

SHORT TITLE: Motor vehicles; registration of trailers used to transport vessels or personal watercraft. Effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1221

By: Littlefield

AS INTRODUCED

An Act relating to the Oklahoma Vehicle License and Registration Act; amending 47 O.S. 1991, Section 1102, as last amended by Section 3, Chapter 278, O.S.L. 1994 (47 O.S. Supp. 1997, Section 1102), which relates to definitions; modifying and adding definitions; establishing certain fees regarding vessel trailers; providing for apportionment of fees collected; providing that unpaid fees shall establish a lien on certain property; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 1102, as last amended by Section 3, Chapter 278, O.S.L. 1994 (47 O.S. Supp. 1997, Section 1102), is amended to read as follows:

Section 1102. As used in ~~this act~~ the Oklahoma Vehicle License and Registration Act:

1. "Carrying capacity" means the carrying capacity of a vehicle as determined or declared in tons of cargo or payload by the owner, provided, that such declared capacity shall not be less than the minimum tonnage capacity fixed, listed or advertised by the manufacturer of any vehicle;

2. "Certificate of title" means a document which is proof of legal ownership of a motor vehicle as described and provided for in Section 1105 of this title;

3. "Chips and oil" or the term "road oil and crushed rock" means, with respect to materials authorized for use in the surfacing of roads or highways in this title or in any equivalent statute pertaining to road or highway surfacing in the State of Oklahoma, any asphaltic materials. Wherever chips and oil or road oil and crushed rock are authorized for use in the surfacing of roads or highways in this state, whether by the Department of Transportation, or by the county commissioners, or other road building authority subject to ~~this act~~ the Oklahoma Vehicle License and Registration Act, asphaltic materials are also authorized for use in such surfacing and construction;

4. "Combined laden weight" means the weight of a truck or station wagon and its cargo or payload transported thereon, or the weight of a truck or truck-tractor plus the weight of any trailers or semitrailers together with the cargo or payload transported thereon;

5. "Commercial trailer" means any trailer, as defined in Section 1-180 of this title, or semitrailer, as defined in Section 1-162 of this title, when such trailer or semitrailer is used primarily for business or commercial purposes;

6. "Commercial trailer dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used commercial trailers;

7. "Commercial vehicle" means any vehicle over eight thousand (8,000) pounds combined laden weight used primarily for business or commercial purposes. Each motor vehicle being registered pursuant to the provisions of this section shall have the name of the commercial establishment or the words "Commercial Vehicle" permanently and prominently displayed upon the outside 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 is not in motion. The Commission or its motor license agents shall make physical inspections of commercial vehicles as provided for in Section 1133.1 of this title, if by law said vehicles are required to be inspected to verify that said lettering is permanently displayed as required by this paragraph. A fee of fifty cents (\$0.50) shall be charged for making such inspection. Any commercial vehicle with a combined laden weight of over twenty-six thousand (26,000) pounds registered pursuant to the provisions of Section 1133 of this title shall not be subject to physical inspection by the Commission or its motor license agents. Any commercial vehicle with a combined laden weight of twenty-six thousand (26,000) pounds or less registered pursuant to Section 1133 or 1133.1 of this title shall be subject to physical inspection by the Commission or its motor license agent only at the time the vehicle is first registered in this state and upon the transfer of ownership of such vehicle;

8. "Commission" means the Oklahoma Tax Commission;

9. "Dealer" means any person, firm, association, corporation or trust who sells, solicits or advertises the sale of new and unused motor vehicles and holds a bona fide contract or franchise in effect with a manufacturer or distributor of a particular make of new or unused motor vehicle or vehicles for the sale of same;

10. "Interstate commerce" means any commerce moving between any place in a state and any place in another state or between places in the same state through another state;

11. "Laden weight" means the combined weight of a vehicle when fully equipped for use and the cargo or payload transported thereon; provided that in no event shall the laden weight be less than the

unladen weight of the vehicle fully equipped for use, plus the manufacturer's rated carrying capacity;

