

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

2nd CONFERENCE COMMITTEE  
SUBSTITUTE FOR ENGROSSED  
HOUSE BILL NO. 2260

By: Kirby, Deutschendorf,  
Satterfield and Pettigrew  
of the House

and

Helton and Capps of the  
Senate

2nd CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 6-205, as last amended by Section 3, Chapter 148, O.S.L. 1997 (47 O.S. Supp. 1997, Section 6-205), which relates to mandatory revocation of license; revoking license for certain conviction; amending 47 O.S. 1991, Section 6-212, as amended by Section 6, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1997, Section 6-212), which relates to conditions for reinstatement of license; adding statutory reference; amending 47 O.S. 1991, Section 7-603, which relates to verification of security; deleting authorization of Department of Public Safety to forward copies of certain certifications to insurance companies and surety companies; deleting requirement that the Department of Public Safety randomly verify the existence of security; amending 47 O.S. 1991, Section 7-609, as last amended by Section 6, Chapter 193, O.S.L. 1997 (47 O.S. Supp. 1997, Section 7-609), which relates to suspension of driving privilege; clarifying motor vehicle owner or person required to carry operator's policy; exempting certain persons from certain proof and payment; clarifying certain punishment; amending 47 O.S. 1991, Section 1115.1, as amended by Section 5, Chapter 153, O.S.L. 1993 (47 O.S. Supp. 1997, Section 1115.1), which relates to seizure of vehicles not bearing or displaying proper license plate; clarifying additional penalties; amending 47 O.S. 1991, Section 1151, as last amended by Section 3, Chapter 325, O.S.L. 1997 (47 O.S. Supp. 1997, Section 1151), which relates to offenses and penalties; adding offense for operating vehicle in violation of certain provisions; creating additional penalty for violating certain requirement; requiring income tax return form to contain certain wording; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-205, as last amended by Section 3, Chapter 148, O.S.L. 1997 (47 O.S. Supp. 1997, Section 6-205), is amended to read as follows:

Section 6-205. A. The Department of Public Safety shall immediately revoke the driver license or driving privilege of any person, whether adult or juvenile, upon receiving a record of conviction in any municipal, state or federal court within the United States of any of the following offenses, when such conviction has become final:

1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

2. Driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or any violation of Section 6-106.4 of this title; ~~provided, however.~~ However, the Department shall not additionally revoke a license pursuant to this subsection if the person's driving privilege has been revoked because of a test result or test refusal pursuant to Section 753 or 754 of this title arising from the same circumstances which resulted in the conviction;

3. Any felony during the commission of which a motor vehicle is used;

4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

5. Perjury or the making of a false affidavit or statement under oath to the Department under the Uniform Vehicle Code, Section 1-101 et seq. of this title, or under any other law relating to the ownership or operation of motor vehicles;

6. A misdemeanor or felony conviction for unlawfully possessing, distributing, dispensing, manufacturing or trafficking in a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes; ~~or~~

7. Failure to pay for gasoline pumped into a vehicle pursuant to Section ~~2~~ 1740 of ~~this act~~ Title 21 of the Oklahoma Statutes;  
or

8. A conviction for a violation of paragraph 3 of subsection A of Section 1151 of this title.

B. The first license revocation under any provision of this section, except for paragraph 2, 6 ~~or~~, 7 or 8 of subsection A of this section, shall be for a period of one (1) year. Such period shall not be modified.

C. A license revocation under any provision of this section, except for paragraph 2, 6 ~~or~~, 7 or 8 of subsection A of this section, shall be for a period of three (3) years if a prior revocation under this section, except under paragraph 2 of subsection A of this section, commenced within the preceding five-year period as shown by the Department's record. Such period shall not be modified.

D. The period of license revocation under paragraph 2 or 6 of subsection A of this section shall be governed by the provisions of Section 6-205.1 of this title.

