

SHORT TITLE: Motor vehicles; modifying motor vehicle information declared to be confidential; allowing Oklahoma Tax Commission and motor license agents to furnish certain information for certain fee; permanent nonexpiring license plates. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1256

By: Easley

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 1109, as amended by Section 2, Chapter 294, O.S.L. 1997 and 1113, as last amended by Section 1, Chapter 192, O.S.L. 1997 (47 O.S. Supp. 1997, Sections 1109 and 1113), which relate to the Oklahoma Vehicle License and Registration Act; modifying information declared to be confidential; allowing Oklahoma Tax Commission or motor license agent to furnish certain information for certain fee; providing that certified copies of certain records may be received in evidence with certain effect; specifying amounts of certain fees and providing for deposit thereof; allowing motor license agent to furnish certain information for certain fee; providing that certain fees not be included in compensation limit for motor license agents; modifying conditions and procedures for issuance of permanent nonexpiring license plates; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 1109, as amended by Section 2, Chapter 294, O.S.L. 1997 (47 O.S. Supp. 1997, Section 1109), is amended to read as follows:

Section 1109. A. All information contained in certificates of title, applications therefor, or registration certificates is hereby declared to be confidential information and shall not be copied by anyone or disclosed to anyone other than employees of the Oklahoma Tax Commission in the regular course of their employment, except as follows:

1. To law enforcement officers in the regular course of their duties;

2. To other governmental agencies when required in their governmental functions;

3. To any motor vehicle manufacturer or ~~his~~ an authorized representative thereof for the purpose of meeting the requirements of the recall provisions of Title 15 U.S.C. 1974; provided that ~~said~~ the manufacturer or ~~his~~ representative shall, when requesting information pertaining to motor vehicles, furnish the Tax Commission with an affidavit stating the purpose for which the information is to be used, and that the confidentiality of the information shall be protected, as set out above, and used only for the purpose stated; provided, further, that the Tax Commission shall be authorized to review the use of and the measures employed to safeguard ~~said~~ the information; and provided, further, that the manufacturer or ~~his~~ representative shall bear the cost incurred by the Tax Commission in the production of the information requested. If the confidentiality provisions, as set out above, are violated, the provisions of subsection ~~(d)~~ D of Section 205 of Title 68 of the Oklahoma Statutes~~7~~ shall apply and the privilege of obtaining information shall be terminated. Any manufacturer or ~~his~~ representative violating the provisions of this ~~subsection~~ paragraph, upon

conviction, shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00); and

4. To any person compiling and publishing motor vehicle statistics, provided that such statistics do not disclose the names and addresses of individuals. Such information shall be provided upon payment of a fee as determined by the ~~Oklahoma~~ Tax Commission;

~~5. To a wrecker or towing service licensed pursuant to Section 951 et seq. of this title for use in providing notice to the owners and secured parties of towed or impounded vehicles upon payment of One Dollar (\$1.00) per vehicle; and~~

~~6. To a legitimate business or its agents, employees, or contractors for use in the normal course of business upon payment of One Dollar (\$1.00) per vehicle, but only:~~

- ~~a. to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors, and~~
- ~~b. to obtain the correct information, if such information submitted by the individual to the business is not correct, or is no longer correct, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual.~~

B. Notwithstanding the foregoing, the Tax Commission may, when requested for a particular vehicle, furnish desired information for the sum of One Dollar (\$1.00) per vehicle or make copies of certificates of title, applications therefor and registration certificates and sell the same for the fee hereinafter prescribed. Certified copies of any and all records held by the Tax Commission relative to certificates of title and registration certificates issued under the laws of this state, duly certified by the Tax Commission, may be received in evidence with the same effect as the original, when such original is not in the possession or under the

control of the party desiring to use the same. For each certified copy furnished under this section, a fee of Two Dollars (\$2.00) per instrument shall be charged and collected by the Tax Commission. All such funds shall be deposited in the Oklahoma Tax Commission Revolving Fund.

