

SHORT TITLE: Motor vehicles; requiring Commissioner of Public Safety to promulgate rules relating to the placement of inspection stickers on motorcycles or to allow alternative procedure; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 257

By: Rabon

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S.

1991, Sections 851, as amended by Section 1, Chapter 287, O.S.L. 1996, and 854, as last amended by Section 14, Chapter 379, O.S.L. 1994 (47 O.S. Supp. 1996, Sections 851 and 854), which relate to vehicle inspections; providing exception; requiring Commissioner of Public Safety to promulgate rules relating to the placement of inspection stickers on motorcycles or to allow alternative procedure; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 851, as amended by Section 1, Chapter 287, O.S.L. 1996 (47 O.S. Supp. 1996, Section 851), is amended to read as follows:

Section 851. A. Except as otherwise provided for in subsections B and C of this section, no person shall drive or move on any highway any motor vehicle, including, but not limited to, motorcycles, trailers, semitrailers or pole trailers, or ancient vehicles which are not used primarily incidental to historical or exhibition purposes only, which are licensed by the Oklahoma Tax Commission and operated on the streets or highways of this state or any combination thereof, unless the equipment upon the vehicle is in

good working order and adjustment as required in this title and is in such safe mechanical condition as not to endanger the driver or other occupant of any vehicle upon the highway. Each such motor vehicle, except any commercial truck or truck-tractor registered pursuant to Section 1120 of this title which is engaged in interstate commerce, or any trailer or semitrailer registered pursuant to Section 1133 of this title which is engaged in interstate commerce, shall bear an official inspection sticker, except as otherwise provided by paragraph 2 of subsection D of Section 854 of this title.

B. The provisions of this section shall not apply to:

1. Any manufactured home which requires a permit to be moved upon the highways of this state;

2. Any ancient vehicle as defined by Section 1-101.1 of this title, which has not been modified from its original state of manufacture. Provided, ancient vehicles shall be exempt from retrofitted pollution control devices; or

3. Any modified ancient vehicle which has been inspected as required by subsection C of this section. For purposes of this section, "modified ancient vehicle" shall mean any vehicle manufactured in 1948 or earlier which has been modified or modernized from its original state of manufacture.

C. 1. No person shall drive or move on any roadway any modified ancient vehicle unless the vehicle has been inspected in accordance with subsection A of this section or has been inspected annually in accordance with this subsection.

2. A modified ancient vehicle may be inspected pursuant to standards issued by the National Street Rod Association and the Department of Public Safety. This inspection shall be conducted annually by an inspector certified by the National Street Rod Association. Upon successful completion of the inspection, the Department shall issue to the owner of the vehicle a Certificate of

Exemption which shall be carried in the vehicle at all times it is driven or moved on any roadway of this state. The certificate shall be submitted to any law enforcement officer upon request. The certificate shall serve as proof that the requirement for a state inspection and official inspection sticker as prescribed in subsection A of this section has been waived for the vehicle, and that the vehicle has been inspected pursuant to this subsection. The Department shall promulgate rules to implement and administer the provisions of this subsection.

D. Nothing in this section shall exempt any motor vehicle from the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 854, as last amended by Section 14, Chapter 379, O.S.L. 1994 (47 O.S. Supp. 1996, Section 854), is amended to read as follows:

Section 854. A. The Commissioner of Public Safety shall require that every motor vehicle, trailer, semitrailer and pole trailer, as defined herein, registered or operated in this state be inspected once a year at official inspection stations as provided in Section 851 et seq. of this act title, and that an official certificate of inspection and approval be obtained for each such vehicle; provided, however, that motor carriers and express companies operating under the jurisdiction of the Interstate Commerce Commission, and/or the Department of Transportation and interstate and/or intrastate owners and/or operators of commercial, private or public fleets of vehicles maintaining inspection and repair facilities which meet standards established by the Commissioner of Public Safety, may be authorized by the Commissioner to perform such inspections in such carriers' own maintenance shops, without bond, on vehicles owned or operated by them. The conversion equipment on any such vehicles fueled by alternative fuels, as defined in Section 130.2 of Title 74 of the Oklahoma Statutes, shall

be inspected once a year. Any station, facility or conversion center which converts motor vehicles to have the capability of being fueled by alternative fuels as defined by Section 130.2 of Title 74 of the Oklahoma Statutes may be authorized by the Commissioner to perform inspections as provided in Section 851 et seq. of this act title.

Such inspections shall be made and such certificates obtained with respect to the mechanism and equipment of every such vehicle as shall be designated by the Commissioner of Public Safety.

B. The Commissioner of Public Safety shall require that every motor vehicle equipped to be fueled by compressed natural gas shall obtain the annual inspection required by subsection A of this section from an official compressed natural gas inspection station that holds a special permit issued pursuant to subsection C of Section 855 of this title.

C. Except for vehicles sold dealer to dealer, every vehicle when sold by a dealer must have been inspected and must meet the standards of inspection as provided in Section 851 et seq. of this act title and must display a current inspection sticker.

D. The Commissioner of Public Safety is hereby authorized and directed to ~~make~~ promulgate necessary rules ~~and regulations~~ for the administration and enforcement of Section 851 et seq. of this act title and to designate any period or periods of time during which owners of any vehicles, subject to this section, shall display upon such vehicle, except those vehicles exempted pursuant to Section 851 of this title, certificates of inspection and approval or shall produce the same upon demand of any officer or employee of the Department of Public Safety designated by the Commissioner of Public Safety or any police or peace officer when authorized by said Commissioner. As a part of such rules ~~and regulations~~, the Commissioner of Public Safety shall include ~~the~~ :

1. A requirement that every person subject to the in-lieu-of-tax fee under Section 723 of Title 68 of the Oklahoma Statutes display a current Oklahoma Tax Commission decal on the vehicle as described in Section 723 of Title 68 of the Oklahoma Statutes and that proper display of the decal shall be a requirement for the issuance of an official certificate of inspection and approval for any vehicle using an alternative fuel as defined in Section 130.2 of Title 74 of the Oklahoma Statutes; and

2. A provision to allow an inspection sticker for a motorcycle to be affixed to the motorcycle other than on the front forks, at a location which will not damage the paint or chrome on the motorcycle, or to allow the operator of a motorcycle the option of producing the certificate of inspection and approval on demand of any officer or employee of the Department of Public Safety designated by the Commissioner of Public Safety or any police or peace officer, in lieu of requiring that an inspection sticker be affixed to the motorcycle.

E. The Commissioner of Public Safety shall also designate a special certificate of inspection and approval for all vehicles equipped to be fueled by compressed natural gas and shall require all special compressed natural gas inspection stations to issue the special certificate of inspection for any vehicle so equipped that has passed inspection. The certificate shall indicate on its face that the vehicle for which it is issued is equipped for compressed natural gas.

F. The Commissioner of Public Safety may authorize the acceptance in this state of a certificate of inspection and approval issued in another state having an inspection law similar to Section 851 et seq. of this act title and may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this state during the time an inspection was required.

G. The Commissioner of Public Safety may suspend the registration of any vehicle which he determines is in such unsafe condition as to constitute a menace to safety or which after notice and demand is not equipped as required in Section 851 et seq. of this act title or for which a required certificate has not been obtained. Any person who shall have ~~his~~ a vehicle registration suspended under the provisions of this section shall immediately forward ~~his~~ the registration to the Department.

SECTION 3. This act shall become effective November 1, 1997.

46-1-0551            CD