E. The first license revocation under paragraph 7 or 8 of subsection A of this section shall be for a period of six (6) months. A second or subsequent license revocation under paragraph 7 or 8 of subsection A of this section shall be for a period of one (1) year. Such periods shall not be modified.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-212, as amended by Section 6, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1997, Section 6-212), is amended to read as follows:

Section 6-212. A. Effective April 1, 1995, the Department of Public Safety shall:

1. Abolish and cease the policy and procedure of assessing and collecting multiple reinstatement fees when reinstating the driving privilege of any person having more than one suspension or revocation affecting ~~his~~ the driving privilege of such person at the time of reinstatement; and

2. Suspend or revoke a person's driving privilege for each basis as delineated within the Oklahoma Statutes; and

3. Require any person having more than one suspension or revocation affecting ~~his~~ the driving privilege of such person to meet the statutory requirements for each action as a condition precedent to the reinstatement of any driving privilege. ~~Provided, however~~ However, reinstatement fees shall not be cumulative, and a single reinstatement fee, as provided for in subsection B of this section, shall be paid for all suspensions or revocations as shown by the Department's records at the time of reinstatement.

B. Whenever a person's privilege to operate a motor vehicle is suspended or revoked pursuant to any provision as authorized by the Oklahoma Statutes, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of each such revocation or suspension order; and

2. The person has paid to the Department:

a. if such privilege is suspended or revoked pursuant to Section 1115.5 of Title 22 of the Oklahoma Statutes or pursuant to any provisions of this title, except as provided in subparagraph b of this paragraph, a processing fee of Twenty-five Dollars (\$25.00) for each such suspension or revocation as shown by the Department's records, or

b. if such privilege is suspended or revoked pursuant to the provisions of Section 6-205, 6-205.1, 7-506, 7-608, 7-609, 753, 754 or 761 of this title or pursuant to subsection A of Section 7-605 of this title for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of this title for a suspension other than for points accumulation, a processing fee of Seventy-five Dollars (\$75.00) for each such suspension or revocation as shown by the Department's records; and

3. The person has paid to the Department a single reinstatement fee of Twenty-five Dollars (\$25.00).

SECTION 3. AMENDATORY 47 O.S. 1991, Section 7-603, is amended to read as follows:

Section 7-603. A. From its own records, the Department of Public Safety may verify the existence of security made in the form of a deposit or of self-insurance for which a certification has been made.

~~B. The Department may, either at the time of registration or at other intervals thereafter as it may determine, forward copies of certifications to insurance companies and surety companies, as the case may be, for verification of the security certified to in policies or bonds issued by such companies. The companies thereafter and not later than thirty (30) days following receipt of such copies shall cause to be filed with the Department a written record of those certifications as respects which no policy or bond is applicable.~~

~~C. Until July 1, 1991, the Department shall randomly verify the existence of security pursuant to the provisions of Section 7-603.1 of this title.~~

SECTION 4. AMENDATORY 47 O.S. 1991, Section 7-609, as last amended by Section 6, Chapter 193, O.S.L. 1997 (47 O.S. Supp. 1997, Section 7-609), is amended to read as follows:

Section 7-609. A. In the event ~~the~~ an owner of a motor vehicle or a person required to carry an operator's policy fails to timely furnish proof of insurance or fails to timely respond to the Department's request as required by subsection D of Section 7-608 of this title, the Department of Public Safety shall suspend the person's driving privilege and the registration of any motor vehicle registered in the name of ~~such~~ that person as owner and not covered by security, effective immediately upon the lapse date of the ~~thirty-day~~ response period as provided in subsection D of Section 7-608 of this title. Such suspension shall remain in effect until payment of the fees provided for in Section 6-212 of this title and proof of insurance is presented to the Department. ~~Provided~~ In the case of a person who is not required to carry an

operator's policy, if the person is not an owner of any motor vehicle, or if a person is not subject to the Compulsory Insurance Law of this state, proof of insurance and payment of the processing and reinstatement fee shall not be required, and the Department shall vacate the suspension of the person's driving privilege.

B. Any person whose driving privilege and registration have been suspended pursuant to the provisions of subsection A of this section shall submit ~~his~~ the driver license and license plate of such person to the Department within thirty (30) days from the date of such suspension. Any owner failing to submit the driver license or license plate to the Department within such time shall pay a fee of Fifty Dollars (\$50.00) in addition to the fees provided for in Section 6-212 of this title.

