by the party
8 seeking to admit the billed amount that demonstrates the amount
9 billed was reasonable for necessary medical care.

10 E. Subsections A, B and C of this section shall apply to civil
11 actions arising from personal injury filed on or after November 1,
12 2015. Subsection D of this section shall apply to civil actions
13 arising from personal injury filed on or after November 1, 2019.

14 SECTION 2. This act shall become effective November 1, 2019.

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57-1-5119 SD 12/17/18

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2413

By: Kannady

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6 AS INTRODUCED

7 An Act relating to insurance; amending 47 O.S. 2011,
8 Section 7-324, which relates to motor vehicle
9 liability policies; modifying minimum insurance
10 coverage requirements; and providing an effective
11 date.

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

13 SECTION 1. AMENDATORY 47 O.S. 2011, Section 7-324, is
14 amended to read as follows:

15 Section 7-324. (a) Certification. A "motor vehicle liability
16 policy" as the term is used in this article shall mean an "owner's
17 policy" or an "operator's policy" of liability insurance, certified
18 as provided in Section 7-321 or Section 7-322 of this title as proof
19 of financial responsibility, and issued, except as otherwise
20 provided in Section 7-322 of this title, by an insurance carrier
21 duly authorized to transact business in this state, to or for the
22 benefit of the person named therein as insured.

23 (b) Owner's policy. Such owner's policy of liability
24 insurance:

1 1. Shall designate by explicit description or by appropriate
2 reference all vehicles with respect to which coverage is thereby to
3 be granted; and

4 2. Shall insure the person named therein and any other person
5 except as herein provided, as insured, using any such vehicle or
6 vehicles with the express or implied permission of such named
7 insured, against loss from the liability imposed by law for damages
8 arising out of the ownership, maintenance or use of such vehicle or
9 vehicles within the United States of America or the Dominion of
10 Canada, subject to limits exclusive of interest and costs, with
11 respect to each such vehicle, as follows: ~~Twenty-five Thousand~~
12 ~~Dollars (\$25,000.00)~~ Fifty Thousand Dollars (\$50,000.00) because of
13 bodily injury to or death of one person in any one accident and,
14 subject to said limit for one person, ~~Fifty Thousand Dollars~~
15 ~~(\$50,000.00)~~ One Hundred Thousand Dollars (\$100,000.00) because of
16 bodily injury to or death of two or more persons in any one
17 accident, and ~~Twenty-five Thousand Dollars (\$25,000.00)~~ Fifty
18 Thousand Dollars (\$50,000.00) because of injury to or destruction of
19 property of others in any one accident.

20 3. May by agreement in a separate written endorsement between
21 any named insured and the insurer exclude as insured any person or
22 persons designated by name from coverage under the policy.

23 (c) Operator's policy. Such operator's policy of liability
24 insurance shall insure the person named as insured therein against

1 loss from the liability imposed upon him by law for damages arising
2 out of the use by him of any motor vehicle not owned by him, within
3 the same territorial limits and subject to the same limits of
4 liability as are set forth above with respect to an owner's policy
5 of liability insurance.

6 (d) Required statements in policies. Such motor vehicle
7 liability policy shall state the name and address of the named
8 insured, the coverage afforded by the policy, the premium charged
9 therefor, the policy period and the limits of liability, and shall
10 contain an agreement or be endorsed that insurance is provided
11 thereunder in accordance with the coverage defined in this chapter
12 as respects bodily injury and death or property damage, or both, and
13 is subject to all the provisions of this title.

14 (e) Policy need not insure workmen's compensation. Such motor
15 vehicle liability policy need not insure any liability under any
16 workmen's compensation law nor any liability on account of bodily
17 injury to or death of an employee of the insured while engaged in
18 the employment, other than domestic, of the insured, or while
19 engaged in the operation, maintenance or repair of any such vehicle
20 nor any liability for damage to property owned by, rented to, in
21 charge of or transported by the insured.

22 (f) Provisions incorporated in policy. Every motor vehicle
23 liability policy shall be subject to the following provisions which
24 need not be contained therein:

1 1. The liability of the insurance carrier with respect to the
2 insurance required by this title shall become absolute whenever
3 injury or damage covered by said motor vehicle liability policy
4 occurs; said policy may not be canceled or annulled as to such
5 liability by any agreement between the insurance carrier and the
6 insured after the occurrence of the injury or damage; no statement
7 made by the insured or on his behalf and no violation of said policy
8 shall defeat or void said policy.

9 2. The satisfaction by the insured of a judgment for such
10 injury or damage shall not be a condition precedent to the right or
11 duty of the insurance carrier to make payment on account of such
12 injury or damage.

13 3. The insurance carrier shall have the right to settle any
14 claim covered by the policy, and if such settlement is made in good
15 faith, the amount thereof shall be deductible from the limits of
16 liability specified in paragraph 2 of subsection (b) of this
17 section.

