

ENGROSSED SENATE
BILL NO. 1

By: Long, Ford, Shurden and
Littlefield of the Senate

and

Taylor of the House

[motor vehicles and revenue and taxation - Oklahoma
Vehicle License and Registration Act - license fees -
penalties - motor vehicle excise taxes - codification -
effective dates]

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 1, Chapter 199, O.S.L. 1998 (47 O.S. Supp.
1998, 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 Licensing 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" or "Tax 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. "Gross weight" means, for purposes of subsection D of Section 1132 of this title, the actual weight of the vehicle, as certified by a public weigher or a license and weight inspector of the Department of Public Safety, plus its net carrying capacity;

11. "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.~~ 12. "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.~~ 13. "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.~~ 14. "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~~ These 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.~~ 15. "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~~ the 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~~ the person's, firm's or corporation's 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.~~ 16. "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.~~ 17. "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.~~ 18. "Nonresident" means any person who is not a resident of this state;

~~18.~~ 19. "Owner" means any person owning, operating or possessing any vehicle herein defined;

~~19.~~ 20. "Passenger vehicle" means a motor vehicle which is principally manufactured for the transportation of persons, unless converted for other purposes than passenger transport, including, but not limited to, a pickup truck not used primarily for commercial or farm purposes, van other than a cargo van, conversion van, station wagon or sport utility vehicle;

21. "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.~~ 22. "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.~~ 23. "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 the~~ the 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.~~ 24. "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.~~ 25. "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.~~ 26. "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.~~ 27. "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~~ the 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~~ the person's, firm's or corporation's 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.~~ 28. "Used motor vehicle dealer" means "used motor vehicle dealer" as defined in Section 581 of this title;

~~28.~~ 29. "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.~~ 30. "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 license plate number of any vehicle owned by the owner of the implement of husbandry on the rear of the implement in numbers not less than two (2) inches in height. The use of the

owner's social security number on the rear of the implement of husbandry shall not be required.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 1104, as last amended by Section 1, Chapter 294, O.S.L. 1997 (47 O.S. Supp. 1998, Section 1104), is amended to read as follows:

Section 1104. A. Unless otherwise provided by law, all fees, taxes and penalties collected or received pursuant to the Oklahoma Vehicle License and Registration Act or Section 1-101 et seq. of this title and ~~the unapportioned monies in the Motor Vehicle Escrow Account after the July 1985 apportionment~~ shall be apportioned and distributed monthly by the Oklahoma Tax Commission as follows:

1. ~~For the fiscal year beginning July 1, 1997, and ending June 30, 1998:~~

a. ~~the first One Hundred Forty-one Thousand Five Hundred Dollars (\$141,500.00) collected shall be remitted to the State Treasurer to be credited to the Tax Commission Reimbursement Fund created in Section 113 of Title 68 of the Oklahoma Statutes, and~~

b. ~~the next One Hundred Eighty-three Thousand Five Hundred Dollars (\$183,500.00) collected shall be remitted to the State Treasurer to be credited to the General Revenue Fund;~~

2. ~~Thirty-five percent (35%)~~ Forty-three and one-half percent (43.5%) of said monies shall be apportioned to the various school districts as follows:

a. except as otherwise provided in this subparagraph, each district shall receive the same amount of funds as such district received from the taxes and fees provided in this title in the corresponding month of the preceding year. Any district eligible for funds pursuant to the provisions of this section that was not eligible the preceding year shall receive an

amount equal to the average daily attendance of the applicable year multiplied by the average daily attendance apportionment within such county for each appropriate month. ~~For fiscal year 1995 and thereafter, any~~ Any district which received less than twenty-five percent (25%) of the average apportionment of said monies made to school districts in this state based on average daily attendance in fiscal year 1995 shall receive an amount equal to the average daily attendance in the 1994-1995 school year multiplied by the average daily attendance apportionment within the county in which the district is located for each appropriate month, ~~and~~

- b. any funds remaining unallocated following the allocation provided in subparagraph a of this paragraph shall be apportioned to the various school districts so that each district shall first receive the cumulative total of the monthly apportionments for which it is otherwise eligible under subparagraph a of this paragraph and then an amount based upon the proportion that each district's average daily attendance bears to the total average daily attendance of those districts entitled to receive funds pursuant to this section as certified by the State Department of Education, and
- c. if, for any month, the funds available are insufficient to provide the total allocation required in subparagraph a of this paragraph, each district shall receive a proportionate share of the funds available based upon the proportion of the total revenues that such district received in the corresponding month of the preceding year.