C. Whenever any person's driving privilege or registration of any motor vehicle is suspended pursuant to this section according to the records of the Department, the Department may accordingly notify any law enforcement agency, police officer, sheriff, deputy sheriff, highway patrol trooper, or other peace officer of ~~such~~ the suspension.

D. Any peace officer who has been notified that a person's driving privilege or registration of a motor vehicle is currently under suspension according to the records of the Department ~~may~~ shall, upon observing such person or motor vehicle anywhere upon a public street, highway, roadway, turnpike or public parking lot within this state, forthwith stop ~~such~~ the person or motor vehicle and seize ~~such~~ the person's driver license or license plate.

E. No person who has been issued a driver license, vehicle registration or vehicle license plate pursuant to the laws of this state shall obtain or retain a property interest therein and it shall be the duty of every person whose driving privilege or motor vehicle registration has been suspended to forthwith surrender such driver license or license plate upon the request of any peace officer or representative of the Department of Public Safety.

F. Any person upon a public street, highway, roadway, turnpike or public parking lot within this state who willfully

refuses to surrender possession of a driver license or license plate after being informed by a peace officer or representative of the Department of Public Safety that the driving privilege or motor vehicle registration of such person is currently under suspension according to the records of the Department, shall, upon conviction, be guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than ten (10) days or a fine not to exceed Five Hundred Dollars (\$500.00) or by both such fine and imprisonment.

G. Any driver license or license plate surrendered to or seized by a peace officer pursuant to this section shall be submitted to a representative of the Department of Public Safety in a manner and with a form or method approved by the Department.

H. Following receipt of the fifty-dollar fee collected pursuant to subsection B of this section, the Department shall deposit ~~said~~ the fee in the office of the State Treasurer. The State Treasurer shall credit ~~said~~ the fees ~~into~~ to a special account to be distributed as ~~hereinafter~~ provided in this section.

I. The Department shall certify to the State Treasurer the name of the employing law enforcement agency from which a suspended driver license or license plate has been received pursuant to this section, together with a certification that the fifty-dollar fee required by subsection B of this section has been paid. Following receipt of certification from the Department as provided herein, the State Treasurer shall reimburse the law enforcement agency named in the certificate the sum of Twenty-five Dollars (\$25.00) for each driver license and the sum of Twenty-five Dollars (\$25.00) for each vehicle registration plate as shown on the certificate, from the special account.

J. Any unencumbered monies remaining in ~~said~~ the special account at the close of each calendar month shall be transferred to the General Revenue Fund of the State Treasury.

K. The State of Oklahoma, the departments and agencies thereof, including the Department of Public Safety, all political subdivisions, and the officers and employees of each, shall not be held legally liable in any suit in law or in equity for any

erroneous entry of a suspension upon the records of the Department, nor for the enforcement of the provisions of this act performed in good faith.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 1115.1, as amended by Section 5, Chapter 153, O.S.L. 1993 (47 O.S. Supp. 1997, Section 1115.1), is amended to read as follows:

Section 1115.1 ~~After~~ In addition to the penalties provided in the Oklahoma Vehicle License and Registration Act, after ninety (90) days from the expiration date for annual registration of a vehicle, it shall be the duty of the Oklahoma Tax Commission, Department of Public Safety, county sheriffs, and all other duly authorized peace officers of this state to seize and take into custody every vehicle owned within this state not bearing or displaying a proper license plate required by the Oklahoma Vehicle License and Registration Act. The vehicle shall not be released to the owner until it is duly registered and the license, registration, or title fee and penalties due are paid in full, proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title, is furnished, and the cost of seizure, including the reasonable cost of taking the vehicle into custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees and penalties due, together with cost of seizure and storage, and fails to provide proof of security or an affidavit that the vehicle will not be used on public highways or public streets, the Oklahoma Tax Commission or its motor license agents shall proceed to sell the vehicle by posting not less than five notices of sale in five different public places in the county where the vehicle is located, one of such notices to be posted at the place where the vehicle is stored; ~~provided further, that a.~~ A copy of the notice shall also be sent by certified mail, restricted delivery, with return receipt requested, to the last-known address of the registered owner of ~~such~~ the vehicle ~~in question.~~ ~~Such~~ The vehicle shall be sold at such sale subject to the following terms and conditions:

