

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
HOUSE BILL NO. 1975

By: Mitchell and Maddux
(Elmer) of the House

and

Hooper of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to tourism; amending 74 O.S. 1991, Sections 1806 and 1847.1, as last amended by Section 2, Chapter 331, O.S.L. 1993 (74 O.S. Supp. 1993, Section 1847.1), which relate to the policy- determining function and the powers and duties of the Oklahoma Tourism and Recreation Commission; clarifying language; authorizing the Commission to close, sell or dispose of certain property; specifying certain conditions; modifying certain duties; modifying certain powers and duties relating to rates and fees; authorizing certain senior citizen discounts; amending 47 O.S. 1991, Section 1151, which relates to prohibited acts relating to motor vehicles; authorizing certain vehicles to be driven on park roads under certain conditions; requiring certain warnings; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 1806, is amended to read as follows:

Section 1806. The Oklahoma Tourism and Recreation Commission shall be the policy-determining agency for the Oklahoma Tourism and Recreation Department and shall determine the broad plans and programs for the accomplishment of duties and responsibilities vested by law in the ~~said~~ Commission, and shall fix the salaries of the Director and all other personnel employed in the Department.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1876 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Tourism and Recreation Commission shall have authority to close, sell or otherwise dispose of real property owned or operated by the Commission, provided that certain conditions are met:

1. All the Oklahoma legislators in whose district the real property is located must be in agreement with the proposed disposition;

2. Some local support must exist for the proposed disposition; and

3. The proposed closure, sale or disposition must be financially advantageous to the Commission, and shall not be counter to bond indentures or other obligations of the Commission.

B. All real property which is identified for sale by the Commission will be sold in compliance with Section 129.4 of Title 74 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 1847.1, as last amended by Section 2, Chapter 331, O.S.L. 1993 (74 O.S. Supp. 1993, Section 1847.1), is amended to read as follows:

Section 1847.1 A. The Commission is granted the additional powers herein given it for the purpose of operating, maintaining, extending and improving state parks in the State of Oklahoma, including specifically all parks and park and recreational properties now owned or leased by the state or by the Commission together with all additions which may be made thereto and all additional park and recreational properties which may be acquired hereafter by the Commission and by the state.

The Commission shall have and is hereby authorized to exercise the following powers, rights and privileges:

1. To have the exclusive possession and control of, and to control, operate and maintain for the benefit of the people of the State of Oklahoma all state parks and all lands and other properties now or hereafter owned or leased by the state or Commission for park or recreational purposes-;

2. To acquire by purchase, lease, gift, or in any other manner and to maintain, use and operate any and all property, real, personal or mixed, necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this act. Title to all such property shall be vested in the State of Oklahoma, although such property is sometimes herein referred to as property "of the Commission". The power of condemnation herein granted shall be exercised in the manner provided by the general laws of the state for the condemnation of property by the state-i

3. To acquire real property by condemnation only when the Attorney General or other counsel deems it an appropriate means of clearing title from willing or unavailable sellers-i

4. Subject to the provisions of this act, from time to time to lease, without restriction as to term, any property which said Commission shall determine advisable to more fully carry into effect the duties and powers of said Commission-i

5. To acquire, construct, extend, improve, maintain and operate any and all facilities of all kinds which in the judgment of the Commission will provide recreational or other facilities for the benefit of the public, or which are necessary or convenient to the exercise of the powers of the Commission-i

6. To sue and be sued-i

7. To adopt, use and alter an official seal-i

8. To make bylaws for the management and regulation of its affairs-i

9. To appoint officers, agents and employees and prescribe their duties and to fix their compensation-i

10. To make such contracts and execute such instruments as in the judgment of the Commission are necessary or convenient to the exercise of the powers conferred upon it by this act-i

11. To prescribe and enforce rules for the use of all recreational and other facilities and properties of the Commission, including the restriction or prohibition of the use of firearms, the inspection of boats, the issuance of permits for the operation of watercraft of all kinds, the charging and collection

of fees for the inspection and for the operation of such craft, prescribing the type, style, location and equipment of all wharves, docks and anchorages, pavilions, restaurants and other structures or buildings which may be constructed along shores or upon the waters of any body of water or upon other property controlled by the Commission and providing for the licensing, inspection and supervision of same, and granting and imposing charges for permits and for all commercial uses or purposes to which any of the properties of the Commission or any structures or buildings located on property of the Commission may be used;

12. To prescribe and collect reasonable rates, and fees, ~~tolls or charges~~ pursuant to the provisions of this section for the services, facilities and commodities rendered by all property of the Commission.

