ENROLLED SENATE
BILL NO. 209

BY: CAIN, FAIR, FORD and MUEGGE of the SENATE

and

GRIESER of the HOUSE

AN ACT RELATING TO MOTOR VEHICLES; AMENDING SECTION 37, CHAPTER 179, O.S.L. 1985, AS LAST AMENDED BY SECTION 4, CHAPTER 167, O.S.L. 1988 (47 O.S. SUPP. 1990, SECTION 1134), WHICH RELATES TO THE OKLAHOMA VEHICLE LICENSE AND REGISTRATION ACT; MODIFYING PROCEDURE TO PURCHASE CERTAIN LICENSE PLATE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY Section 37, Chapter 179, O.S.L. 1985, as last amended by Section 4, Chapter 167, O.S.L. 1988 (47 O.S. Supp. 1990, Section 1134), is amended to read as follows:

Section 1134. A. Upon each pickup, truck or truck-tractor owned and operated by one or more farmers and used primarily for farm use, and not for commercial or industrial purposes, the license fee shall be Thirty Dollars ($30.00).

B. The fees herein assessed shall not apply to trailers or semitrailers used primarily for farm use and for the transportation of products of the farm by the producer thereof; and such fee shall not apply to any trailer or semitrailer when used primarily for the transportation of any article or articles owned by the operator of such trailer or semitrailer and not used in the furtherance of or incident to any commercial or industrial enterprise; provided, such fee shall not apply to any trailers or semitrailers when used primarily for the transportation of logs, ties, stave bolts and posts, direct from forest to sawmill.

C. For the purpose of this section, a trailer or semitrailer owned by a farmer and used primarily by him for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon, and not for commercial or industrial purposes, may be registered for One Dollar ($1.00) if its laden weight is sixty thousand (60,000) pounds or less; if at any time it is operated at a laden weight in excess of sixty thousand (60,000) pounds, it is, for the purpose of this section, considered to be a commercial trailer and must be licensed as such, paying the license fees provided in Section 1133 of this title; provided any such trailer used by the holder of a certificate of convenience and necessity issued by the Oklahoma Corporation Commission or the Interstate Commerce Commission shall be conclusively presumed to be used in and for a commercial use.

D. Before a party shall be allowed to purchase a license plate or claim an exception or exemption under this section, said party shall:

1. Show an income tax Schedule F for the preceding year or shall present proof that said party possesses a farm serial number assigned to said party's farm by the Agriculture Stabilization Conservation County Committee; or

2. Present a valid motor fuel tax exemption permit issued pursuant to the provisions of Section 509 of Title 68 of the Oklahoma Statutes or a valid exemption card issued pursuant to the provisions of subsection (D) of Section 1358.1 of Title 68 of the Oklahoma Statutes.

A violation shall be grounds for revocation of driver's license. Any person who signs said affidavit as required by this section when such person does not believe that the information in said affidavit is true or knows it is not true, upon conviction, shall be guilty of perjury and shall be punished as provided for by law.

E. Any person owning a truck upon which the farm truck license fee has been paid in Oklahoma for the current year and whose truck may be needed during grain harvests or other seasonal farming activities for hauling farm products other than his own, or for hauling gravel, shale or other road materials for rural roads, may make application with the Commission for a short term commercial license for such truck for a period of time not to exceed ninety (90) days.

F. Upon such application, the Commission shall issue a temporary commercial truck license and register the truck upon payment of the following fees:

1. For thirty (30) days a fee equal to one-eighth (1/8) of the annual commercial license fee required for such truck.

2. For sixty (60) days a fee equal to one-fourth (1/4) of the annual commercial license fee required for such truck.

3. For ninety (90) days a fee equal to three-eighths (3/8) of the annual commercial license fee required for such truck.

G. Provided, however, the provisions of this section shall not apply to the transportation of persons or property for hire.

SECTION 2. This act shall become effective September 1, 1991.