

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1397

By: Lindley of the House

and

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; amending 47 O.S.
12 1991, Section 1107, as last amended by Section 1,
13 Chapter 128, O.S.L. 1996 (47 O.S. Supp. 1998, Section
14 1107), which relates to transfer of ownership of
15 vehicles; exempting charitable organizations from
16 certain title transfer requirements; defining term;
17 amending 47 O.S. 1991, Section 1115, as amended by
18 Section 1, Chapter 13, O.S.L. 1997 (47 O.S. Supp.
19 1998, Section 1115), which relates to registration of
20 vehicles; exempting charitable organizations from
21 paying certain fees and taxes; and providing an
22 effective date.

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

24 SECTION 1. AMENDATORY 47 O.S. 1991, Section 1107, as
25 last amended by Section 1, Chapter 128, O.S.L. 1996 (47 O.S. Supp.
26 1998, Section 1107), is amended to read as follows:

27 Section 1107. A. In the event of the sale or transfer of the
28 ownership of a vehicle for which a certificate of title has been
29 issued as provided by Section 1105 of this title, the holder of such
30 certificate shall endorse on the back of same a complete assignment
31 thereof with warranty of title in form printed thereon with a
32 statement of all liens or encumbrances on the vehicle, sworn to
before a notary public or some other person authorized by law to
take acknowledgments, and deliver same to the purchaser or
transferee at the time of delivery to the purchaser or transferee of
the vehicle. The seller may notify the Oklahoma Tax Commission of

1 the sale, transfer or assignment of the owner's title or interest in
2 the vehicle giving the date thereof, the name and address of the
3 owner and of the transferee, and the description of the vehicle on
4 forms provided by the Commission and signed by both parties. Upon
5 receipt of such notification, the Commission shall appropriately
6 file and index the sale, transfer or assignment. The purchaser or
7 transferee, unless such person is a bona fide used motor vehicle
8 dealer licensed by this state, or a charitable organization shall,
9 within thirty (30) days from the time of delivery to the purchaser
10 or transferee of the vehicle, present the assigned certificate of
11 title and the insurance security verification to the vehicle to the
12 Oklahoma Tax Commission, or one of its motor license agents,
13 accompanied by a fee of Eleven Dollars (\$11.00), together with any
14 motor vehicle excise tax or license fee that may be due, whereupon a
15 new certificate of title, shall be issued to the assignee. One
16 Dollar (\$1.00) of each fee shall be deposited in the Oklahoma Tax
17 Commission Reimbursement Fund. Any charitable organization
18 utilizing the exemption authorized by this subsection shall receive
19 training as prescribed by the Oklahoma Used Motor Vehicle and Parts
20 Commission.

21 B. A licensed dealer or charitable organization shall, on
22 selling or otherwise disposing of a vehicle, execute and deliver to
23 the purchaser thereof the certificate of title properly and
24 completely reassigned. Thereupon, the purchaser of the vehicle
25 shall present the reassigned certificate to the Commission, or a
26 motor license agent, accompanied by a fee of Eleven Dollars
27 (\$11.00), and any motor vehicle excise tax or license fee that may
28 be due, whereupon a new certificate of title will be issued to the
29 purchaser. One Dollar (\$1.00) of each fee shall be deposited in the
30 Oklahoma Tax Commission Reimbursement Fund. The certificate, when
31 so assigned and returned to the Commission, together with any
32 subsequent assignment or reissue thereof, shall be appropriately

1 filed and indexed so that at all times it will be possible to trace
2 title to the vehicle designated therein. Provided, when the
3 ownership of any motor vehicle shall pass by operation of law, the
4 person owning the vehicle may, upon furnishing satisfactory proof to
5 the Commission of ownership, procure a title to the motor vehicle,
6 regardless of whether a certificate of title has ever been issued.
7 The dealer shall execute and deliver to the purchaser bills of sale
8 on forms prescribed by the Commission for all new vehicles sold by
9 the dealer. On presentation of a bill of sale executed on forms
10 prescribed by the Commission, by a manufacturer or dealer for a new
11 vehicle sold in this state, accompanied by remittance in the sum of
12 Eleven Dollars (\$11.00), together with any motor vehicle excise tax
13 or license fee that may be due, a certificate of title shall be
14 issued in accordance with the provisions of the Oklahoma Vehicle
15 License and Registration Act. One Dollar (\$1.00) of each fee shall
16 be deposited in the Oklahoma Tax Commission Reimbursement Fund. For
17 purposes of this subsection, "charitable organization" shall mean
18 any organization which is exempt from taxation pursuant to the
19 provisions of the Internal Revenue Code, 26 U.S.C., Section
20 501(c)(3) and which is registered as a charitable organization with
21 the Oklahoma Secretary of State and the Oklahoma Attorney General's
22 office.