- a. The Commission may establish rates for rooms at the state lodges and cabins, for recreational vehicles and camping sites, and for community facilities under control of the Commission. The method whereby such rates are determined shall be promulgated pursuant to Article I of the Administrative Procedures Act. At least twenty (20) days prior to the adoption or approval of any rate changes by the Commission, the Department shall submit a copy of such proposed rates, for informational purposes, to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate. Any change in such rates during the year or when the Legislature is not in session shall be reported in writing to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate within five (5) business days of such Commission action.
- b. Fees shall be promulgated pursuant to Article I of the Administrative Procedures Act.

13. The Commission may erect cabins and support facilities on any land under its control. The Commission may operate or lease

cabins, lodges, restaurants and other facilities and improvements for the public making use of the recreational facilities surrounding such improvements.

~~13.~~ 14. To develop a pay incentive plan for employees of the Division of State Lodges. Such incentive pay shall be considered as bonus pay, not to be included in an employee's base salary, and shall be based on customer service and improved financial conditions of state lodges if gross revenues for fiscal year 1994 and each fiscal year thereafter from sales and products and services at the state lodges exceeds fiscal year 1993 gross revenues. The total amount of all pay incentives shall be limited to the difference between the increases from the previous fiscal year. Such pay incentive plan shall not be implemented before April 1, 1994. The Commission shall promulgate rules for the implementation of such plan.

B. All fees, licenses and other charges shall be posted in a convenient place in each park. Each and everyone using any of the facilities of said park shall be charged the same fees, licenses and every other charge except:

1. Residents of this state sixty-two (62) years of age and over and their spouses, and nonresidents sixty-two (62) years of age and over and their spouses, provided that their home state provides similar discounts to Oklahoma residents, shall be entitled to a fifty percent (50%) reduction which shall apply to recreation use facilities rented on weekdays, except weekdays which are state or nationally recognized holidays. Identification may be established by presentation of the state driver's license, state license for identification only, birth certificate of such persons or any other form of identification authorized by the Commission;

2. Individuals who have been certified as totally disabled under state or federal law and their spouses will be entitled to a fifty percent (50%) reduction which shall apply to recreation use facilities;

3. Children's groups, volunteer groups as specified by the Commission, or governmental entities that provide beneficial

services at the facility for which the fee may be reduced or waived. The failure to collect such fees, licenses and other charges shall subject the employees of the Commission to a fine of Twenty-five Dollars (\$25.00) for each and every violation; and

4. Special discount rates as authorized in paragraphs 1 and 2 of this subsection may be waived for subject individuals who are members of a group being provided a special group rate in accordance with Section 1834 of this title.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 1151, is amended to read as follows:

Section 1151. A. It shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title, license plate or decal issued to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title, registration certificate, license plate or decal issued under the laws of this or any other state;

3. To procure from another state or country, or display upon any vehicle owned by him or her within this state, except as otherwise provided in this act, Section 1101 et seq. of this title, any license plate issued by any state or country other than this state, unless there shall be displayed upon such vehicle at all times the current license plate or decal assigned to it by the Commission;

4. To drive, operate or move, or for the owner to cause or permit to be driven or moved, upon the roads, streets or highways of this state, any vehicle loaded in excess of its registered laden weight, or which is licensed for a capacity less than the manufacturer's rated capacity as provided for in this act;

5. To operate a vehicle without proper license plate or decal or on which all taxes due the state have not been paid;

6. To buy, sell or dispose of, or have in his possession for sale, use or storage, any secondhand or used vehicle on which the registration or license fee has not been paid, as required by law,

and on which vehicle said person neglects, fails or refuses to display at all times the license plate or decal assigned to it;

7. To give a fictitious name or fictitious address or make any misstatement of facts in application for certificate of title and registration of a vehicle;

8. To purchase a license plate on an assigned certificate of title. This particular paragraph shall be applicable to all persons except bona fide registered dealers in used cars who are holders of current and valid used car dealers' licenses;

9. To operate a vehicle upon the highways of this state after the registration deadline for that vehicle without a proper license plate, as prescribed by this act, for the current year;

10. For any owner of a vehicle registered on the basis of laden weight to fail or refuse to weigh or reweigh it when requested to do so by any enforcement officer charged with the duty of enforcing this law;

11. To operate or have in his possession any vehicle which bears a motor number or serial number other than the original number placed thereon by the factory except a number duly assigned and authorized by the state;

12. For any motor license agent to release a license plate, a manufactured home registration receipt, decal or excise tax receipt to any unauthorized person or source, including any dealer in new or used motor vehicles. Violation of this paragraph shall constitute sufficient grounds for discharge of a motor license agent by the Commission; or

13. To operate any vehicle registered as a commercial vehicle without the lettering requirements of Section 1105 of this title.