1. In the event the sale price is equal to, or greater than, the total costs of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate, manufactured home registration receipt and decal and registration certificate;

2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, ~~such the~~ vehicle shall be sold as junk to the highest bidder, whereupon ~~he the bidder~~ shall receive a certificate of purchase<sup>+</sup>, and if ~~such the~~ vehicle be dismantled, the record to ~~such the~~ junked vehicle shall be canceled. If not dismantled, the ~~same~~ vehicle shall be immediately registered; or

3. Any residue remaining unclaimed by the delinquent owner shall be administered in accordance with the Uniform Unclaimed Property Act ~~(1981)~~.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 1151, as last amended by Section 3, Chapter 325, O.S.L. 1997 (47 O.S. Supp. 1997, 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~~ such person within this state, except as otherwise provided in the Oklahoma Vehicle License and Registration Act, 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 and decal assigned to it by the Oklahoma Tax Commission or the vehicle shall display evidence that the vehicle is registered as a nonresident vehicle pursuant to rules promulgated by the Tax Commission, with the

concurrence of the Department of Public Safety. A violation of the provisions of this paragraph shall be presumed to have occurred if a person who is the holder of an Oklahoma ~~driver's~~ driver license operates a vehicle owned by ~~him or her~~ such person on the public roads or highways of this state and there is not displayed on the vehicle a current Oklahoma license plate and decal, unless the vehicle is owned by a member of the Armed Forces of the United States assigned to duty in this state in compliance with official military or naval orders or the spouse of such a member of the Armed Forces;

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 the Oklahoma Vehicle License and Registration 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 possess 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 the 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 the Oklahoma Vehicle License and Registration 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 possess 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 Tax Commission; ~~or~~

13. To operate any vehicle registered as a commercial vehicle without the lettering requirements of Section 1102 of this title; or

14. To operate any vehicle in violation of the provisions of Sections 7-600 through 7-606 of this title while displaying a yearly decal issued to the owner who has filed an affidavit with the appropriate motor license agent in accordance with Section 7-607 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). Employees of the Motor Vehicle Division of the Tax Commission may be authorized by the Tax Commission to issue citations for a violation of paragraph 5 of this subsection. If a person convicted of violating the provisions of paragraph 5 of this subsection was issued a citation by a duly authorized employee of the Motor Vehicle Division of the Tax Commission, the fine herein levied shall be deposited to the Oklahoma Tax Commission Revolving Fund.

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 possess 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 the 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~~ 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~~ 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 by 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 the Oklahoma Vehicle License and Registration 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 Oklahoma Tourism and Recreation 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 in this section, 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 such amount is hereby declared to be a lien upon the vehicle as provided in the Oklahoma Vehicle License and Registration Act. In addition to the penalty provisions provided in this section, any person violating paragraph 3 of subsection A of this section shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of One Hundred Dollars (\$100.00) and the suspension of such person's driver license and right to operate the vehicle.

G. Each violation of any provision of the Oklahoma Vehicle License and Registration 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 the Oklahoma Vehicle License and Registration 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

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the promulgation of rules and regulations shall not be subject to the provisions of this section.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2390 of Title 68, unless there is created a duplication in numbering, reads as follows:

Each individual income tax return form for tax years commencing after December 31, 1997, shall contain a designation as follows, or contain similar wording as space allows on the tax form:

Enter the number of motor vehicles you and your spouse own or lease: \_\_\_\_\_.

Are all these vehicles registered with the Oklahoma Tax Commission? \_\_\_Yes \_\_\_No If No, attach an explanation.

SECTION 8. This act shall become effective July 1, 1998.

SECTION 9. 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.

46-2-11620 JAF