

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1809

By: Langmacher

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 1132, as amended by Section 1, Chapter 10, O.S.L. 1995, and 1133.1, as last amended by Section 1, Chapter 19, O.S.L. 1994 (47 O.S. Supp. 1996, Sections 1132 and 1133.1), which relate to vehicle registration fees and commercial vehicles; modifying language; providing for apportionment of certain motor vehicle registration fees; providing that apportionment be based on use of certain avenues of public access; providing for computation of certain apportionment; requiring Oklahoma Tax Commission to register certain tribally registered vehicles; exempting certain registered vehicles from certain registration or license fees; requiring preservation of certain mileage records for certain time period; authorizing Oklahoma Tax Commission to adopt certain rules; providing for apportionment of certain revenues; 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 1132, as amended by Section 1, Chapter 10, O.S.L. 1995 (47 O.S. Supp. 1996, Section 1132), is amended to read as follows:

Section 1132. A. For all vehicles, unless otherwise specifically provided by ~~Section 1101 et seq. of this title~~ the Oklahoma Vehicle License and Registration Act, the following vehicle registration fees shall be assessed:

1. A registration fee of Fifteen Dollars (\$15.00) shall be assessed at the time of initial registration by the owner and annually thereafter, for the use of the avenues of public access within this state; and

2. A fee, to be paid annually in lieu of all other taxes both general and local, of one and one-quarter percent (1 1/4%) of the factory delivered price (F.D.P.). For this purpose the factory delivered price shall be rounded off to the nearest One Hundred Dollars (\$100.00).

After the first year's registration in this or any other state, the fee shall be assessed at ninety percent (90%) of the fee computed and assessed for the first year. Thereafter such fee shall be computed and assessed at ninety percent (90%) of the previous year's fee. The fee shall be so computed and assessed through the twelfth year of registration. The fee thereafter through the twentieth year of registration shall be the same as for the twelfth year of registration. The fee provided by this paragraph shall not be assessed after the twentieth year of registration. The fee provided by this paragraph shall be paid annually for the vehicle registered;

3. Provided that in no event shall the fee for the registration of a vehicle imposed by this subsection exceed the fee paid to register said vehicle for the preceding year; and

4. Provided further, there shall be a credit allowed with respect to the fee for registration of a new vehicle which is a replacement for:

- a. a new original vehicle which is stolen from the purchaser/registrant within ninety (90) days of the date of purchase of the original vehicle as certified by a police report or other documentation as required by the Commission, or
- b. a defective new original vehicle returned by the purchaser/registrant to the seller within six (6) months of the date of purchase of the defective new original vehicle as certified by the manufacturer.

Said credit shall be in the amount of the fee for registration which was paid for the new original vehicle and shall be applied to the registration fee for the replacement vehicle. In no event will said credit be refunded.

B. Upon every transfer or change of ownership of a vehicle, the new owner shall obtain title for and, except in the case of salvage vehicles and manufactured homes, register the vehicle within thirty (30) days of change of ownership and pay the fee provided in paragraph 1 of subsection A of this section in addition to any other fees provided for in this subsection. No new decal shall be issued to the registrant. Thereafter, the owner shall register the vehicle annually on the anniversary date of its initial registration in this state and shall pay the fees provided in paragraphs 1 and 2 of subsection A of this section and receive a decal evidencing such payment. Provided, used motor vehicle dealers shall be exempt from the provisions of this section.

C. In the event the vehicle is not registered, titled and tagged within thirty (30) days from the date of transfer of ownership, the penalty for the failure of the owner of the vehicle to register said vehicle within thirty (30) days shall be

twenty-five cents (\$0.25) per day, provided that in no event shall the penalty exceed Twenty-five Dollars (\$25.00).

SECTION 2. AMENDATORY 47 O.S. 1991, Section 1133.1, as last amended by Section 1, Chapter 19, O.S.L. 1994 (47 O.S. Supp. 1996, Section 1133.1), is amended to read as follows:

Section 1133.1 A. Any vehicle, including a station wagon as defined in paragraph 22 of Section 1102 of this title, which has a combined laden weight of eight thousand (8,000) pounds or less and is used primarily for business or commercial purposes may be registered, pursuant to Section 1133 of this title, as a commercial vehicle having a combined laden weight over eight thousand (8,000) pounds and less than fifteen thousand and one (15,001) pounds. ~~Said~~ The registration application shall state that such vehicle or station wagon is used for business or commercial purposes. Such vehicles or station wagons registered pursuant to this section shall be assessed the license fees for such commercial vehicle pursuant to Section 1133 of this title.

