

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1501

By: Weaver

AS INTRODUCED

An Act relating to public health and safety; amending Section 36, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1996, Section 4209.1), which relates to stolen vessels or motors; requiring certain reports be forwarded to Lake Patrol Division of the Department of Public Safety; providing for access to records by law enforcement agencies; amending 63 O.S. 1991, Sections 4009, 4016, and 4017, as amended by Sections 7, 11, and 12, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1996, Sections 4009, 4016, and 4017), which relate to vessel and motor registration; requiring model number to be included in certain descriptions of vessels; and providing an effective date.

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

SECTION 1. AMENDATORY Section 36, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1996, Section 4209.1), is amended to read as follows:

Section 4209.1 A. A person not entitled to the possession of a vessel or motor who receives, possesses, sells or disposes of such

vessel or motor, knowing said vessel or motor to be stolen or converted under circumstances constituting a crime, upon conviction, shall be guilty of a felony and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

B. Whenever any municipal, county, state, or federal law enforcement agency in this state receives a report of a stolen vessel, the agency shall forward a copy of the report and a copy of any existing or subsequent investigative reports regarding that vessel to the Lake Patrol Division of the Department of Public Safety. The Lake Patrol Division shall make the reports available to any other law enforcement agency upon request and to any other interested party under the provisions of the Oklahoma Open Records Act.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 4009, as amended by Section 7, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1996, Section 4009), is amended to read as follows:

Section 4009. A. The application for a certificate of title for a vessel and/or an outboard motor shall be upon a form furnished by the Oklahoma Tax Commission and shall contain:

1. A full description of the vessel;
2. The manufacturer's serial, model or other identification number;
3. The length of the vessel;
4. The date on which first sold by the manufacturer or dealer to the owner;
5. Any distinguishing marks;
6. A statement of the applicant's source of title;
7. Whether the vessel is a documented vessel and the number assigned to such vessel;
8. Any security interest upon said vessel; and
9. Such other information as the Commission may require.

B. To obtain an original certificate of title for a vessel that is being registered for the first time in this state or for a vessel that has not been previously registered in any other state, the applicant shall be required to deliver, as evidence of ownership, a manufacturer's certificate of origin or at the discretion of the Commission a copy of the manufacturer's certificate of origin properly assigned by the manufacturer, distributor, or dealer licensed in this or any other state shown thereon to be the last transferee to the applicant upon a form to be prescribed and approved by the Commission. A manufacturer's certificate of origin shall contain:

1. The manufacturer's serial or other identification number;
2. Date on which first sold by the manufacturer to the dealer;
3. Any distinguishing marks including model and the year same was made;
4. A statement of any security interests upon said vessel; and
5. Such other information as the Commission may require.

C. In the absence of a dealer's or manufacturer's number, the Commission may assign such identifying number to the vessel, which shall be permanently stamped, burned or pressed into or attached onto such vessel.

D. 1. Before a homemade vessel is issued a hull identification number from the Commission, it shall be inspected by a commissioned officer of the Oklahoma Lake Patrol Division of the Department of Public Safety, pursuant to the rules promulgated by the Commissioner of Public Safety. For the purposes of this act, "homemade vessel" means any vessel without a hull identification number.

2. The Department of Public Safety is hereby granted authority and jurisdiction, pursuant to Article 1 of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, to promulgate, administer and enforce all necessary rules deemed necessary to implement the provisions of this section.

3. The Department of Public Safety shall prescribe all forms deemed necessary to implement the provisions of this section.

E. It shall be unlawful to:

1. Improperly display or fail to display a vessel's hull identification number;

2. Operate or possess a vessel on which the hull identification number has been removed; or

3. Operate or possess a motor on which the serial number has been removed.

F. When registering in this state, a vessel which was titled in another state and which title contains the name of a secured party on the face of the other state certificate of title, the Oklahoma Tax Commission or the motor license agent shall complete a lien entry form as prescribed by said Commission. A statement of the lien or encumbrance shall be included on the Oklahoma certificate of title and the lien or encumbrance shall be deemed continuously perfected as though it had been perfected pursuant to Section 4013 of this title. For completing the lien entry form and recording the security interest on the certificate of title, the Commission or the motor license agent shall collect a fee of Three Dollars (\$3.00) which shall be in addition to other fees provided by the Oklahoma Vessel and Motor Registration Act.

G. Upon payment of all fees and taxes, a certificate of title and certificate of registration shall be delivered to the applicant.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 4016, as amended by Section 11, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1996, Section 4016), is amended to read as follows:

Section 4016. A. Every owner of a vessel, when making application for registration, shall furnish the following information:

1. A full description of the vessel including the manufacturer's serial, model, or other identification number, the

manufacturer's factory delivered price, and the total delivered price of said vessel;

2. The correct name and address, the name of the city, county and state in which the person in whose name the vessel is to be registered resides;

3. The county of location of the vessel; and

4. Such other information as may be prescribed by the Commission.

B. Upon the filing of a registration application for a vessel and the payment of the fees provided for in the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title, the Oklahoma Tax Commission shall issue the owner of the vessel a certificate of registration and assign a permanent number for the vessel described in the application. The permanent number shall be recorded on the annual registration certificate covering such vessel. The permanent number shall be displayed upon the vessel as required by Section 4030 of this title.

C. The current certificate of registration shall be legible and available for inspection at all times.

D. On all new and used vessels, prior to receipt of the certificate of registration, the dealer's bill of sale shall be available for inspection at all times for the first thirty (30) calendar days from the date of purchase. Thereafter, prior to receipt of the certificate of registration, the official registration receipt from the Commission or a motor license agent shall be available for inspection at all times.

SECTION 4. AMENDATORY 63 O.S. 1991, Section 4017, as amended by Section 12, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1996, Section 4017), is amended to read as follows:

Section 4017. A. Every owner of an outboard motor in excess of ten (10) horsepower, when making application for registration, shall furnish the following information:

1. A full description of the motor including the manufacturer's serial, model, or other identification number, the manufacturer's factory delivered price, and the total delivered price of said motor;

2. The correct name and address, the name of the city, county and state in which the person in whose name the motor is to be registered resides;

3. The county of location of such motor; and

4. Such other information as may be prescribed by the Oklahoma Tax Commission.

B. Upon the filing of a registration application for a motor and the payment of the fees provided for in the Oklahoma Vessel and Motor Registration Act, the Commission shall issue the owner of the motor a certificate of registration.

C. The current certificate of registration shall be legible and available for inspection at all times.

D. On all new and used motors, prior to receipt of the certificate of registration, the dealer's bill of sale shall be available for inspection at all times for the first thirty (30) calendar days from the date of purchase. Thereafter, prior to receipt of the certificate of registration, the official registration receipt from the Commission or a motor license agent shall be available for inspection at all times.

SECTION 5. This act shall become effective November 1, 1997.

46-1-5801

LAC