18 4. The policy, the written application therefor, if any, and
19 any rider or endorsement which does not conflict with the provisions
20 of this title shall constitute the entire contract between the
21 parties.

22 (g) Excess or additional coverage. Any policy which grants the
23 coverage required for a motor vehicle liability policy may also
24 grant any lawful coverage in excess of or in addition to the

1 coverage specified for a motor vehicle liability policy and such
2 excess or additional coverage shall not be subject to the provisions
3 of this title. With respect to a policy which grants such excess or
4 additional coverage, the term "motor vehicle liability policy" shall
5 apply only to that part of the coverage which is required by this
6 section.

7 (h) Reimbursement provision permitted. Any motor vehicle
8 liability policy may provide that the insured shall reimburse the
9 insurance carrier for any payment the insurance carrier would not
10 have been obligated to make under the terms of the policy except for
11 the provisions of this title.

12 (i) Proration of insurance permitted. Any motor vehicle
13 liability policy may provide for the prorating of the insurance
14 thereunder with other valid and collectible insurance.

15 (j) Multiple policies. The requirements for a motor vehicle
16 liability policy may be fulfilled by the policies of one or more
17 insurance carriers which policies together meet such requirements.

18 (k) Binders. Any binder issued pending the issuance of a motor
19 vehicle liability policy shall be deemed to fulfill the requirements
20 for such a policy.

21 SECTION 2. This act shall become effective November 1, 2019.

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23 57-1-6928 SH 01/08/19

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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2416

By: Kannady

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6 AS INTRODUCED

7 An Act relating to motor vehicle insurance; amending
8 47 O.S. 2011, Section 7-601, which relates to proof
9 of compliance; requiring persons to file affirmation
10 of motor vehicle insurance; providing penalty for
11 failure to comply; and providing an effective date.

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

13 SECTION 1. AMENDATORY 47 O.S. 2011, Section 7-601, is
14 amended to read as follows:

15 Section 7-601. A. Every owner of a motor vehicle registered in
16 this state, other than a licensed used motor vehicle dealer, shall,
17 at all times, maintain in force with respect to such vehicle
18 security for the payment of loss resulting from the liability
19 imposed by law for bodily injury, death and property damage
20 sustained by any person arising out of the ownership, maintenance,
21 operation or use of the vehicle. Every person, while operating or
22 using a motor vehicle registered in this state which is not owned by
23 the person, shall maintain in force security for the payment of loss
24 resulting from the liability imposed by law for bodily injury, death

1 or property damage sustained by any person arising out of the
2 operation or use of the vehicle, unless the security has been
3 provided by the owner in accordance with this section which does not
4 exclude the person from coverage.

5 B. 1. Unless otherwise provided by law, no motor vehicle shall
6 be operated in this state unless there is in effect with respect to
7 the vehicle security for the payment of loss resulting from the
8 liability imposed by law for bodily injury, death and property
9 damage sustained by any person arising out of the ownership,
10 maintenance, operation or use of the vehicle. Every person, while
11 operating or using a motor vehicle in this state which is not owned
12 by the person, shall maintain in force security for the payment of
13 loss resulting from the liability imposed by law for bodily injury,
14 death or property damage sustained by any person arising out of the
15 operation or use of the vehicle, unless the security has been
16 provided by the owner in accordance with this section which does not
17 exclude the person from coverage. Proof of security shall be
18 carried in the vehicle at all times and shall be produced for
19 inspection upon request by any law enforcement officer or
20 representative of the Department of Public Safety and, in case of
21 an accident, the proof shall be shown upon request of any person
22 affected by the accident. The proof of security required in this
23 paragraph shall be filed with the Oklahoma Insurance Department by
24 July 1, 2020, and July 1 each year thereafter. Failure to file

1 proof of security with the Oklahoma Insurance Department shall
2 result in an administrative fine in the amount of Five Hundred
3 Dollars (\$500.00).

4 2. The nonresident owner of a motor vehicle not registered in
5 this state may give proof of financial responsibility by providing
6 proof of financial responsibility which is in compliance with the
7 laws of the state in which the vehicle is registered or by filing
8 with the Insurance Department a certificate of an insurance company
9 authorized to transact insurance in the state in which the vehicle
10 is registered, or if the nonresident does not own a motor vehicle,
11 then in the state in which the insured resides, provided the
12 certificate otherwise conforms to the provisions of this ~~article~~
13 section, and the Insurance Department shall accept the certificate
14 upon condition that the insurance company complies with the
15 following provisions with respect to the policy so certified:

16 a. the insurance company shall execute a power of
17 attorney authorizing the Insurance Department to
18 accept service on its behalf or notice of process in
19 any action arising out of a motor vehicle accident in
20 this state, and

21 b. the insurance company shall agree in writing that its
22 policies shall be deemed to conform with the laws of
23 this state relating to the terms of motor vehicle
24 liability policies issued in this state.

