

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 319

By: Monson of the Senate

and

Langmacher of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 854, as last amended by Section 1, Chapter 158, O.S.L. 1998, 1115, as amended by Section 1, Chapter 13, O.S.L. 1997, 1120, as last amended by Section 3, Chapter 294, O.S.L. 1997 and 7-602 (47 O.S. Supp. 1998, Sections 854, 1115, 1120), which relate to vehicle inspections, the Oklahoma Vehicle License and Registration Act and financial responsibility; requiring Department of Public Safety and Oklahoma Tax Commission to promulgate certain rules; providing for staggered registration system for certain vehicles; requiring Tax Commission to make certain notification; providing for one-time option of registering for certain period and providing for renewal thereof; defining term; modifying penalties; specifying period of validity for license and registration cards issued by Tax Commission for fleet vehicles; providing exception; deleting requirement for certain proof of Oklahoma driver license; deleting definition; limiting application of certain provisions to certain time period; allowing certain registration applicants to choose initial monthly registration period; deleting obsolete language; specifying allowable methods of documentation of security with respect to certain fleet vehicles; modifying vehicles not required to carry security verification form; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 854, as last amended by Section 1, Chapter 158, O.S.L. 1998 (47 O.S. Supp. 1998, Section 854), is amended to read as follows:

Section 854. A. 1. The Commissioner of Public Safety shall require that every motor vehicle, trailer, semitrailer, and pole

trailer, ~~as defined in Chapter 1 of this title,~~ registered or operated in this state, be inspected once a year at official inspection stations as provided in Section 851 et seq. of this title, and that an official certificate of inspection and approval be obtained for each such vehicle.

2. Vehicles owned or operated by a fire department may have the inspection performed at the fire station location or the principal location of the fire vehicle.

3. 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.

B. 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.~~ An inspection shall not be done and a certificate shall not be issued pursuant to the provisions of Section 851 et seq. of this title for a vehicle which does not display a current Oklahoma license plate and decal, unless the vehicle is owned by a member of the Armed Forces of the United States assigned to duty in this state in compliance with official military or naval orders or the spouse of such a member of the Armed Forces; provided, the Department of Public Safety and the Oklahoma Tax Commission shall promulgate rules to provide for the inspection of rebuilt vehicles pursuant to the provisions of Section 1111 of this title prior to registration pursuant to the Oklahoma Vehicle License and Registration Act.

C. The Commissioner ~~of Public Safety~~ shall require that the owner of every motor vehicle equipped to be fueled by an alternative fuel shall obtain the annual inspection required by subsection A of this section from an official inspection station.

D. 1. Except for vehicles sold dealer to dealer, and wrecked, antique or classic vehicles not driven on the public roadway which have been certified as such under oath by the owner, every vehicle when sold by a licensed dealer shall have been inspected and shall meet the standards of inspection as provided in Section 851 et seq. of this title and shall display a current inspection sticker.

2. Every vehicle which has or has been converted to have, or upon conversion to have, the capability of being fueled by an alternative fuel, as defined by Section 130.2 of Title 74 of the Oklahoma Statutes, shall meet the standards of inspection as provided in ~~Chapter 70~~ Section 851 et seq. of this title and shall display a current inspection sticker.

E. The Commissioner ~~of Public Safety~~ is hereby authorized and directed to promulgate necessary rules for the administration and enforcement of Section 851 et seq. of this 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 the Commissioner. As a part of such rules, the Commissioner ~~of Public Safety~~ shall include the 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.

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 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 or she 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 title or for which a required certificate has not been obtained. Any person who shall have a vehicle registration suspended under the provisions of this section shall immediately forward the vehicle registration to the Department of Public Safety.

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

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

1. Between January 1 and March 31, the payment of the full annual fee shall be required;
2. Between April 1 and June 30, the payment of three-fourths (3/4) the annual fee shall be required;
3. Between July 1 and September 30, the payment of one-half (1/2) the annual fee shall be required; and
4. Between October 1 and November 30, one-fourth (1/4) the annual fee shall be required.

License plates or decals for each year shall be made available on December 1 of each preceding year for such vehicles; and any person who purchases such vehicle, manufactured home or motorcycle between December 1 and December 31 of any year shall register it within thirty (30) days from date of purchase and obtain a license plate or Manufactured Home License Registration Decal, as appropriate, for the following calendar year upon payment of the full annual fee. Unless provided otherwise by statute, all annual license, registration and other fees for such vehicles shall be due and payable on January 1 of each year and if not paid by February 1 shall be deemed delinquent.