B. Any person claiming the right to register a vehicle or station wagon pursuant to subsection A of this section shall sign an affidavit attesting to the fact that such person conducts a business or commercial enterprise or is employed by a person conducting a business or commercial enterprise that uses said vehicle or station wagon primarily for the use of that business or commercial enterprise. Any person who signs ~~said~~ the affidavit as required by this subsection when such person does not believe the information in said affidavit is true or knows that it is not true, upon conviction, shall be guilty of perjury and shall be punished as provided for by law.

C. Upon initial registration by a person of a vehicle or station wagon pursuant to the provisions of this section, and upon transfer of ownership of any such vehicle or station wagon, any person claiming the right to register a vehicle or station wagon

pursuant to subsection A of this section shall make further proof that the person does in fact conduct a business or commercial enterprise or is employed by a person conducting a business or commercial enterprise that uses said vehicle or station wagon primarily for the use of that business or commercial enterprise by presenting a permit to do business pursuant to Section 1364 of Title 68 of the Oklahoma Statutes or a Federal Employers Identification Number or, if a sole proprietor, a copy of Schedule C from their most recent federal income tax return. Any person claiming the right to re-register a vehicle or station wagon identified by the words "Commercial Vehicle" pursuant to subsection D of this section shall offer the same proof required by this subsection for initial registration or transfer of ownership. Such proof shall not be necessary if the name of the business or commercial enterprise is permanently and prominently displayed upon the outside of said vehicle or station wagon.

D. Upon initial registration by a person of a vehicle or station wagon pursuant to the provisions of this section, and upon transfer of ownership of any such vehicle or station wagon the Commission or its motor license agents shall physically inspect such vehicles or station wagons to verify that the name of the business or commercial enterprise is permanently and prominently displayed upon the outside of said vehicle or station wagon or said vehicle or station wagon is identified by the words "Commercial Vehicle" permanently and prominently displayed upon the outside of the vehicle or station wagon in letters not less than two (2) inches high and two (2) inches wide. Such letters shall be in sharp contrast to the background and shall be of sufficient shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle or station wagon is not in motion. The Commission or its motor license agent shall receive the

fee provided for in paragraph 5 of Section 1102 of this title for making such inspection.

E. The failure of any owner of a vehicle or station wagon to properly label the vehicle or station wagon or to properly utilize the vehicle or station wagon for the purposes required by this section shall result in the issuance of a new license plate at the rate specified in Section 1132 of this title and in addition a penalty of fifty percent (50%) of the cost of such license shall be assessed against the owner.

F. In addition to the requirements of Section 1133 of this title, any commercial vehicle having a combined laden weight over eight thousand (8,000) pounds and less than fifteen thousand and one (15,001) pounds shall be subject to the requirements of this section.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1132.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. For all vehicles licensed by a federally recognized Indian tribe, the vehicle registration fees provided by the Oklahoma Vehicle License and Registration Act shall be apportioned based on the use of the vehicle on the avenues of public access within this state built by this state or any county, city or political subdivision of this state.

B. The Oklahoma Tax Commission shall apportion the registration fee of a vehicle based on the percentage of miles actually operated by the tribally-registered vehicle on avenues of public access within this state built or maintained by the state or any county, municipality or political subdivision of this state in proportion to such state avenues and any avenues built and maintained by the tribe with whom the vehicle is registered. If mileage data for the previous calendar year is not available, the Tax Commission may

accept the latest twelve-month period available. If no mileage is available, the percentage shall be one hundred percent (100%).

C. The Tax Commission shall first compute the registration fees under the Oklahoma Vehicle License and Registration Act and then multiply the computed fees by the state mileage percentage. The resulting amount shall be rounded to the nearest dollar.

D. Upon receipt of the apportioned fees, as computed under the provisions of this section, the Tax Commission shall register all tribally-registered vehicles and shall issue a license plate or decal for the vehicles. Vehicles registered pursuant to this section shall be deemed fully registered in this state and shall be exempt from all other registration or license fees under the provisions of the Oklahoma Vehicle License and Registration Act.

E. The mileage records upon which the apportioned registration fee under this section is based shall be preserved for a period of three (3) years following the year of registration. Upon request of the Tax Commission, the mileage records shall be made available for audit of the accuracy of computations and payments.

F. The Tax Commission shall have authority to adopt rules which provide procedures for implementation of this act. Any revenue derived from this section shall be apportioned in the same manner as provided in Section 1104 of this title.

SECTION 4. This act shall become effective July 1, 1997.

SECTION 5. 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.

46-1-5197

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