1 3. The provisions of this subsection shall apply to nonresident
2 owners and operators of vehicles that are not registered in this
3 state only if the state in which the vehicle is registered requires
4 compulsory liability insurance. In which cases, compliance with the
5 requirements of the law of the state of registration shall be deemed
6 compliance with the laws of this state.

7 SECTION 2. This act shall become effective November 1, 2019.

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9 57-1-7584 SH 01/10/19

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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 300

By: Daniels

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6 AS INTRODUCED

7 An Act relating to the Oklahoma Discovery Code;
8 amending 12 O.S. 2011, Section 3234, as last amended
9 by Section 2, Chapter 313, O.S.L. 2018 (12 O.S. Supp.
10 2018, Section 3234), which relates to production of
11 documents; imposing limitation upon requests to
12 produce certain documents or other items;
13 establishing procedures for additional requests for
14 production; and providing an effective date.

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

16 SECTION 1. AMENDATORY 12 O.S. 2011, Section 3234, as
17 last amended by Section 2, Chapter 313, O.S.L. 2018 (12 O.S. Supp.
18 2018, Section 3234), is amended to read as follows:

19 Section 3234. A. IN GENERAL. A party may serve on any other
20 party a request within the scope of Section 3226 of this title:

21 1. To produce and permit the requesting party or its
22 representative to inspect, copy, test or sample the following items
23 in the possession, custody or control of the responding party:

- 24 a. any designated documents or electronically stored
information - including writings, drawings, graphs,
charts, photographs, sound recordings, images and

1 other data or data compilations - stored in any medium
2 from which information can be obtained either directly
3 or, if necessary, after translation by the responding
4 party into a reasonably usable form, or

5 b. any designated tangible things; or

6 2. To permit entry onto designated land or other property
7 possessed or controlled by the responding party so that the
8 requesting party may inspect, measure, survey, photograph, test or
9 sample the property or any designated object or operation on it.

10 B. PROCEDURE. 1. The request:

11 a. shall describe with reasonable particularity each item
12 or category of items to be inspected,

13 b. shall specify a reasonable time, place and manner for
14 the inspection and for performing the related acts,
15 and

16 c. may specify the form or forms in which electronically
17 stored information is to be produced.

18 2. The number of requests to produce or permit inspection or
19 copying shall not exceed thirty in number. If counsel for a party
20 believes that more than thirty requests to produce or permit
21 inspection or copying are necessary, counsel shall consult with
22 opposing counsel promptly and attempt to reach a written stipulation
23 as to a reasonable number of additional requests. Counsel are
24 expected to comply with this requirement in good faith. In the

1 event a written stipulation cannot be agreed upon, the party seeking
2 to submit such additional requests for production or inspection
3 shall file a motion with the court (1) showing that counsel have
4 conferred in good faith but sincere attempts to resolve the issue
5 have been unavailing, (2) showing reasons establishing good cause
6 for their use, and (3) setting forth the proposed additional
7 requests for production or inspection.

8 3. a. The request may be served, without leave of court,
9 upon any party after the filing of a petition. The
10 party to whom the request is directed shall respond in
11 writing within thirty (30) days after being served.
12 The thirty-day response period shall not commence
13 until an answer to the petition is filed. However,
14 upon leave of court or otherwise agreed to in writing
15 by the parties subject to Section 3229 of this title,
16 the response to the request may be required prior to
17 the filing of an answer to the petition.

18 b. For each item or category, the response shall either
19 state that inspection and related activities will be
20 permitted as requested or state with specificity the
21 grounds for objecting to the request, including the
22 reasons. The responding party may state that it will
23 produce copies of documents or of electronically
24 stored information instead of permitting inspection.

1 The production shall be completed no later than the
2 time for inspection specified in the request, or
3 another reasonable time specified in the response.

4 c. An objection shall state whether any responsive
5 materials are being withheld on the basis of that
6 objection. An objection to part of a request shall
7 specify the part and permit inspection of the rest.

8 d. The response may state an objection to a requested
9 form for producing electronically stored information.
10 If the responding party objects to a requested form,
11 or if no form was specified in the request, the party
12 shall state the form or forms it intends to use.

13 e. Unless otherwise stipulated or ordered by the court,
14 these procedures apply to producing documents or
15 electronically stored information:

16 (1) a party shall produce documents as they are kept
17 in the usual course of business or shall organize
18 and label them to correspond to the categories in
19 the request,

20 (2) if a request does not specify a form for
21 producing electronically stored information, a
22 party shall produce it in a form or forms in
23 which it is ordinarily maintained or in a
24 reasonably usable form or forms, and

1 (3) a party need not produce the same electronically
2 stored information in more than one form.

3 C. NONPARTIES. A nonparty may be compelled to produce
4 documents and tangible things or to permit an inspection as provided
5 in Section 2004.1 of this title.