B. 1. All vehicles, other than those required to be registered ~~according~~ pursuant to the provisions of subsection A of this section, shall be registered on a staggered system of registration and licensing on a monthly series basis to distribute the work of registering such vehicles as uniformly and expeditiously as practicable throughout the calendar year. After the end of the month following the expiration date, the license and registration fees for the new registration period shall become delinquent.

2. Effective December 1, 2000, all fleet vehicles registered pursuant to new applications approved pursuant to the provisions of Section 1120 of this title shall be registered on a staggered system monthly basis. The Oklahoma Tax Commission shall notify in writing, prior to the 2001 renewal period, all registrants with established

accounts, who will have the option of changing their registration expiration date or remaining with their existing registration expiration date.

3. Applicants seeking to establish Oklahoma as the base jurisdiction for registering apportioned fleet vehicles after December 1, 2000, and registrants converting an established account to the staggered registration system shall have a one-time option of registering for a period of not less than four (4) nor greater than fifteen (15) months. Subsequent renewals for these registrants will be for twelve (12) months, expiring on the last day of the month chosen by the registrant under the one-time option as provided herein. In addition, registrants with multiple fleets may designate a different registration month of expiration for each fleet.

As used in this section, "fleet" shall have the same meaning as set forth in the International Registration Plan.

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

~~1. For commercial vehicles registered under the provisions of subsection A of this section, a penalty of twenty-five cents (\$0.25) per day shall be added to the license fee of such vehicle for each day the fee is delinquent after January 31. The penalty shall accrue for thirty (30) days. Thereafter, the penalty shall be~~ fleet vehicles required to be registered pursuant to the provisions of Section 1120 of this title for which a properly completed application for registration has not been received by the Tax Commission by the last day of the month following the registration expiration date, a penalty of thirty percent (30%) of the Oklahoma portion of the annual registration fee, or Two Hundred Dollars (\$200.00), whichever is greater, shall be assessed. The license and registration cards issued by the Tax Commission for each fleet vehicle shall be valid until two (2) months after the registration expiration date;

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

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

4. ~~For~~ Except as provided in subsection H of Section 1133 of this title, for all other vehicles a penalty shall be assessed after the last day of the month following the expiration date. A penalty of twenty-five cents (\$0.25) per day shall be added to the license fee of such vehicle and shall accrue for three (3) months. Thereafter, the penalty shall be Twenty-five Dollars (\$25.00), provided that the penalty shall not exceed the amount equal to the license fee of such vehicle.

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

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

1. A penalty in the amount of Fifty Dollars (\$50.00) shall be imposed upon any person found to be operating a commercial vehicle sixty (60) days after the end of the month in which the license

plate or registration credentials expire without the current year license plate or registration credential displayed;

2. A penalty in the amount of Fifty Dollars (\$50.00) shall be imposed for any person operating a commercial vehicle subject to the ~~provision~~ provisions of ~~subsection K of~~ Section 1120 or Section 1133 of this title without the proper display of, or, carrying in such commercial vehicle, the identification credentials issued by the ~~Oklahoma~~ Tax Commission as evidence of payment of the fee or tax as provided in ~~subsection K of~~ Section 1120 or Section 1133 of this title; and

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

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

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

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

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

SECTION 3. AMENDATORY 47 O.S. 1991, Section 1120, as last amended by Section 3, Chapter 294, O.S.L. 1997 (47 O.S. Supp. 1998, Section 1120), is amended to read as follows:

Section 1120. A. The Oklahoma Tax Commission may, when in the interest of the State of Oklahoma and its residents, enter into the International Registration Plan or other compacts or agreements with other states to permit motor vehicle registration and license taxes on any truck, bus, or truck-tractor on a proportional basis commensurate with the use of Oklahoma highways. Proportional registration under such plans may be permitted for vehicles engaged in interstate commerce or combined interstate and intrastate commerce.

~~All applications for proportional registration by an owner-operator shall include proof of a current Oklahoma driver license issued to the owner-operator. The Commission shall not accept any application from an owner-operator who does not possess a current Oklahoma driver license. "Owner-operator" as used in this subsection shall have the same meaning as set forth in the International Registration Plan.~~

B. The Tax Commission shall require that such proportional registration be based on the percentage of miles actually operated by such vehicles or fleets of vehicles in the State of Oklahoma in the preceding year in proportion to the total fleet miles operated both within and without Oklahoma. If mileage data is not available for the preceding calendar year, the Tax Commission may accept the latest twelve-month period available. Such percentage figure, so determined by the Tax Commission, shall be the Oklahoma mileage factor. In computing the taxes under the foregoing formula, the Tax Commission shall first compute the license fees for the entire fleet

and then multiply the amount by the Oklahoma mileage factor on a dollar basis.

