

SHORT TITLE: Public health and safety; exemption from vessel and motor excise tax for new vessels and motors used by professional fishermen in sanctioned events; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 888

By: Littlefield

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 4106, which relates to the Oklahoma Vessel and Motor Excise Tax Act; modifying vessels and motors for which original or transfer certificate of title may be issued without payment of excise tax; specifying conditions therefor; providing for payment of certain tax at certain times; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 4106, is amended to read as follows:

Section 4106. An original or a transfer certificate of title shall be issued without the payment of the excise tax levied by this act, Section 4101 et seq. of this title, for:

1. Any vessel or motor owned by a nonresident which is already registered in another state and has been in Oklahoma for a period in excess of sixty (60) calendar days in any single registration year.;

2. Any vessel or motor brought into this state by a person formerly living in another state, who has owned and registered said vessel or motor in such other state of his residence at least sixty (60) calendar days prior to the time it is required to be registered in this state;

3. Any vessel or motor registered by the United States, State of Oklahoma or by any of the political subdivisions thereof;

4. Any vessel or motor the legal ownership of which is obtained by the applicant for a certificate of title by inheritance;

5. Any vessel or motor which is owned and being offered for sale by a person licensed as a dealer under the provisions of the Oklahoma Vessel and Motor Registration Act, registered in Oklahoma and the excise tax paid thereon;

6. Any vessel or motor, the ownership of which was obtained by the lienholder or mortgagee under or by foreclosure of a lien or mortgage in the manner provided by law or to the insurer under subrogated rights arising by reason of loss under an insurance contract;

7. Any vessel or motor, the legal ownership of which is obtained by transfers:

a. from one corporation to another corporation pursuant to a reorganization. As used in this section, the term "reorganization" means:

(1) a statutory merger or consolidation, or

(2) the acquisition by a corporation of substantially all of the properties of another corporation when the sole consideration is all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation;

b. in connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;

c. to a corporation for the purpose of organization of such corporation when the former owners of the vessel or motor transferred are immediately after the transfer in control of the corporation, and the stock

or securities received by each is substantially in proportion to his interest in the vessel or motor prior to the transfer;

- d. to a partnership in the organization of such partnership if the former owners of the vessel or motor transferred are, immediately after the transfer, members of such partnership and the interest in the partnership received by each is substantially in proportion to his interest in the vessel or motor prior to the transfer;
- e. from a partnership to the members thereof when made in the dissolution of such partnership; ~~and~~

8. All vessels or motors owned by the council organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Girls; and

9. Any new vessel or motor which is registered from a title in the name of the original manufacturer or assigned to the original manufacturer and which is transferred to a professional fisherman for a period of not more than eight (8) months; provided:

- a. a license plate or decal and a certificate of registration in the name of the professional fisherman bearing an expiration date of eight (8) months from the date of such transfer shall be issued by the Oklahoma Tax Commission for a vessel or motor so transferred upon payment of a fee of Twenty-five Dollars (\$25.00). A motor license agent shall not be authorized to issue such license plate, decal or certificate of registration, and
- b. upon a subsequent transfer of legal ownership of such vessel or motor, such vessel or motor shall be valued as a new vessel or new motor for excise tax purposes

pursuant to the provisions of Section 4105 of this  
title.

SECTION 2. This act shall become effective July 1, 1994.

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.

44-2-1914

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