C. Notwithstanding the foregoing, the Tax Commission or a motor license agent may allow the release of information from its motor vehicle records upon magnetic tape consisting only of the following information:

1. The date of the certificate of title;
2. The certificate of title number;
3. The type of title issued for the vehicle;
4. The odometer reading from the certificate of title;
5. The year in which the vehicle was manufactured;
6. The vehicle identification number for the vehicle;
7. The make of the vehicle; and
8. The location in which the vehicle is registered.

The Tax Commission shall allow the release of such information upon payment of a fee to be determined by the Tax Commission. The information released as authorized by this subsection may only be used for purposes of detecting odometer rollback or odometer tampering, for determining the issuance in this state or any other state of salvage or rebuilt titles for vehicles or for determining whether a vehicle has been reported stolen in this state or any other state.

~~C.~~ D. Notwithstanding the foregoing, any motor license agent, upon written request from a secured party for information contained in the certificate of title or registration certificate of a vehicle in which the secured party has an interest or upon written request from a vehicle owner for information contained in the certificate of title or registration certificate of such vehicle, may furnish such desired information for the sum of One Dollar (\$1.00) per vehicle.

Fees received by a motor license agent pursuant to the provisions of this subsection shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title.

E. Notwithstanding the provisions of this section or of Section 205 of Title 68 of the Oklahoma Statutes, the Tax Commission may inform a secured party that taxes and fees are delinquent with respect to a vehicle upon which the secured party has a perfected lien.

~~D.~~ F. The provisions of ~~subsection~~ subsections A and B of this section shall not apply to vehicles in excess of twenty-six thousand (26,000) pounds, or to trailers or semitrailers which may be used in combination with such vehicles. The ~~Oklahoma~~ Tax Commission shall establish an appropriate fee to cover the cost of furnishing the requested data and shall issue specific rules and regulations for the dissemination of information that shall apply only to vehicles registered in Oklahoma with a gross vehicle weight in excess of twenty-six thousand (26,000) pounds, or the applicable trailers or semitrailers.

The release of such information shall be limited to Oklahoma incorporated and domiciled, nonprofit, tax exempt industry trade groups and organizations for the express purpose of making such data directly available to the heavy duty motor transportation industry.

G. The provisions of this section shall not prohibit a motor license agent from providing to the record owner of a motor vehicle:

1. A certified copy of a certificate of title for the motor vehicle upon payment of the fee specified in paragraph 4 of subsection A of Section 1141.1 of this title; or

2. A certified copy of a registration certificate for the motor vehicle upon payment of the fee specified in paragraph 1 of subsection A of Section 1141.1 of this title.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 1113, as last amended by Section 1, Chapter 192, O.S.L. 1997 (47 O.S. Supp. 1997, Section 1113), is amended to read as follows:

Section 1113. A. 1. Upon the filing of a registration application and the payment of the fees provided for in the Oklahoma Vehicle License and Registration Act, the Oklahoma Tax Commission shall assign to the vehicle described in the application a distinctive number, and issue to the owner of the vehicle a certificate of registration and one license plate or a yearly decal for the year that a license plate is not issued. The yearly decal shall have an identification number and the last two numbers of the registration year for which it shall expire. Except as provided by Section 1113A of this title, the license plate shall be affixed to the exterior of the vehicle until a replacement license plate is applied for. The yearly decal will validate ~~said~~ the license plate for each registration period other than the year the license plate is issued. The license plate and decal shall be of such size, color, design and numbering as the Tax Commission may direct. However, yearly decals issued to the owner of a vehicle who has filed an affidavit with the appropriate motor license agent in accordance with Section 7-607 of this title shall be a separate and distinct color from all other decals issued under this section.

2. The license plate shall be securely attached to the rear of the vehicle, except truck-tractor plates which shall be attached to the front of the vehicle. The Tax Commission may, with the concurrence of the Department of Public Safety, by Joint Rule, change and direct the manner, place and location of display of any vehicle license plate when such action is deemed in the public interest. The license plate, decal and all letters and numbers shall be clearly visible at all times. The operation of a vehicle upon which the license plate is covered, overlaid or otherwise screened with any material, whether such material be clear,

translucent, tinted or opaque, shall be a violation of this paragraph.