6 SECTION 2. This act shall become effective November 1, 2019.

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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 779

By: Daniels

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6 AS INTRODUCED

7 An Act relating to the Oklahoma Evidence Code;
8 amending 12 O.S. 2011, Section 3009.1, as amended by
9 Section 1, Chapter 337, O.S.L. 2015 (12 O.S. Supp.
10 2018, Section 3009.1), which relates to medical bills
11 in personal injury suits; modifying requirements for
12 admissibility of certain statements or testimony
13 related to medical bills of injured party;
14 prohibiting admissibility of certain liens; modifying
15 applicability of provisions; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 12 O.S. 2011, Section 3009.1, as
19 amended by Section 1, Chapter 337, O.S.L. 2015 (12 O.S. Supp. 2018,
20 Section 3009.1), is amended to read as follows:

21 Section 3009.1. A. Upon the trial of any civil action arising
22 from personal injury, the actual amounts paid for any services in
23 the treatment of the injured party, including doctor bills, hospital
24 bills, ambulance service bills, drug and other prescription bills,
and similar bills shall be the amounts admissible at trial, not the
amounts billed for such expenses incurred in the treatment of the
party. ~~If, in addition to evidence of payment, a party submits a~~

1 ~~signed statement acknowledged by the medical provider or an~~
2 ~~authorized representative or sworn testimony that the provider will~~
3 ~~accept the amount paid as full payment of the obligations, the~~
4 ~~statement or testimony shall be admitted into evidence. The~~
5 ~~statement or testimony shall be part of the record as an exhibit but~~
6 ~~need not be shown to the jury.~~

7 B. If a medical provider has filed a lien in the case for an
8 amount in excess of the amount paid, then the bills in excess of the
9 amount paid, but not more than the amount of the lien, shall be
10 admissible.

11 ~~B.~~ C. If no payment has been made, the Medicare, Medicaid or
12 applicable private health insurance reimbursement rates in effect
13 when the personal injury occurred, not the amounts billed, shall be
14 admissible if, ~~in addition to evidence of nonpayment,~~ a party
15 submits a ~~signed~~ sworn statement acknowledged by the medical
16 provider or an authorized representative, or sworn testimony, that
17 the provider will accept payment at ~~the Medicare reimbursement rate~~
18 such rates less cost of recovery as provided in Medicare or Medicaid
19 regulations, or provisions of the applicable private health
20 insurance plan, as full payment of the obligation. The statement or
21 testimony shall be admitted into evidence and shall be part of the
22 record as an exhibit but need not be shown to the jury. If a
23 medical provider has filed a lien in the case for an amount in
24 excess of the Medicare or Medicaid rate, then the bills in excess of

1 the amount of the Medicare rate, but not more than the amount of the
2 lien, shall be admissible. However, if Medicare or Medicaid
3 regulations, or provisions of the applicable private health
4 insurance do not allow the provider to seek recovery from the
5 patient above the reimbursement rate, the lien shall not be
6 admissible.

7 ~~C. If no bills have been paid, or no statement acknowledged by~~
8 ~~the medical provider or sworn testimony as provided in subsections A~~
9 ~~and B of this section is provided to the opposing party and listed~~
10 ~~as an exhibit by the final pretrial hearing, then the amount billed~~
11 ~~shall be admissible at trial subject to the limitations regarding~~
12 ~~any lien filed in the case.~~

13 D. This section shall apply to civil actions arising from
14 personal injury filed on or after November 1, ~~2015~~ 2019.

15 SECTION 2. This act shall become effective November 1, 2019.

17 57-1-412 TEK 1/28/2019 3:54:43 PM

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 120

By: Boggs

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6 AS INTRODUCED

7 An Act relating to law enforcement vehicles; amending
8 47 O.S. 2011, Section 153, as amended by Section 2,
9 Chapter 316, O.S.L. 2012 (47 O.S. Supp. 2018, Section
10 153), which relates to the driving of unmarked
11 automobiles; requiring certain markings on vehicles
12 doing traffic enforcement; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 153, as
16 amended by Section 2, Chapter 316, O.S.L. 2012 (47 O.S. Supp. 2018,
17 Section 153), is amended to read as follows:

18 Section 153. A. It shall be unlawful for any person to drive
19 any state-owned or -leased automobile at any time and for any
20 purpose, on any street or highway within this state, unless the
21 provisions of Section 151 of this title have been strictly complied
22 with, provided, however, the Commissioner of the Department of
23 Public Safety is hereby authorized to set aside automobiles for use
24 by the Department so that the same may be available to the

1 Department without identifying marks thereon. These vehicles shall
2 not be used for traffic enforcement on a routine basis.

3 B. No later than November 1, 2020, all state-owned or -leased
4 automobiles, county-owned or -leased automobiles and municipality-
5 owned or -leased automobiles used for traffic enforcement on a
6 routine basis, on any street or highway within this state, shall be
7 marked with identifying marks of the agency or department on the
8 hood of the vehicle.