Each district's allocation of funds shall be remitted to the county treasurer of the county wherein the administrative headquarters of the district are located.

No district shall be eligible for the funds herein provided unless ~~said~~ the district makes an ad valorem tax levy of fifteen (15) mills and maintains nine (9) years of instruction and pursuant to the rules of the State Board of Education, are authorized to maintain ten (10) years of instruction;

~~3. Forty-six and sixty-seven one-hundredths percent (46.67%)~~ 2. Thirty-three and twenty-six one-hundredths percent (33.26%) of said monies shall be remitted to the State Treasurer to be credited to the General Revenue Fund of the State Treasury;

~~4. Three-tenths of one percent (3/10 of 1%)~~ 3. Five-tenths percent (0.5%) of said monies shall be remitted to the State Treasurer to be credited to the State Transportation Fund;

~~5. Seven percent (7%)~~ 4. Eight and eight-tenths percent (8.8%) of said monies shall be apportioned to the various counties as follows: Forty percent (40%) of such sum shall be distributed to the various counties in that proportion which the county road mileage of each county bears to the entire state road mileage as certified by the Transportation Commission and the remaining sixty percent (60%) of such sum shall be distributed to the various counties on the basis which the population and area of each county bears to the total population and area of the state. The population shall be as shown by the last Federal Census or the most recent annual estimate provided by the United States Bureau of the Census. Said funds shall be used for the purpose of constructing and maintaining county highways, provided, however, the county treasurer may deposit so much of said funds in the sinking fund as may be necessary for the retirement of interest and annual accrual of indebtedness created by the issuance of county or township bonds for road purposes. Such deposits to the sinking fund shall not exceed

forty percent (40%) of the funds allocated to a county pursuant to this paragraph;

~~6. Two and one-half percent (2.5%)~~ 5. Three and two-tenths percent (3.2%) of said monies shall be remitted to the county treasurers of the respective counties and by them deposited in a separate special revenue fund to be used by the county commissioners for the primary purpose of matching federal funds for the construction of federal aid projects on county roads, or constructing and maintaining county or township highways and permanent bridges of such counties. The distribution of monies apportioned by this paragraph shall be made upon the basis of the current formula based upon road mileage, area and population as related to county road improvement and maintenance costs. Provided, however, the Department of Transportation may update the formula factors from time to time as necessary to account for changing conditions.

~~Any unencumbered monies remaining in the County Road Fund on the effective date of this act shall be distributed to the various counties within thirty (30) days thereafter; provided, that the Department of Transportation is authorized to withhold from such distribution an amount not to exceed ten percent (10%) of the counties' share of the estimated construction cost of any uncompleted federally aided project utilizing county road funds for the local match. Such funds shall be used to cover any approved overruns on such projects which remain uncompleted on the effective date of this act. Upon completion and acceptance of said projects, any monies due the counties will be returned to them by the Department of Transportation within thirty (30) days of completion of final audit. In the event additional county monies are required to complete such projects, the Department of Transportation shall submit an invoice for payment to the counties and the affected counties shall pay such additional amount to the Department of~~

~~Transportation. All claims against nonfederally aided project resolutions accepted by the Department of Transportation prior to July 1, 1989, must be presented to the Department of Transportation for payment prior to September 1, 1989. Any County Road Fund monies encumbered for nonfederally aided projects which remain under control of the Department of Transportation on September 30, 1989, shall be returned to the county which encumbered said funds;~~

~~7. Three and one-half percent (3.5%)~~ 6. Four and four-tenths percent (4.4%) of said monies shall be transmitted by the Tax Commission to the various counties on the basis of a formula to be developed by the Department of Transportation. Such formula shall be similar to that currently used for the distribution of County Bridge Program Funds, but also taking into consideration the effect of terrain and traffic volume as related to county road improvement and maintenance costs. Provided, however, the Department of Transportation may update the formula factors from time to time as necessary to account for changing conditions. Said funds shall be transmitted to the various county treasurers to be deposited in the county highway fund of their respective counties;