3. Upon payment of the annual registration fee provided in Section 1133 of this title, the Tax Commission or a motor license agent may issue a permanent nonexpiring license plate to an owner of ~~ten~~ five hundred or more commercial motor vehicles and for vehicles registered under the provisions of Section 1120 of this title. Upon payment of the annual registration fee, the Tax Commission shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued.

B. The license plates required under the provisions of this title shall conform to the requirements and specifications listed hereinafter:

1. Each license plate shall have a space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

2. The provisions of the Oklahoma Vehicle License and Registration Act regarding the issuance of yearly decals shall not apply to the issuance of apportioned license plates, including license plates for state vehicles, and exempt plates for governmental entities and fire departments organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes;

3. Within the limits herein prescribed the Tax Commission shall redesign the official vehicle license plates which currently bear the legend "Oklahoma OK" or "Oklahoma is OK!" and substitute therefor the legend "Oklahoma Native America" as further described in this paragraph. Except for personalized license plates and license plates issued for motorcycles and mopeds, the emblem on the state flag of Oklahoma as provided for in Section 91 of Title 25 of the Oklahoma Statutes shall be a part of all license plates issued after December 31, 1988. The Tax Commission may continue to issue license plates with the legend "Oklahoma is OK!" or "Oklahoma OK"

until any inventory of such license plates is depleted but the Tax Commission shall not produce or cause to be produced any additional license plates with these legends. Except for personalized license plates, license plates issued for commercial vehicles, and license plates issued for motorcycles and mopeds, the "Oklahoma Native America" emblem shall be a part of all license plates issued after December 31, 1993. The specifications for lettering style and appearance for the legend "Oklahoma Native America" shall be provided to the Tax Commission by the Oklahoma Tourism and Recreation Department. The license plates shall be issued with the letters and numerals in the colors of green and white. All license plates and decals shall be made with reflectorized material as a background to the letters, numbers and characters impressed thereon. The reflectorized material shall be of such a nature as to provide effective and dependable brightness during the service period for which the license plate or decal is issued;

4. Except as otherwise provided in this subsection, the Tax Commission shall design appropriate official license plates for all state vehicles. Such license plates shall be permanent in nature and designed in such manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred to a nongovernmental owner;

5. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Highway Patrol. The license plates shall have the legend "Oklahoma OK" and shall contain the letters "OHP" followed by the state seal and the badge number of the Highway Patrol officer to whom the vehicle is assigned. The words "Oklahoma Highway Patrol" shall also be included on such license plates;

6. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Capitol Patrol. Such license plates shall

have the legend "Oklahoma OK" and shall contain the letters "OCP" followed by the state seal and badge number of the Oklahoma Capitol Patrol officer to whom the vehicle is assigned. The words "Oklahoma Capitol Patrol" shall also be included on such license plates; and

7. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Lake Patrol. Such license plates shall have the legend "Oklahoma OK" and shall contain the letters "OLP" followed by the state seal and badge number of the Oklahoma Lake Patrol officer to whom the vehicle is assigned. The words "Oklahoma Lake Patrol" shall also be included on such license plates.

C. Where the applicant has satisfactorily shown that the applicant owns the vehicle sought to be registered but is unable to produce documentary evidence of the ownership, a license plate may be issued upon approval by the Tax Commission. In such instances the reason for not issuing a certificate of title shall be indicated on the receipt given to the applicant. It shall still be the duty of the applicant to immediately take all necessary steps to obtain the Oklahoma certificate of title and it shall be unlawful for the applicant to sell the vehicle until the certificate has been obtained in the applicant's name.