Any person convicted of violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed One Hundred Dollars (\$100.00).

B. Except as otherwise authorized by law, it shall be unlawful to:

1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title issued for a

manufactured home, manufactured home registration receipt, manufactured home registration decal or excise tax receipt;

2. Alter or in any manner change a certificate of title issued for a manufactured home under the laws of this state or any other state;

3. Remove or alter a manufactured home registration receipt, manufactured home registration decal or excise tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to misrepresent the payment of the required excise tax and registration fees;

4. Buy, sell, or dispose of, or have in his possession for sale, use or storage any used manufactured home on which the registration fees or excise taxes have not been paid as required by law; or

5. Purchase identification, manufactured home registration receipt, manufactured home registration decal or excise tax receipt on an assigned certificate of title.

Anyone violating the provisions of this subsection, upon conviction, shall be guilty of a felony.

C. In the event a new vehicle is not registered within thirty (30) days from date of purchase, the penalty for the failure of the owner of the vehicle to register said vehicle within thirty (30) days shall be Twenty-five Dollars (\$25.00), provided that in no event shall the penalty exceed an amount equal to the license fee. Provided however, that the penalty for new commercial vehicles shall be equal to the license fee for such vehicles.

If a used vehicle is brought into Oklahoma by a resident of this state and is not registered within thirty (30) days, a penalty of twenty-five cents (\$0.25) per day shall be charged from the date of entry to the date of registration, such penalty to accrue for thirty (30) days, upon failure to register, at the end of which time the penalty shall be Twenty-five Dollars (\$25.00), provided that in no event shall the penalty exceed an amount equal to the license fee. Provided however, that the penalty for used commercial vehicles shall be equal to the license fee for such vehicles.

D. Any owner who knowingly makes or causes to be made any false statement of a fact required in this section to be shown in an application for the registration of one or more vehicles shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or shall be imprisoned in the county jail for not more than one (1) year, or both such fine and imprisonment.

E. Self-propelled or motor-driven cycles, known and commonly referred to as "minibikes" and other similar trade names, shall not be registered under the provisions of this act or be permitted to be operated on the streets or highways of this state. Provided that minibikes may be operated on the streets when used in a parade. Notwithstanding other provisions of this subsection, minibikes may be registered and operated in this state by food vendor services upon streets having a speed limit of thirty (30) miles per hour or less.

All minibikes offered for sale in this state shall bear the following notice to the customer:

"This machine is not manufactured or sold for operation on the public streets or highways. Since it is not provided with equipment required by law for street or highway use, all persons are cautioned that any operation of this vehicle upon a public street or highway will be in violation of the motor vehicle laws of this state and will subject the violator to arrest."

Transfers and sales of such vehicles shall be subject to sales tax and not motor vehicle excise taxes.

The provisions of this subsection shall also apply to those motor-driven or operated vehicles known as "golf carts", "go-carts" and other motor vehicles which are manufactured principally for use off the streets and highways. Provided that golf carts owned by the Oklahoma Tourism and Recreation Department, and operated by employees or agents of the Oklahoma Tourism and Recreation Department, may be operated on the streets and highways of this state during daylight hours or under regulation developed by the Tourism Commission, when such streets

and highways are located within the boundaries of a state park.
The Department shall have warning signs placed at the entrance and
other locations at those state parks allowing golf carts to be
operated on the streets and highways of this state located within
the boundaries of those state parks. The warning signs shall
state that golf carts may be on such streets and highways and that
motor vehicle operators shall take special precautions to be alert
for the presence of the golf carts on such streets and highways.

F. Any person violating paragraph 3 or 6 of subsection A of this section, in addition to the penal provisions provided herein, shall pay as additional penalty a sum equal to the amount of license fees due on such vehicle or registration fees due on a manufactured home known to be in violation and said amount is hereby declared to be a lien upon said vehicle as provided in this act.

G. Each violation of any provision of this act for each and every day such violation has occurred shall constitute a separate offense.

H. Anyone violating any of the provisions heretofore enumerated in this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00) and not to exceed One Hundred Dollars (\$100.00).

I. Any violation of any portion of this act where a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars (\$10.00) and not to exceed One Hundred Dollars (\$100.00).

J. Any provision of Section 1101 et seq. of this title providing for proportional registration under reciprocal agreements and the International Registration Plan that relates to the promulgation of rules and regulations shall not be subject to the provisions of this section.

SECTION 5. This act shall become effective September 1, 1994.

44-2-L9655 MCD