~~8. Eight-tenths of one percent (8/10 of 1%)~~ 7. One percent (1%) of said monies shall be apportioned to the various counties as follows:

- a. each county shall receive the same amount of funds as such county received from the taxes and fees provided for in the 1985 fiscal year,
- b. any funds remaining unallocated following the allocation provided in subparagraph a of this paragraph shall be apportioned to the various counties based upon the proportion that each county's population bears to the total state population, and
- c. if the funds available are insufficient to provide the total allocation required in subparagraph a of this

paragraph, each county shall receive a proportionate share of the funds available based upon the proportion of the total revenues that each such county received in the 1985 fiscal year.

Each county's allocation of funds shall be remitted to the various county treasurers to be deposited in the general fund of the county and used for the support of county government;

~~9. Three percent (3%)~~ 8. Three and eight-tenths percent (3.8%) of said monies shall be apportioned to the various cities and incorporated towns based upon the proportion that each city or incorporated town's population bears to the total population of all cities and incorporated towns in the state. Such funds shall be remitted to the various county treasurers for allocation to the various cities and incorporated towns. All such funds shall be used for the construction, maintenance, repair, improvement and lighting of streets and alleys. Provided, however, the governing board of any city or town may, with the approval of the county excise board, transfer any surplus funds to the general revenue fund of such city or town whenever an emergency requires such a transfer;

~~10. One and two-tenths percent (1.2%)~~ 9. One and five-tenths percent (1.5%) of said monies shall be remitted to the State Treasurer to be credited to the Oklahoma Law Enforcement Retirement Fund; and

~~11. Three one-hundredths of one percent (3/100 of 1%)~~ 10. Four one-hundredths percent (0.04%) of said monies shall be remitted to the State Treasurer to be credited to the Wildlife Conservation Fund. Seventy-five percent (75%) of said funds shall be used for fish habitat restoration and twenty-five percent (25%) of said funds shall be used in the fish hatchery system for fish production.

B. Monies allocated to counties by this section may be estimated by the county excise board in the budget for the county as anticipated revenue to the extent of ninety percent (90%) of the

previous year's income from such source, provided, not more than fifteen percent (15%) can be encumbered during any month.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 1110, as last amended by Section 1, Chapter 38, O.S.L. 1996 (47 O.S. Supp. 1998, Section 1110), is amended to read as follows:

Section 1110. A. 1. Except for a security interest in vehicles held by a dealer for sale or lease, as defined in Section 1-112 of this title and a vehicle being registered in this state which was previously registered in another state and which title contains the name of a secured party on the face of the other state certificate or title, a security interest, as defined in Section 1-201 of Title 12A of the Oklahoma Statutes, in a vehicle as to which a certificate of title may be properly issued by the Oklahoma Tax Commission shall be perfected only when a lien entry form, and the existing certificate of title, if any, or application for a certificate of title and manufacturer's certificate of origin containing the name and address of the secured party and the date of the security agreement and the required fee are delivered to the Tax Commission or to a motor license agent. When a vehicle title is presented to a motor license agent for transferring or registering and the documents reflect a lien holder, the motor license agent shall perfect the lien pursuant to subsection G of Section 1105 of ~~Title 47 of the Oklahoma Statutes~~ this title. For the purposes of this section, the term "vehicle" shall not include special mobilized machinery, machinery used in highway construction or road material construction and rubber-tired road construction vehicles including rubber-tired cranes. The filing and duration of perfection of a security interest, pursuant to the provisions of Title 12A of the Oklahoma Statutes, including, but not limited to, Section 9-302 of Title 12A of the Oklahoma Statutes, shall not be applicable to perfection of security interests in vehicles as to which a certificate of title may be properly issued by the Tax Commission,

except as to vehicles held by a dealer for sale or lease and except as provided in subsection D of this section. In all other respects Title 12A of the Oklahoma Statutes shall be applicable to such security interests in vehicles as to which a certificate of title may be properly issued by the Tax Commission.