23 C. Any person violating the provisions of this section shall be
24 guilty of a misdemeanor and upon the first conviction thereof shall
25 be punished by a fine not to exceed Five Hundred Dollars (\$500.00),
26 with impoundment of the vehicle until all taxes and fees are paid.
27 A second or subsequent conviction shall be punished by a fine not to
28 exceed One Thousand Dollars (\$1,000.00), with impoundment of the
29 vehicle until all taxes and fees are paid. If a vehicle is
30 impounded pursuant to the provisions of this section, the vehicle
31 shall not be released to the owner until the owner provides proof of
32 security or an affidavit that the vehicle will not be used on public

1 highways or public streets, as required pursuant to Section 7-600 et
2 seq. of this title. Each vehicle involved in a violation of this
3 section shall be considered a separate offense.

4 SECTION 2. AMENDATORY 47 O.S. 1991, Section 1115, as
5 amended by Section 1, Chapter 13, O.S.L. 1997 (47 O.S. Supp. 1998,
6 Section 1115), is amended to read as follows:

7 Section 1115. A. Unless provided otherwise by statute, the
8 following vehicles shall be registered annually: manufactured
9 homes, mopeds, motorcycles, vehicles registered with a permanent
10 nonexpiring license plate pursuant to Section 1113 of this title,
11 commercial vehicles registered pursuant to the provisions of the
12 International Registration Plan and commercial vehicles registered
13 pursuant to the installment plan provided in subsection I of Section
14 1133 of this title. The following schedule shall apply for such
15 vehicle purchased in this state or brought into this state by
16 residents of this state:

17 1. Between January 1 and March 31, the payment of the full
18 annual fee shall be required;

19 2. Between April 1 and June 30, the payment of three-fourths
20 (3/4) the annual fee shall be required;

21 3. Between July 1 and September 30, the payment of one-half
22 (1/2) the annual fee shall be required; and

23 4. Between October 1 and November 30, one-fourth (1/4) the
24 annual fee shall be required.

25 License plates or decals for each year shall be made available
26 on December 1 of each preceding year for such vehicles; and any
27 person who purchases such vehicle, manufactured home or motorcycle
28 between December 1 and December 31 of any year shall register it
29 within thirty (30) days from date of purchase and obtain a license
30 plate or Manufactured Home License Registration Decal, as
31 appropriate, for the following calendar year upon payment of the
32 full annual fee. Unless provided otherwise by statute, all annual

1 license, registration and other fees for such vehicles shall be due
2 and payable on January 1 of each year and if not paid by February 1
3 shall be deemed delinquent.

4 B. All vehicles, other than those required to be registered
5 according to the provisions of subsection A of this section, shall
6 be registered on a staggered system of registration and licensing on
7 a monthly series basis to distribute the work of registering such
8 vehicles as uniformly and expeditiously as practicable throughout
9 the calendar year. After the end of the month following the
10 expiration date, the license and registration fees for the new
11 registration period shall become delinquent.

