

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3222

By: Covey

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 1133.1, as last amended by Section 1, Chapter 19, O.S.L. 1994 (47 O.S. Supp. 1997, Section 1133.1), which relates to registration of certain vehicles as commercial; providing definition and requiring name of business to be displayed in certain manner; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 1133.1, as last amended by Section 1, Chapter 19, O.S.L. 1994 (47 O.S. Supp. 1997, Section 1133.1), is amended to read as follows:

Section 1133.1 A. Any vehicle, including a station wagon as defined in paragraph ~~22~~ 24 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~~ the 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~~ the 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~~ the 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 the~~ vehicle or station wagon.

D. Any vehicle or station wagon registered pursuant to the provisions of this section which is twenty-six thousand (26,000) pounds or less shall have the name of the business or commercial enterprise permanently and prominently displayed upon both sides of the vehicle 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. For purposes of this section, the words "permanently" and "prominently" shall mean painted on or bolted to the vehicle or the use of stick on decals. Magnetic signs shall not qualify. 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 both sides of said the~~ 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 7 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 2. This act shall become effective November 1, 1998.

46-2-9274

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