STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 268 BY: CAPPS

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; AMENDING SECTION 39, CHAPTER 179, O.S.L. 1985, AS LAST AMENDED BY SECTION 1, CHAPTER 228, O.S.L. 1990 (47 O.S. SUPP. 1990, SECTION 1136), WHICH RELATES TO THE VEHICLE LICENSE AND REGISTRATION ACT; CLARIFYING LANGUAGE; SPECIFYING REQUIREMENTS FOR VEHICLES TO CARRY TAX-EXEMPT OR NONPROFIT LICENSE PLATES; REPEALING SECTION 20, CHAPTER 339, O.S.L. 1990 (47 O.S. SUPP. 1990, SECTION 1136), WHICH IS A DUPLICATE SECTION AND WHICH RELATES TO THE VEHICLE LICENSE AND REGISTRATION ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 39, Chapter 179, O.S.L. 1985, as last amended by Section 1, Chapter 228, O.S.L. 1990 (47 O.S. Supp. 1990, Section 1136), is amended to read as follows:

Section 1136. The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year with a motor license agent.

The Commission shall take applications by October 1 of each year for the following calendar year for special license plates and shall issue such plates to each applicant.

Special license plates shall be designed in such a manner as to identify the use and ownership of the vehicle. The special license plates provided by this section are as follows:

1. Political Subdivision Plates - such plates shall be designed for any vehicle owned by any political subdivision of this state and shall be registered for a nominal fee of One Dollar ($1.00), after having obtained proper Oklahoma certificate of title. Such political subdivisions shall file an annual report with the Commission stating the agency where such vehicle is located. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title is transferred to an owner who is not a political subdivision;

2. Legislative License Plates - such plates shall be designed for persons elected to the Oklahoma Legislature and shall designate the house of the Legislature in which the legislator serves and his district number.

The fee for such plate shall be One Dollar ($1.00) and shall be in addition to the regular plate issued to the member and the fees charged therefor;

3. Tax-Exempt or Nonprofit License Plates - such plates shall be designed for:

(a) any motor bus, manufactured home, or mobile chapel and power unit owned and operated by a religious

corporation or society of this state holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code of 1954, 26 U.S.C., Section 501(a), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, 26 U.S.C., Section 501(c)(3), and that is used by the corporation or society solely for the furtherance of its religious functions,

(b) any vehicle owned and operated only by nonprofit organizations devoted exclusively to youth programs including, but not limited to, the Girl Scouts and Boy Scouts of America,

(c) any vehicle, except passenger automobiles, owned or operated by nonprofit organizations actually involved in programs for the employment of the handicapped and used exclusively in the transportation of goods or materials for such organization,

(d) any vehicle owned and operated by a nonprofit organization that provides older persons transportation to and from medical, dental and religious services and relief from business and social isolation,

(e) any vehicle owned and operated by a private nonprofit organization that:

(1) warehouses and distributes surplus foods to other nonprofit agencies and organizations, and

(2) holds a valid exemption from taxation issued pursuant to Section 501(c) of the Internal Revenue Code of 1954, as amended, 26 U.S.C., Section 501(c), and listed as an exempt

organization in Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, and

(3) uses such vehicle exclusively for the transportation of such surplus foods, or

(f) any vehicle owned and operated by a fire department organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes.

The registration fee shall be One Dollar ($1.00).

Any person claiming to be eligible for a tax-exempt or nonprofit license plate under the provisions of this paragraph must have the name of the tax-exempt or nonprofit organization prominently displayed upon the outside of the vehicle, except those vehicles registered pursuant to the provisions of subparagraph (b) of this paragraph, unless such display is prohibited by federal or state law or by state agency rules and regulations. No vehicle shall be licensed as a tax-exempt or nonprofit vehicle unless the vehicle has affixed on each side thereof, in letters not less than two (2) inches wide, the name of the tax-exempt or nonprofit organization or the insignia or other symbol of such organization which shall be of sufficient size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is not in motion;

4. Prisoner of War License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces and civilians who were former prisoners of war held by a foreign country and who can provide proper certification of that status. Such persons may apply for a prisoner of war license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased former prisoner of war, if said spouse has not since remarried, may apply for a prisoner of war license plate

for one vehicle with a rated carrying capacity of one (1) ton or less.

The registration fee shall be One Dollar ($1.00);

5. National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma National Guard.

The fee for such plate shall be Two Dollars ($2.00) and shall be in addition to all other registration fees provided by ~~this act~~ the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title;

6. United States Military Reserves - such plates shall be designed for active or retired members of the United States Military Reserves, and shall identify which branch of service, i.e. Army, Navy, Air Force, Marines~~,~~ or Coast Guard.

The fee for such plates shall be Two Dollars ($2.00) and shall be in addition to all other registration fees provided by this act;

7. Physically Disabled License Plates - such plates shall be designed for persons who are eligible for an insignia as a physically disabled person under the provisions of Section 15-112 of this title. It shall prominently display the international accessibility symbol, which is a stylized human figure in a wheelchair. Upon the death of such physically disabled person, said special license plate shall be returned to the Commission.

There shall be no fee for such plate in addition to the rate provided by this act for the registration of the vehicle.

