

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 1308

By: Long of the Senate

and

Satterfield of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; 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 the respective powers of state and local authorities; authorizing seizure of certain vehicle under certain condition; requiring certain vehicles or combination of vehicles to be accompanied by an escort vehicle as prescribed by the Department of Public Safety; prohibiting the operation of an escort vehicle without certain certification; requiring the Commissioner of Public Safety to promulgate certain rules; authorizing the Commissioner of Public Safety to enter into certain compacts and agreements with other states; providing for codification.

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

SECTION 1. 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 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~~ may 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. 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 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 vehicle shall be sold as junk to the highest bidder, whereupon he shall receive a certificate of purchase; and if such vehicle be dismantled, the record to such junked vehicle shall be canceled. If not dismantled, the same 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 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-120.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Any vehicle or combination of vehicles with an outside width of twelve (12) feet or more operating on highways in the state, including the National System of Interstate and Defense Highways, shall, in addition to being in compliance with provisions of Section 14-101 et seq. of Title 47 of the Oklahoma Statutes, be accompanied by an escort vehicle or vehicles, as prescribed by the Department of Public Safety.

B. No person shall operate an escort vehicle for hire, as required by this section, unless the person has been certified by the Department of Public Safety as an escort vehicle operator.

C. The Commissioner of Public Safety shall promulgate rules for the certification of operators of escort vehicles and the use of escort vehicles, as required by this section.

D. The Commissioner of Public Safety is hereby authorized to enter into reciprocal compacts and agreements with other states for the purpose of recognizing escort vehicle operator certifications issued by those states.

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