12 C. The following penalties shall apply for delinquent
13 registration fees:

14 1. For commercial vehicles registered under the provisions of
15 subsection A of this section, a penalty of twenty-five cents (\$0.25)
16 per day shall be added to the license fee of such vehicle for each
17 day the fee is delinquent after January 31. The penalty shall
18 accrue for thirty (30) days. Thereafter, the penalty shall be
19 thirty percent (30%) of the annual registration fee, or Two Hundred
20 Dollars (\$200.00), whichever is greater;

21 2. For commercial vehicles registered under the provisions of
22 subsection B of this section, except those vehicles registered
23 pursuant to Section 1133.1 of this title, a penalty shall be
24 assessed after the last day of the month following the registration
25 expiration date. A penalty of twenty-five cents (\$0.25) per day
26 shall be added to the license fee of such vehicle and shall accrue
27 for one (1) month. Thereafter, the penalty shall be thirty percent
28 (30%) of the annual registration fee, or Two Hundred Dollars
29 (\$200.00), whichever is greater;

30 3. For new or used manufactured homes, not registered within
31 thirty (30) days from date of purchase or date such manufactured
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1 home was brought into this state, a penalty equal to the
2 registration fee shall be assessed; or

3 4. For all other vehicles a penalty shall be assessed after the
4 last day of the month following the expiration date. A penalty of
5 twenty-five cents (\$0.25) per day shall be added to the license fee
6 of such vehicle and shall accrue for three (3) months. Thereafter,
7 the penalty shall be Twenty-five Dollars (\$25.00), provided that the
8 penalty shall not exceed the amount equal to the license fee of such
9 vehicle.

10 D. In addition to all other penalties provided in the Oklahoma
11 Vehicle License and Registration Act, Section 1101 et seq. of this
12 title, the following penalties shall be imposed and collected by any
13 Revenue Enforcement Officer of the Oklahoma Tax Commission upon
14 finding any commercial vehicle being operated in violation of the
15 provisions of the Oklahoma Vehicle License and Registration Act.

16 The penalties shall apply to any commercial vehicle found to be
17 operating in violation of the following provisions:

18 1. A penalty in the amount of Fifty Dollars (\$50.00) shall be
19 imposed upon any person found to be operating a commercial vehicle
20 sixty (60) days after the end of the month in which the license
21 plate or registration credentials expire without the current year
22 license plate or registration credential displayed;

23 2. A penalty in the amount of Fifty Dollars (\$50.00) shall be
24 imposed for any person operating a commercial vehicle subject to the
25 provision of subsection K of Section 1120 of this title without the
26 proper display of, or, carrying in such commercial vehicle, the
27 identification credentials issued by the Oklahoma Tax Commission as
28 evidence of payment of the fee or tax as provided in subsection K of
29 Section 1120 of this title; and

30 3. A penalty in the amount of One Hundred Dollars (\$100.00)
31 shall be imposed for any person that fails to register any
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1 commercial vehicle subject to the Oklahoma Vehicle License and
2 Registration Act.

3 E. The Tax Commission shall assess the registration fees and
4 penalties for the year or years a vehicle was not registered. For
5 vehicles not registered for two or more years, the registration fees
6 and penalties shall be due only for the current year and one (1)
7 previous year. The Oklahoma Tax Commission shall waive road user
8 fees and penalties for failure to register a vehicle, provided road
9 user fees shall not be waived for the current registration year in
10 cases where said vehicle is proven to have been inoperable during
11 the registration period. Proof of inoperability may be by, but is
12 not limited to, submission of parts or repair receipts or such other
13 evidence deemed appropriate by the Oklahoma Tax Commission.

14 F. In addition to any other penalty prescribed by law, there
15 shall be a penalty in the amount of Twenty Dollars (\$20.00) upon a
16 finding by a revenue enforcement officer that:

17 1. The registration of a vehicle registered pursuant to Section
18 1132 of this title is expired and it is sixty (60) or more days
19 after the end of the month of expiration; or

20 2. The registration fees for a vehicle that is subject to the
21 registration fees pursuant to Section 1132 of this title have not
22 been paid.

23 G. If a vehicle is donated to a nonprofit charitable
24 organization which organization will transfer such donated vehicle
25 to a current or potential recipient of Temporary Assistance to Needy
26 Families as determined by the Department of Human Services and which
27 vehicle will be used primarily for transportation for job-related or
28 work-related activities by such recipient, the nonprofit charitable
29 organization shall be exempt from paying any current or past due
30 registration fees, excise tax, title or transfer fees, and penalties
31 and interest.
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1 SECTION 3. This act shall become effective November 1, 1999.

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