9 SECTION 2. This act shall become effective November 1, 2019.

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11 57-1-355 BHG 1/2/2019 1:46:51 PM
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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 533

By: Silk

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6 AS INTRODUCED

7 An Act relating to censorship of social media;
8 defining terms; creating cause of action for deletion
9 or censorship of certain speech; authorizing certain
10 damages; authorizing award of certain costs and fees;
11 prohibiting certain defense; establishing immunity
12 from liability for certain actions; clarifying
13 persons with standing for certain action; authorizing
14 Attorney General to bring certain action; providing
15 for codification; and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1450.1 of Title 12, unless there
19 is created a duplication in numbering, reads as follows:

20 A. As used in this section:

21 1. "Algorithm" means a set of instructions designed to perform
22 a specific task;

23 2. "Hate speech" means a phrase concerning content that an
24 individual arbitrarily finds offensive based on his or her personal
25 moral code;

1 3. "Obscene" means that to the average person, applying
2 contemporary community standards, the dominant theme of the material
3 taken as a whole appeals to prurient interest;

4 4. "Political speech" means speech relating to the state, the
5 government, the body politic, public administration or government
6 policy-making. Political speech includes speech by the government
7 or candidates for office and any discussion of social issues.
8 Political speech does not include speech concerning the
9 administration or the law of or relating to the civil aspects of
10 government;

11 5. "Religious speech" means a set of unproven answers, truth
12 claims, faith-based assumptions and naked assertions that attempt to
13 explain the greater questions like how things were created, what
14 humans should or should not be doing, and what happens after death;
15 and

16 6. "Social media website" means a website or application that
17 enables users to communicate with each other by posting information,
18 comments, messages or images and:

- 19 a. is open to the public,
20 b. has more than seventy-five million (75,000,000)
21 subscribers, and
22 c. has not been specifically affiliated with any one
23 political party or religion from its inception.

1 B. The owner or operator of a social media website who
2 contracts with users in this state is subject to a private right of
3 action by a social media website user if the social media website
4 purposely:

5 1. Deletes or censors a social media website user's political
6 speech or religious speech; or

7 2. Uses an algorithm to suppress political speech or religious
8 speech.

9 C. 1. Damages available to a social media website user under
10 this section shall include:

11 a. a minimum of Seventy Five Thousand Dollars

12 (\$75,000.00) per intentional deletion or censoring of
13 the social media website user's speech,

14 b. actual damages,

15 c. punitive damages if aggravating factors are present,

16 and

17 d. other applicable forms of equitable relief.

18 2. The prevailing party in a cause of action under this section
19 may be awarded costs and reasonable attorney fees.

20 3. A social media website that restores from deletion or
21 removes the censoring of a social media website user's speech in a
22 reasonable amount of time may use such fact to mitigate any damages.
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1 D. A social media website may not use the social media website
2 user's alleged hate speech as a basis for justification or defense
3 to the action against the social media website at trial.

4 E. 1. A social media website shall be immune from liability
5 under this section if it deletes or censors a social media website
6 user's speech or uses an algorithm to disfavor or censure speech
7 that:

- 8 a. calls for immediate acts of violence,
- 9 b. is obscene or pornographic in nature,;
- 10 c. was the result of operational error,
- 11 d. was the result of a court order,
- 12 e. came from an inauthentic source or involved false
13 impersonation,
- 14 f. enticed criminal conduct, or
- 15 g. involved minors bullying minors.

16 2. A social media website shall not be liable under this
17 section for a social media website user's censoring of another
18 social media website user's speech.

19 F. Only users who are eighteen (18) years of age or older shall
20 have standing to bring an action pursuant to this section.

21 G. The Attorney General may bring a civil cause of action under
22 this section on behalf of social media website users who reside in
23 this state whose political speech or religious speech has been
24 censored by a social media website.

1 SECTION 2. This act shall become effective November 1, 2019.

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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 256

By: Daniels

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6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 953.1, which relates to maximum towing
9 and storage fees and charges; modifying allowable
10 charges; requiring certain documentation; allowing
11 certain claim for restitution; updating statutory
12 language; and providing an effective date.

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

13 SECTION 1. AMENDATORY 47 O.S. 2011, Section 953.1, is
14 amended to read as follows:

15 Section 953.1. A. The rates established by the Corporation
16 Commission shall determine the nonconsensual tow maximum fees and
17 charges for wrecker or towing services performed in this state,
18 including incorporated and unincorporated areas, by a wrecker or
19 towing service licensed by the Department of Public Safety when that
20 service appears on the rotation log of the Department or on the
21 rotation log of any municipality, county or other political
22 subdivision of this state, and the services performed are at the
23 request or at the direction of any officer of the Department or of a
24 municipality, county, or political subdivision. No wrecker or

1 towing service in the performance of transporting or storing
2 vehicles or other property towed as a result of a nonconsensual tow
3 shall charge any fee which exceeds the maximum rates established by
4 the Commission. Such rates shall be in addition to any other rates,
5 fees or charges authorized, allowed or required by law and costs to
6 collect such fees. Any wrecker or towing service is authorized to
7 collect from the owner, lienholder, agent or insurer accepting
8 liability for paying the claim for a vehicle or purchasing the
9 vehicle as a total loss vehicle from the registered owner of any
10 towed or stored vehicle, the fee required by Section 904 of this
11 title including environmental remediation fees and services.