2. Whenever a person creates a security interest in a vehicle, the person shall surrender to the secured party the certificate of title or the signed application for a new certificate of title, on the form prescribed by the Tax Commission, and the manufacturer's certificate of origin. The secured party shall deliver the lien entry form and the required lien filing fee within twenty (20) days as provided hereafter with certificate of title or the application for certificate of title and the manufacturer's certificate of origin to the Tax Commission or to a motor license agent. If the lien entry form, the lien filing fee and the certificate of title or application for certificate of title and the manufacturer's certificate of origin are delivered to the Tax Commission or to a motor license agent within twenty (20) days after the date of the lien entry form, perfection of the security interest shall begin from the date of the execution of the lien entry form, but, otherwise, perfection of the security interest shall begin from the date of the delivery to the Tax Commission or to a motor license agent.

3. a. For each security interest recorded on a certificate of title, or manufacturer's certificate of origin, such person shall pay a fee of Ten Dollars (\$10.00), which shall be in addition to other fees provided for in the Oklahoma Vehicle License and Registration Act. Upon the receipt of the lien entry form and the required fees with either the certificate of title or an application for certificate of title and manufacturer's certificate of origin, a motor license

agent shall, by placement of a clearly distinguishing mark, record the date and number shown in a conspicuous place, on each of these instruments. Of the ten-dollar fee, the motor license agent shall retain Two Dollars (\$2.00) for recording the security interest lien.

- b. It shall be unlawful for any person to solicit, accept or receive any gratuity or compensation for acting as a messenger and for acting as the agent or representative of another person in applying for the recording of a security interest or for the registration of a motor vehicle and obtaining the license plates or for the issuance of a certificate of title therefor unless the Tax Commission has appointed and approved the person to perform such acts; and before acting as a messenger, any such person shall furnish to the Tax Commission a surety bond in such amount as the Tax Commission shall determine appropriate.

4. The certificate of title or the application for certificate of title and manufacturer's certificate of origin with the record of the date of receipt clearly marked thereon shall be returned to the debtor together with a notice that the debtor is required to register and pay all additional fees and taxes due within thirty (30) days from the date of purchase of the vehicle.

5. Any person creating a security interest in a vehicle that has been previously registered in the debtor's name and on which all taxes due the state have been paid shall surrender the certificate of ownership to the secured party. The secured party shall have the duty to record the security interest as provided in this section and shall, at the same time, obtain a new certificate of title which

shall show the secured interest on the face of the certificate of title.

6. The lien entry form with the date and assigned number thereof clearly marked thereon shall be returned to the secured party. If the lien entry form is received and authenticated, as herein provided, by a motor license agent, the agent shall make a report thereof to the Tax Commission upon the forms and in the manner as may be prescribed by the Tax Commission.

7. The Tax Commission shall have the duty to record the lien upon the face of the certificate of title issued at the time of registering and paying all fees and taxes due on the vehicle.

B. 1. A secured party shall, within seven (7) business days after the satisfaction of the security interest, furnish directly or by mail a release of a security interest to the Tax Commission and mail a copy thereof to the last-known address of the debtor. If the security interest has been satisfied by payment from a licensed used motor vehicle dealer to whom the motor vehicle has been transferred, the secured party shall also, within seven (7) business days after such satisfaction, mail an additional copy of the release to the dealer. If the secured party fails to furnish the release as required, the secured party shall be liable to the debtor for a penalty of One Hundred Dollars (\$100.00) and, in addition, any loss caused to the debtor by such failure.

2. Upon release of a security interest the owner may obtain a new certificate of title omitting reference to the security interest, by submitting to the Tax Commission or to a motor license agent:

- a. a release signed by the secured party, an application for new certificate of title and the proper fees, or
- b. by submitting to the Tax Commission or the motor license agent an affidavit, supported by such documentation as the Tax Commission may require, by

the owner on a form prescribed by the Tax Commission stating that the security interest has been satisfied and stating the reasons why a release cannot be obtained, an application for a new certificate of title and the proper fees.

Upon receiving such affidavit that the security interest has been satisfied, the Tax Commission shall issue a new certificate of title eliminating the satisfied security interest and the name and address of the secured parties who have been paid and satisfied.

The words "security interest" when used in ~~this act~~ the Oklahoma Vehicle License and Registration Act do not include liens dependent upon possession.