Any person who is eligible for a physically disabled license plate and whose vehicle has had modifications because of the physical disability of the owner, may register the vehicle for a flat fee of Twenty-five Dollars ($25.00). This fee shall be in lieu of all other registration fees provided by this act;

8. Disabled Veterans License Plates - such plates shall be designed for persons presenting proper certification from the United

States Veteran's Administration or the Armed Forces of the United States certifying such veteran has a service-connected disability rating of fifty percent (50%) or more or that such veteran has been awarded a vehicle by the United States government or receives a grant from the United States Veteran's Administration for the purchase of an automobile due to a service-connected disability rating or due to the loss of use of a limb or an eye. Such persons may apply to the Commission for a disabled veterans license plate or to a motor license agent for a regular license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased disabled veteran, if said spouse has not since remarried, may apply for a disabled veterans license plate for one vehicle with a rated carrying capacity of one (1) ton or less.

The registration fee shall be One Dollar ($1.00);

9. Congressional Medal of Honor Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Congressional Medal of Honor. Such persons may apply for a Congressional Medal of Honor recipient license plate for one vehicle with a rated carrying capacity of one (1) ton or less.

The fee for such plate shall be One Dollar ($1.00);

10. Missing In Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who are missing in action. The spouse of such missing person, if said spouse has not since remarried, and each parent of such missing person may apply for a missing in action license plate upon presenting proper certification that such person is missing in action and that the person making said application is the unremarried spouse or the parent of such missing person. The spouse and each parent of such missing person may each apply for the missing in action license plate for one vehicle with a rated carrying capacity of one (1) ton or less.

The registration fee shall be One Dollar ($1.00) and shall be in addition to the regular plate issued and the fees charged therefor~~.~~;

11. Indian Tribal License Plates - such plates shall be designed for any vehicle of a native American Indian Tribal Association exempted in Sections 201 through 204 of Public Law 97-473 and used by the tribal association exclusively for the furtherance of its tribal functions.

The registration fee shall be One Dollar ($1.00);

12. Personalized License Plates - such plates shall be designed and issued to any person in any combination of numbers or letters from one to a maximum of seven. Such plates may be issued for motorcycles in any combination of numbers or letters from one to a maximum of six. The personalized license plates shall be issued on a staggered system except for motorcycles.

On and after January 1, 1987, persons owning vehicles which are twenty-one (21) years and older are qualified to submit for approval by the Oklahoma Tax Commission or a motor license agent a vintage but expired official Oklahoma license plate which is twenty-one (21) years and older. Upon approval of such personalized plate, the owner shall be issued the annual registration decal which the Commission or agent shall direct to be affixed in close proximity to the mandatory vehicle inspection decal. The Tax Commission shall promulgate a rule which establishes appropriate criteria to be used in the implementation of this act.

The fee for such plate shall be Twelve Dollars ($12.00) and shall be in addition to all other registration fees provided by this act. Two Dollars ($2.00) of the personalized tag fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of this act;

13. Antique Vehicle Plates - such plates shall be designed and issued for any vehicle thirty (30) years of age or older, based upon the date of manufacture thereof and which travels on the highways of

this state primarily incidental to historical or exhibition purposes only.

The registration fee shall be One Dollar ($1.00) and, except as otherwise provided in this subparagraph, shall be in addition to all other registration fees provided by this act. Vehicles issued an antique vehicle license plate pursuant to the provisions of this subparagraph shall be exempt from the registration fee levied by paragraph 1 of subsection A of Section 1132 of this title;

14. Purple Heart Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Purple Heart military decoration. Such persons may apply for a Purple Heart recipient license plate for one vehicle with a rated carrying capacity of one (1) ton or less.

The fee for such plate shall be One Dollar ($1.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title; ~~and~~

15. Pearl Harbor Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Veteran's Administration or the Armed Forces of the United States as being:

(a) a member of the United States Armed Forces on December 7, 1941,

(b) stationed on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three (3) miles, and

(c) a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a Pearl Harbor Survivor license plate for one vehicle with a rated carrying capacity of one (1) ton or less.

The fee for such plate shall be One Dollar ($1.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act.

The Oklahoma Tax Commission shall design and make available to any person who is issued a Pearl Harbor Survivor License Plate a commemorative Pearl Harbor decal to commemorate the fiftieth anniversary of Pearl Harbor. Such decal shall include the language "Pearl Harbor 1941-1991" and shall be designed to be easily attached to a license plate. This decal shall be free of charge to those persons issued a Pearl Harbor Survivor License Plate.

Use of any vehicle possessing a special license plate for any purpose not specified in this section shall be grounds for revocation of the special license plate and registration certificate;

16. Killed in Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed in action. The spouse of such deceased person, if said spouse has not remarried, may apply for a killed in action license plate upon presenting proper certification that such person was killed in action and that said person making the application is the unremarried spouse of such deceased person. The spouse may apply for a killed in action license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The registration fee for such plate shall be One Dollar ($1.00); and

17. University or College Supporter License Plates - such plates shall be designed and issued to any person wishing to demonstrate support to any state-supported university or college. The fee for such plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title. The twenty-five-dollar fee shall be apportioned pursuant to Section ~~2~~ 1104.1 of this ~~act~~ title.

SECTION 2. REPEALER Section 20, Chapter 339, O.S.L. 1990 (47 O.S. Supp. 1990, Section 1136), is hereby repealed.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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