12 Provided, a wrecker or towing service shall not charge the owner of
13 a vehicle any storage fees, but may charge towing fees, if:

14 1. A vehicle has been stolen from the owner or was involved in
15 a crime for which the owner was not involved and had no prior
16 knowledge of the crime committed; and

17 2. The owner presents to the wrecker or towing service a police
18 report reflecting that the vehicle had been removed from the custody
19 of the owner without the owner's permission.

20 A wrecker or towing service may request the district attorney
21 seek restitution for fees associated with the storage of a vehicle
22 as described in paragraphs 1 and 2 of this subsection.

23 B. When wrecker or towing services are performed as provided in
24 subsection A of this section:

1 1. Each performance of a wrecker or towing service shall be
2 recorded by the operator on a bill or invoice as prescribed by rules
3 of the Department and by order of the Commission;

4 2. Nothing herein shall limit the right of an operator who has
5 provided or caused to be provided wrecker or towing services to
6 require prepayment, in part or in full, or guarantee of payment of
7 any charges incurred for providing such services;

8 3. This section shall not be construed to require an operator
9 to charge a fee for the performance of any wrecker or towing
10 services; and

11 4. The operator is authorized to collect all lawful fees from
12 the owner, lienholder or agent or insurer accepting liability for
13 paying the claim for a vehicle or purchasing the vehicle as a total
14 loss vehicle from the registered owner of the towed vehicle for the
15 performance of any and all such services and costs to collect such
16 fees. An operator shall release the vehicle from storage upon
17 authorization from the owner, agent or lienholder of the vehicle or,
18 in the case of a total loss, the insurer accepting liability for
19 paying the claim for the vehicle or purchasing the vehicle where the
20 vehicle is to be moved to an insurance pool yard for sale.

21 C. The rates in subsections D through G of this section shall
22 be applicable until superseded by rates established by the
23 Commission.

24 D. Distance rates.

1 1. Rates in this subsection shall apply to the distance the
2 towed vehicle is transported and shall include services of the
3 operator of the wrecker vehicle. Hourly rates, as provided in
4 subsection E of this section, may be applied in lieu of distance
5 rates. Hourly rates may be applied from the time the wrecker
6 vehicle is assigned to the service call until the time it is
7 released from service either upon return to the premises of the
8 wrecker or towing service or upon being assigned to perform another
9 wrecker or towing service, whichever occurs first. When the hourly
10 rate is applied in lieu of distance towing rates, the operator may
11 not apply the two-hour minimum prescribed in subsection E of this
12 section nor may hookup or mileage charges, as prescribed in this
13 section, be applied.

14 Such distance rates shall be computed via the shortest highway
15 mileage as determined from the latest official Oklahoma Department
16 of Transportation state highway map, except as follows:

- 17 a. for distances or portions of distances not
18 specifically provided for in the governing highway
19 map, the actual mileage via the shortest practical
20 route will apply,
- 21 b. in computing distances, fractions of a mile will be
22 retained until the final and full mileage is
23 determined, at which time any remaining fraction shall
24 be increased to the next whole mile,

1 c. when, due to circumstances beyond the control of the
2 wrecker or towing service, roadway conditions make it
3 impractical to travel via the shortest route, distance
4 rates shall be computed based on the shortest
5 practical route over which the wrecker vehicle and the
6 vehicle it is towing can be moved, which route shall
7 be noted on the bill or invoice, or

8 d. when the wrecker or towing service is performed upon
9 any turnpike or toll road, the turnpike or toll road
10 mileage shall be used to determine the distance rates
11 charged and the turnpike or toll road fees may be
12 added to the bill or invoice.

13 2. Maximum distance rates shall be as follows:

Weight of Towed Vehicle	Distance	Rate
(In pounds, including equipment and lading)	Towed	Per Mile
Single vehicle: 8,000 or less	25 miles or less	\$3.00
Single vehicle: 8,000 or less	Over 25 miles	\$2.50
Single vehicle: 8,001 to 12,000	25 miles or less	\$3.40
Single vehicle: 8,001 to 12,000	Over 25 miles	\$3.00
Single vehicle: 12,001 to 40,000	Any	\$5.75
Single vehicle: 40,000 or over	Any	\$6.75
Combination of vehicles	Any	\$6.75

24 E. Hourly Rates.

1 1. Rates in this subsection shall apply for the use of a
2 wrecker vehicle and shall include services of the operator of such
3 wrecker, except as provided in paragraph 4 of this subsection.
4 Rates shall apply for all wrecker or towing services performed that
5 are not otherwise provided for in this section, including, but not
6 limited to, waiting and standby time, but shall not include the
7 first fifteen (15) minutes of service following the hookup of a
8 vehicle when a hookup fee is assessed, as provided in subsection F
9 of this section.