C. Upon receipt of the Oklahoma license and registration tax, which shall be paid by cash and/or certified funds, as computed under the provisions of ~~this act~~ the Oklahoma Vehicle License and Registration Act, the Tax Commission shall register all such fleet vehicles, and shall issue a license plate or decal for each of such vehicles identifying it as part of an interstate fleet. The Tax Commission may, upon satisfactory review of the payment history of an applicant, waive the requirement for payment in cash or certified funds.

D. Vehicles so registered on a prorated basis shall be considered fully licensed in Oklahoma and shall be exempt from all further registration or license fees under the provisions of ~~this act~~ the Oklahoma Vehicle License and Registration Act; provided that such fleet vehicles are proportionally licensed in some other state, territory or possession of the United States or some foreign province, state or country with which ~~said~~ the Tax Commission has entered into a prorationing compact or agreement.

If a vehicle is permanently withdrawn from a proportionally registered fleet and a replacement vehicle is added to the fleet in the same calendar quarter, ~~said~~ the replacement vehicle shall be considered fully registered as provided in Section 1133 of this title and Section 14-109 of this title, ~~provided that said~~ if the replacement vehicle is registered for a weight equal to or less than the vehicle permanently withdrawn, or if additional registration fees are paid when the replacement vehicle is registered for a weight greater than the vehicle withdrawn. If a vehicle is permanently withdrawn from a proportionally registered fleet and is not replaced by another vehicle in the same calendar quarter, credit shall be allowed as otherwise provided in this section.

E. Vehicles subsequently added to a proportionally registered fleet after commencement of the registration year shall be proportionally registered by applying the mileage percentage used in the original application for such fleet for such registration period to the regular registration fees due with respect to such vehicle for the remainder of the registration year.

F. If a vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold or otherwise completely removed from service, credit shall be allowed. Such credit shall be a sum equal to the amount paid with respect to such vehicle when it was first proportionally registered in the registration year, reduced by one-fourth (1/4) for each calendar quarter or fraction thereof elapsing since the beginning of the registration year. The credit may be applied against subsequent additions to the fleet to be prorated or for other additional registration fees assessed. In no event shall credit be allowed for fees beyond such registration year, nor shall any such amount be subject to refund. Provided, further, that vehicles removed from a prorated fleet or sold to a nonprorated fleet for operation in Oklahoma shall be registered in Oklahoma for the remaining portion of the year.

G. Mileage proportions for interstate fleets not operated in this state during the preceding year will be determined by the Tax Commission on the basis of the operations of the fleet the preceding year in other states plus the estimated operation in Oklahoma, or, if no operations were conducted the previous year in this state, a full statement of the proposed method of operation.

H. The records of total mileage operated in all states upon which the application is made for a period of three (3) years following the year upon which ~~said~~ the application is based shall be preserved. Upon request of the Tax Commission, such records shall be made available for audit as to accuracy of computation and

payments. The Tax Commission may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such records.

I. The Tax Commission may enter into compacts or agreements with other states or other countries or subdivisions of such countries allowing reciprocal privileges to vehicles based in such other states and operating in interstate commerce ~~provided said~~ if the vehicles are properly registered therein.

J. Interchanged vehicles properly registered in another state may be granted reciprocal privileges when engaged in a continuous movement in interstate commerce, but must register in this state if used in intrastate commerce.

K. In addition to those taxes or fees imposed by ~~this act~~ the Oklahoma Vehicle License and Registration Act, the same or substantially the same type or category of tax or fee may be imposed upon an out-of-state resident as is imposed upon residents of Oklahoma for the same or substantially similar use of a vehicle in such other state in the amount, or approximate total amount, of any fee or tax, including property, motor fuel, excise, sales, use or mileage tax required by the laws of such other state to be paid by a resident of this state making the same or similar use of a like vehicle in such state.

The Tax Commission shall have the authority to ~~adopt~~ promulgate rules ~~and regulations~~ which provide procedures for implementation of comparable regulatory fees and taxes for vehicles used in this state by residents of other states.

Any revenue derived from this subsection shall be apportioned in the same manner as provided in Section 1104 of this title.