12. "Local authorities" means every county, municipality or local board or body having authority to adopt police regulations under the Constitution and laws of this state;

13. "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained thereon. The term manufactured home shall not include any manufactured home which is owned by a religious corporation or society and is used exclusively for religious purposes. "Mobile home" means a manufactured home transportable in one section. "Sectional home" means a manufactured home transportable in two or more sections. Said terms shall not include any travel trailer or any self-propelled vehicles used as living quarters, whether referred to as motor homes or by any other name. Provided, that trailers or semitrailers used for the transportation of goods or property, other than the personal belongings of the owner of such vehicle, shall not be included in this definition;

14. "Manufactured home dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used manufactured homes. Such information and a valid franchise letter as proof of authorization to sell any such new manufactured home product line or lines shall be attached to said application for a dealer license to sell manufactured homes. "Manufactured home dealer" shall not include any person, firm or corporation who sells or contracts for the sale of his own

personally titled manufactured home or homes. No person, firm or corporation shall be considered a manufactured home dealer as to any manufactured home purchased or acquired by such person, firm or corporation for purposes other than resale; provided, that the restriction set forth in this sentence shall not prevent an otherwise qualified person, firm or corporation from utilizing a single manufactured home as a sales office;

15. "Motor license agent" means any person appointed, designated or authorized by the Oklahoma Tax Commission to collect the fees and to enforce the provisions provided for in ~~this act~~ the Oklahoma Vehicle License and Registration Act;

16. "New vehicle" or "unused vehicle" means a vehicle which has been in the possession of the manufacturer, distributor or wholesaler or has been sold only by the manufacturer, distributor or wholesaler to a dealer;

17. "Nonresident" means any person who is not a resident of this state;

18. "Owner" means any person owning, operating or possessing any vehicle herein defined;

19. "Person" means any individual, copartner, joint venture, association, corporation, limited liability company, estate, trust, business trust, syndicate, the State of Oklahoma, or any county, city, municipality, school district or other political subdivision thereof, or any group or combination acting as a unit, or any receiver appointed by the state or federal court;

20. "Recreational vehicle" means every vehicle which is built on or permanently attached to a self-propelled motor chassis or chassis cab which becomes an integral part of the completed vehicle and is capable of being operated on the highways. In order to qualify as a recreational vehicle pursuant to this paragraph such vehicle shall be permanently constructed and equipped for human habitation, having its own sleeping and kitchen facilities,

including permanently affixed cooking facilities, water tanks and holding tank with permanent toilet facilities. Recreational vehicle shall not include manufactured homes or any vehicle with portable sleeping, toilet and kitchen facilities which are designed to be removed from such vehicle;

21. "Rental trailer" means all small or utility trailers or semitrailers constructed and suitable for towing by a passenger automobile and designed only for carrying property, when said trailers or semitrailers are owned by, or are in the possession of, any person engaged in renting or leasing such trailers or semitrailers for intrastate or interstate use or combined intrastate and interstate use;

22. "Special mobilized machinery" means special purpose machines, either self-propelled or drawn as trailers or semitrailers, which derive no revenue from the transportation of persons or property, whose use of the highway is only incidental, and whose useful revenue producing service is performed at destinations in an area away from the traveled surface of an established open highway;

23. "State" means the State of Oklahoma;

24. "Station wagon" means any passenger vehicle which does not have a separate luggage compartment or trunk and which does not have open beds, and has one or more rear seats readily lifted out or folded, whether same is called a station wagon or ranch wagon;

25. "Travel trailer" means any vehicular portable structure built on a chassis, used as a temporary dwelling for travel, recreational or vacation use, and, when factory-equipped for the road, it shall have a body width not exceeding eight (8) feet and an overall length not exceeding forty (40) feet, including the hitch or coupling;