10 Hourly rates shall apply from the time the vehicle or labor is
11 assigned to the service call until the time it is released from
12 service either upon return to the premises of the wrecker or towing
13 service or upon being assigned to perform another wrecker or towing
14 service, whichever occurs first. Whenever a wrecker vehicle is used
15 to tow a vehicle subject to distance rates, as provided in
16 subsection D of this section, hourly rates shall apply only for the
17 time such wrecker is used in the performance of services other than
18 transportation, except when such hourly rates are used in lieu of
19 such distance rates.

20 As used in this subsection, rates stated per hour apply for
21 whole hours and, for fractions of an hour, rates stated per fifteen
22 (15) minutes apply for each fifteen (15) minutes or fraction thereof
23 over seven and one-half (7 1/2) minutes. However, if the service
24 subject to an hourly rate is performed in less than two (2) hours,

1 the charge applicable for two (2) hours may be assessed, except as
2 provided for in subsection D of this section.

3 2. Maximum hourly rates for wrecker or towing services
4 performed for passenger vehicles, when rates for such services are
5 not otherwise provided for by law, shall be as follows:

6 Weight of Towed Passenger Vehicle	Rate Per	Rate Per
7 (In pounds)	Hour	15 Minutes
8 Single vehicle: 8,000 or less	\$60.00	\$15.00
9 Single vehicle: 8,001 to 24,000	\$80.00	\$20.00
10 Single vehicle: 24,001 to 44,000	\$120.00	\$30.00
11 Single vehicle: 44,001 or over	\$180.00	\$45.00
12 Combination of vehicles	\$180.00	\$45.00

13 3. Maximum hourly rates for all other wrecker or towing
14 services, when rates for such other services are not otherwise
15 provided for by law, shall be determined based upon the gross
16 vehicle weight rating of each wrecker vehicle used as follows:

17 GVWR of Wrecker Vehicle	Rate Per	Rate Per
18 (In pounds)	Hour	15 Minutes
19 8,000 or less	\$60.00	\$15.00
20 8,001 to 24,000	\$80.00	\$20.00
21 24,001 to 44,000	\$120.00	\$30.00
22 44,001 or over	\$180.00	\$45.00
23 Combination wrecker vehicle		
24 with GVWR of 24,000 or over	\$180.00	\$45.00

- 1 4. a. Maximum hourly rates for extra labor shall be Thirty
2 Dollars (\$30.00) per person per hour.
- 3 b. Maximum hourly rates for skilled or specialized labor
4 and/or equipment shall be the actual customary and
5 ordinary rates charged for such labor and/or
6 equipment. When skilled or specialized labor or
7 equipment is required, the wrecker operator's cost for
8 such skilled or specialized labor or equipment plus a
9 twenty-five percent (25%) gross profit markup to cover
10 overhead costs for such labor will be added to the
11 invoice or freight bill to be collected in addition to
12 all other applicable charges.

13 F. Hookup Rates.

- 14 1. Rates in this subsection shall apply to the hookup of a
15 vehicle to a wrecker vehicle when such hookup is performed in
16 connection with a wrecker or towing service described in this
17 section. Such hookup rate shall include the first fifteen (15)
18 minutes of such service, for which there shall be no additional fee
19 charged, but shall not include the use of a dolly or rollback
20 equipment or a combination wrecker vehicle to accomplish such
21 hookup, for which an additional fee may be charged as provided in
22 subsection G of this section. Hookup shall include, but not be
23 limited to, the attachment of a vehicle to or the loading of a
24 vehicle onto a wrecker vehicle.

2. Maximum hookup rates shall be as follows:

Weight of Vehicle Being Hooked Up

(In pounds, including equipment and lading)	Rate
Single vehicle: 8,000 or less	\$65.00
Single vehicle: 8,001 to 12,000	\$75.00
Single vehicle: 12,001 to 24,000	\$85.00
Single vehicle: 24,001 or over	\$95.00
Combination of vehicles	\$95.00

G. Additional Service Rates.

1. Rates in this subsection shall apply to the performance of the following services:

- a. the disconnection and reconnection of a towed vehicle's drive line when necessary to prevent mechanical damage to such vehicle,
- b. the removal and replacement of a towed vehicle's axle when necessary to prevent mechanical damage to such vehicle, or
- c. the use of a dolly or rollback equipment when essential to prevent mechanical damage to a towed vehicle or when neither end of such vehicle is capable of being towed safely while in contact with the roadway.