It is the intention of the Legislature that the motor vehicle registration and licensing fees assessed against residents of other states operating similar vehicles in Oklahoma be comparably the same as the motor vehicle registration and licensing fees assessed

against residents of Oklahoma operating a similar vehicle for a similar purpose in such other state; and that the Tax Commission diligently monitor the motor vehicle registration and licensing fees assessed against residents of Oklahoma by other states and to provide for uniform treatment of Oklahoma residents operating vehicles in other states and for residents of other states operating vehicles in Oklahoma.

L. The provisions of this section shall not apply to tour bus operations issued permits pursuant to Section 1171 of this title.

M. ~~The Oklahoma~~ Until December 1, 2000, the Tax Commission may allow ~~carrier fleets~~ fleet vehicles to ~~register such vehicles~~ be registered on a staggered system, on a quarterly basis, if the ~~carrier~~ registrant submits its application through electronic means. Effective December 1, 2000, applicants registering fleet vehicles through electronic means may choose their initial monthly period of registration.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 7-602, is amended to read as follows:

Section 7-602. A. ~~Until July 1, 1983, every person registering a motor vehicle in this state, except a licensed used car dealer, at the time of registration of such vehicle, shall certify the existence of security with respect to such vehicle on a form prescribed by the Department.~~

~~Any person who knowingly issues or promulgates a false or fraudulent writing in connection with this subsection or otherwise fails to comply with this subsection shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00).~~

~~Motor carriers required by the Corporation Commission, or any other entity, to maintain liability insurance are hereby exempt from Sections 7-600 through 7-610 of this title.~~

~~B. On and after July 1, 1983:~~

1. The owner of a motor vehicle registered in this state shall carry in such vehicle at all times a current owner's security verification form listing the vehicle or an equivalent form which has been issued by the Department of Public Safety and shall produce such form upon request for inspection by any law enforcement officer or representative of the Department ~~of Public Safety~~ and, in case of a collision, the form shall be shown upon request to any person affected by ~~said~~ the collision.

2. Every person registering a motor vehicle in this state, except a motor vehicle which is not being used upon the public highways or public streets, or a manufactured home while ~~said manufactured home is~~ on a permanent foundation, at the time of registration of such vehicle, shall certify the existence of security with respect to such vehicle by surrendering to a motor license agent or other registering agency a current owner's security verification form or an equivalent form issued by the Department. A motor license agent or other registering agency shall require the surrender of such form prior to processing an application for registration or renewal.

3. Fleet vehicles operating under the authority of the Corporation Commission, the Federal Highway Administration, or vehicles registered pursuant to the provisions of Section 1120 of this title, shall certify the existence of security with respect to such vehicle at the time of registration by submitting one of the following:

- a. a current owner's security verification form verifying the existence of security as required by Section 7-600 et seq. of this title, or
- b. a permit number verified by the Oklahoma Tax Commission indicating the existence of a current liability insurance policy. Provided, in the event the Tax Commission is unable to verify the existence

of such insurance as provided herein in a prompt and timely fashion, the Tax Commission may accept a current single state registration form issued by the Corporation Commission or any other regulating entity with which the Corporation Commission has entered into a reciprocal compact or agreement regarding the regulation of motor vehicles engaged in interstate or foreign commerce upon and over the public highways.

4. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the Department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

- a. any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof,
- b. any vehicle bearing the name, symbol, or logo of a business, corporation or utility on the exterior and which is in compliance with the provisions of Sections 7-600 through 7-610 of this title according to records of the Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy,
- c. ~~any vehicle authorized for operation pursuant to a permit number issued by the Interstate Commerce Commission or the Corporation Commission~~ fleet vehicles maintaining current vehicle liability insurance as required by the Corporation Commission or any other regulating entity,
- d. any licensed taxicab, and
- e. any vehicle owned by a licensed used motor vehicle dealer.

~~4.~~ 5. Any person who knowingly issues or promulgates false or fraudulent information in connection with either an owner's or

operator's security verification form or an equivalent form which has been issued by the Department ~~of Public Safety~~ shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment for not more than six (6) months, or by both such fine and imprisonment.

~~C.~~ B. Each motor license agent is authorized to charge a fee of One Dollar and fifty cents (\$1.50) to each person to whom ~~said~~ the agent issues a certificate of registration and who is required to surrender proof of financial responsibility pursuant to the provisions of Sections 7-600 through ~~7-610~~ 7-609 of this title. ~~Said~~ The fee may be retained by the agent as compensation for ~~his~~ services in processing the proof of financial responsibility and for processing the driver's license information, insurance verification information, and other additional information furnished to the agent pursuant to Section 1112 of this title, if such agent does not receive the maximum compensation as authorized by law.

SECTION 5. This act shall become effective July 1, 1999.

SECTION 6. 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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