26. "Travel trailer dealer" means any person, firm or corporation engaged in the business of selling any new and unused,

or used, or both new and used travel trailers. Such information and a valid franchise letter as proof of authorization to sell any such new travel trailer product line or lines shall be attached to said application for a dealer license to sell travel trailers. "Travel trailer dealer" shall not include any person, firm or corporation who sells or contracts for the sale of his own personally titled travel trailer or trailers. No person, firm or corporation shall be considered as a travel trailer dealer as to any travel trailer purchased or acquired by such person, firm or corporation for purposes other than resale;

27. "Used motor vehicle dealer" means "used motor vehicle dealer" as defined in Section 581 of this title;

28. "Used vehicle" means any vehicle which has been sold, bargained, exchanged or given away, or used to the extent that it has become what is commonly known, and generally recognized, as a "secondhand" vehicle. This shall also include any vehicle, regardless of age, owned by any person who is not a dealer; ~~and~~

29. "Vehicle" means any type of conveyance or device in, upon or by which a person or property is or may be transported from one location to another upon the avenues of public access within the state. "Vehicle" does not include bicycles, trailers except travel trailers and rental trailers, or implements of husbandry as defined in Section 1-125 of this title. All implements of husbandry used as conveyances shall be required to display the owner's driver's license number or social security number on the rear of the implement in numbers not less than two (2) inches in height; and

30. "Vessel trailer" means any trailer, as defined in Section 1-180 of this title, which is used to transport a vessel, as defined in Section 4002 of Title 63 of the Oklahoma Statutes, or a personal watercraft, as defined in Section 4201 of Title 63 of the Oklahoma Statutes, for personal use. This term shall not apply to a trailer

used to transport any vessel or personal watercraft by a dealer, as defined in Section 4002 of Title 63 of the Oklahoma Statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1133.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Effective January 1, 1999, vessel trailers shall be required to be registered pursuant to the provisions of this section. For the first year of registration, the owner of a vessel trailer shall make application for registration to the Oklahoma Tax Commission or a motor license agent and shall pay a registration fee of Ten Dollars (\$10.00).

Upon the payment of the registration fee of Ten Dollars (\$10.00), the Tax Commission or motor license agent shall issue a registration certificate and nonexpiring identification plate for the vessel trailer. The nonexpiring identification plate shall remain displayed on the vessel trailer for which the identification plate is issued until such vessel trailer is sold or removed from service, at which time it shall be returned to the Tax Commission or a motor license agent.

After the first year of registration, the owner of the vessel trailer shall pay the Tax Commission or a motor license agent an annual registration fee of Four Dollars (\$4.00) for each vessel trailer. The fee of Four Dollars (\$4.00) shall be due and payable on January 1 of each year and if not paid, shall be delinquent on January 15, and shall be the only fee due on any vessel trailer registered under this section.

The penalty for delinquent registration fees shall be as specified in paragraph 4 of subsection C of Section 1115 of Title 47 of the Oklahoma Statutes.

A receipt shall be issued upon the payment of the annual fee, which shall show the total fee paid for the vessel trailer. The receipt shall be retained by the owner of the vessel trailer and

carried in the towing vehicle whenever the vessel trailer is being operated on the highways of this state.

B. All monies collected pursuant to this section shall be deposited to the Oklahoma Recreation and Development Revolving Fund created in Section 1903 of Title 74 of the Oklahoma Statutes.

C. The fees provided for in this section shall be paid each year whether or not the vessel trailer is operated on the public highway.

D. All fees levied by this section shall become and remain a first lien upon the vessel trailer upon which the fees are due until paid. The lien shall have priority over all other liens. No title to any vessel trailer may be transferred until the unpaid balance on the vessel trailer has been paid in full, and any unpaid balance of such fees shall remain and become a lien against any and all property of the owner, both real and personal, for so long as any fee balance shall remain unpaid. Any unpaid balance under these provisions shall be immediately due and payable by the owner if any vessel trailer is sold, wrecked, or otherwise retired from service.

E. The fees levied pursuant to the provisions of this section shall not be in lieu of ad valorem taxes upon trailers registered hereunder.

SECTION 3. This act shall become effective November 1, 1998.

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