2. Maximum additional service rates shall be as follows:

Weight of Towed Vehicle (In pounds, including equipment and lading)	Service Performed		
	Disconnect Drive Line; Remove Axle	Reconnect Drive Line; Replace Axle	Use of Dolly or Rollback Equipment
	Rate Per Service Performed		
8,000 or less	\$10.00	\$15.00	\$25.00
8,001 to 12,000	\$15.00	\$20.00	\$30.00
	Rate Per 15 Minutes of Service Performed		
12,001 or over	\$20.00	\$20.00	Not applicable

H. An operator shall be required to provide reasonable documentation to substantiate all lawful fees charged the owner, lienholder, agent or insurer paying the claim for the towed vehicle. Fees for which the operator is being reimbursed or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate such payment to ~~said~~ the third party.

I. Wrecker fees, including maximum distance, hourly, and hookup rates shall be adjusted weekly by adding a fuel surcharge as provided in this section. The fuel surcharge shall be based on the Department of Energy "weekly retail on-highway diesel prices" for the "Midwest region" using Two Dollars (\$2.00) per gallon as the base price with no fees added. The wrecker fees shall be adjusted to allow a one-percent increase in fees for every ten-cent increase

1 in fuel cost starting at Two Dollars and ten cents (\$2.10) per
2 gallon.

3 J. When skilled or specialized labor or equipment is required,
4 the cost incurred by the wrecker operator for such skilled or
5 specialized labor or equipment plus an additional twenty-five
6 percent (25%) gross profit markup or gross profit margin shall be
7 allowed to cover overhead costs for such labor and will be added to
8 the invoice or freight bill to be collected in addition to all other
9 applicable charges. This applies to labor and equipment not
10 regulated by the Commission.

11 K. Wrecker operators shall be allowed to obtain ownership and
12 insurer information, including accident reports and other public
13 records, from the Oklahoma Tax Commission or other states' motor
14 vehicle agencies or from law enforcement agencies for the purpose of
15 determining ownership and responsibility for wrecker fees. In the
16 event a state of origin is not known, the Department of Public
17 Safety and the Oklahoma Tax Commission shall assist in providing
18 such information. The wrecker operator is authorized to collect
19 lawful fees for such costs and services from the owner, lienholder
20 that seeks possession of a vehicle under a security interest, agent,
21 or insurer accepting liability for paying the claim for a vehicle or
22 purchasing the vehicle as a total loss vehicle from the owner of any
23 towed or stored vehicle.

1 SECTION 2. This act shall become effective November 1, 2019.

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1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1332

By: Sterling

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6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 11-1116, as last amended by Section 9,
9 Chapter 4, O.S.L. 2014 (47 O.S. Supp. 2018, Section
10 11-1116), which relates to vehicle operation on
roadways; allowing all-terrain vehicles to be driven
on certain municipal and county roadways; and
providing an effective date.

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12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-1116, as
15 last amended by Section 9, Chapter 4, O.S.L. 2014 (47 O.S. Supp.
16 2018, Section 11-1116), is amended to read as follows:

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

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

1 1. When used in a parade; or

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

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

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

16 1. Golf carts or utility vehicles owned by the Oklahoma Tourism
17 and Recreation Department, and operated by employees or agents of
18 the Department or employees of independent management companies
19 working on behalf of the Department, may be operated on the streets
20 and highways of this state during daylight hours or under rules
21 developed by the Oklahoma Tourism and Recreation Commission, when
22 the streets and highways are located within the boundaries of a
23 state park. The Department shall have warning signs placed at the
24 entrance and other locations at those state parks allowing golf

1 carts or utility vehicles to be operated on the streets and highways
2 of this state located within the boundaries of those state parks.
3 The warning signs shall state that golf carts and utility vehicles
4 may be operating on streets and highways and that motor vehicle
5 operators shall take special precautions to be alert for the
6 presence of golf carts or utility vehicles on the streets and
7 highways;

8 2. The municipal governing body has adopted an ordinance
9 governing the operation of golf carts and/or utility vehicles on
10 city streets; provided, such ordinances shall include necessary
11 vehicle lighting and safety requirements;

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

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

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

22 b. the roadway is located in an unincorporated area, and
23
24

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

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

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

9 2. On ~~public streets and~~ highways if:

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

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

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

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

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

9 3. On streets and roadways within a municipality if ~~the~~
10 ~~municipal governing body has adopted an ordinance governing the~~
11 ~~operation of golf carts, utility vehicles or all-terrain vehicles on~~
12 ~~streets and highways within the municipality~~ those roadways are not
13 part of the state highway system or the National System of
14 Interstate and Defense Highways; or

15 4. On roadways within unincorporated areas of a county if ~~the~~
16 ~~board of county commissioners of the county has approved the~~
17 ~~operation of all-terrain vehicles on roadways within unincorporated~~
18 ~~areas of the county and the all-terrain vehicle is only used as an~~
19 ~~instrument of husbandry~~ those roadways are not part of the state
20 highway system or the National System of Interstate and Defense
21 Highways.

22 SECTION 2. This act shall become effective November 1, 2019.

23
24 57-1-6794 JBH 12/28/18