D. The certificate of registration provided for in this section shall be in convenient form, and the certificate of registration, or a certified copy or photostatic copy thereof, duly authenticated by the Tax Commission, shall be carried at all times in or upon commercial vehicles so registered, in such manner as to permit a ready examination thereof upon demand by any peace officer of the state or duly authorized employee of the Department of Public Safety. Any such officer or agent may seize and hold such commercial vehicle when the operator of the same does not have the registration certificate in the operator's possession or when any such officer or agent determines that the registration certificate

has been obtained by misrepresentation of any essential or material fact or when any number or identifying information appearing on such certificate has been changed, altered, obliterated or concealed in any way, until the proper registration or identification of such vehicle has been made or produced by the owner thereof.

E. The purchaser of a new or used manufactured home shall, within thirty (30) days of the date of purchase, register the home with the Tax Commission or a motor license agent pursuant to the provisions of Section 1117 of this title. For a new manufactured home, it shall be the responsibility of the dealer selling the home to place a temporary license plate on the home in the same manner as provided in Section 1128 of this title for other new motor vehicles. For the first year that any manufactured home is registered in this state, the Tax Commission shall issue a metal license plate which shall be affixed to the manufactured home. Manufactured homes previously registered and subject to ad valorem taxation as provided by law shall have the metal license plate affixed at the time ad valorem taxes are paid for such manufactured home. The owner of the home shall be required to affix such plate to the home. The Tax Commission shall make sufficient plates available to the various motor license agents of the state in order for an owner of a manufactured home to acquire the plate. A One Dollar (\$1.00) fee shall be charged for issuance of any plate. The fee shall be apportioned each month to the General Revenue Fund of the State Treasury.

F. The manufactured home license plate shall be designed so that it is easily visible for purposes of verification by a county assessor or any state official that the manufactured home is properly assessed for ad valorem taxation or registered as required by this subsection. The plate shall be designed for a yearly decal. In the first year of registration, a decal shall be issued for placement on the license plate indicating payment of applicable

registration fees and excise taxes. In the second and all subsequent years for which the manufactured home is subject to ad valorem taxation or registration, an annual decal shall be affixed to the license plate as evidence of payment of ad valorem taxes or registration fees. The Tax Commission shall issue decals to the various county treasurers and motor license agents of the state in order for a manufactured home owner to obtain such decal each year. Upon presentation of a valid ad valorem tax receipt or registration fee receipt, the manufactured home owner shall be issued the annual decal.

G. After the first year of registration, if a manufactured home is to be moved from its location, the manufactured home shall be registered with the Tax Commission or a motor license agent for the calendar year in which the move is to take place pursuant to the provisions of the Oklahoma Vehicle License and Registration Act. The Tax Commission or motor license agent shall register the manufactured home pursuant to the provisions of this subsection unless a lien has been filed on the home for delinquent ad valorem taxes. The fee for such registration shall be as specified in Section 1135 of this title and shall be in lieu of ad valorem taxes on the manufactured home for such year. Such fee shall be apportioned to the county treasurer of the county in which the manufactured home is located prior to being moved. The county treasurer shall then apportion such fees in the same proportions that ad valorem tax revenue would have been apportioned if ad valorem taxes had been paid on the home.

H. Upon the registration of a manufactured home in this state for the first time or upon discovery of a manufactured home previously registered within this state for which the information required by this subsection is not known, the Tax Commission shall obtain:

1. The name of the owner of the manufactured home;

2. The serial number or identification number of the manufactured home;
3. A legal description or address of the location for the home;
4. The actual retail selling price of the manufactured home excluding Oklahoma taxes;
5. The certificate of title number for the home; and
6. Any other information which the Tax Commission deems to be necessary.

The application for registration shall also include the school district in which the manufactured home is located or is to be located. When a lien is filed against a manufactured home for delinquent ad valorem taxes, or when such a lien is released upon payment of such taxes, the county treasurer shall immediately notify the Tax Commission of such action. The information required by this subsection shall be entered into a computer data system which shall be used by the Tax Commission to provide information to county assessors upon request by the assessor and to allow motor license agents to register manufactured homes pursuant to the provisions of subsection G of this section. The assessor may request any information from the system in order to properly assess a manufactured home for ad valorem taxation.

SECTION 3. 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.

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