3. In the event of the sale or transfer of the ownership of a vehicle, the purchaser may make application to the Tax Commission or a motor license agent for the release of any security interest resulting from liens or encumbrances for fees or taxes or for any reason other than in connection with purchase or financing of the vehicle by the seller or transferor thereof. If such application is approved, the Tax Commission shall issue a new certificate of title eliminating such security interest. Any amounts still owed by the seller or transferor shall remain the obligation of the seller or transferor and the Tax Commission is hereby authorized to take such actions as authorized by law for the collection of such amounts. The Tax Commission shall promulgate rules to implement the provisions of this paragraph.

C. The Tax Commission shall file and index certificates of title so that at all times it will be possible to trace a certificate of title to the vehicle designated therein, identify the lien entry form, and the names and addresses of secured parties, or their assignees, so that all or any part of such information may be made readily available to those who make legitimate inquiry of the

Tax Commission as to the existence or nonexistence of security interest in the vehicle.

D. Any security interest in a vehicle properly perfected prior to July 1, 1979, may be continued as to its effectiveness or duration as provided by subsection (3) of Section 9-401 and subsection (3) of Section 9-403 of Title 12A of the Oklahoma Statutes, or may be terminated, assigned or released as provided by Sections 9-404, 9-405 and 9-406 of Title 12A of the Oklahoma Statutes, as fully as if this section had not been enacted, or, at the option of the secured party, may also be perfected under this section, and, if so perfected, the time of perfection under this section shall be the date the security interest was originally perfected under the prior law. Upon request of the secured party, the debtor or any other holder of the certificate of title shall surrender the certificate of title to the secured party and shall do such other acts as may be required to perfect the security interest under this section.

E. The priority of a valid security interest in a manufactured home, including without limitation a mobile home or sectional home, perfected pursuant to this section, shall not be affected by reason of the manufactured home becoming a fixture or otherwise being permanently attached to real property after the date of perfection of the security interest. A security interest in a manufactured home perfected pursuant to this section shall have priority over a conflicting interest of a mortgagee or other lien encumbrancer, or the owner of the real property upon which the manufactured home became affixed or otherwise permanently attached. The holder of the security interest in the manufactured home, upon default, may remove the manufactured home from such real property. The holder of the security interest in the manufactured home shall reimburse the owner of the real property who is not the debtor and who has not otherwise agreed to access the real property for the cost of repair of any

physical injury to the real property, but shall not be liable for any diminution in value to the real property caused by the removal of the manufactured home, trespass, or any other damages caused by the removal. The debtor shall notify the holder of the security interest in the manufactured home of the street address, if any, and the legal description of the real property upon which the manufactured home is affixed or otherwise permanently attached and shall sign such other documents, including any appropriate mortgage, as may reasonably be requested by the holder of such security interest.

F. In the case of motor vehicles or trailers, notwithstanding any other provision of law, a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 1113A, is amended to read as follows:

Section 1113A. A. As used in this section:

1. "First vehicle" means the vehicle from which a license plate is removed and transferred to a second vehicle; and

2. "Second vehicle" means the vehicle to which a license plate is transferred after removal from a first vehicle; ~~and~~

~~3. "Vehicle" means a passenger vehicle and does not include farm or commercial vehicles.~~

B. A person ~~may~~ shall retain the license plate of any vehicle registered to such person for purposes of transferring such license plate to a second vehicle registered to such person. The license plate removed from the first vehicle may be transferred to a new or used second vehicle. Upon any sale or transfer of the ownership of a vehicle, the seller or transferor shall retain the license plate, which may be transferred to a second vehicle registered to such

person. Upon any repossession of a vehicle, the reposessor thereof shall return the license plate to the Oklahoma Tax Commission or a motor license agent pursuant to the provisions of paragraph 3 of this subsection. A license plate issued for a pickup, truck or truck-tractor used primarily for farm use which is registered pursuant to the provisions of Section 1134 of this title shall only be transferred to another pickup, truck or truck-tractor used primarily for farm purposes. A license plate issued for a commercial vehicle which is registered pursuant to the provisions of Section 1133 or 1133.1 of this title shall only be transferred to another commercial vehicle. The procedure for transfer shall be as follows:

1. If the license plate removed from the first vehicle is transferred to a ~~new motor~~ second vehicle registered to the seller or transferor thereof, the owner of the first vehicle shall obtain a replacement license plate for the first vehicle from the Tax Commission or one of its motor license agents upon payment of the fee required for a replacement plate and an additional Ten Dollars (\$10.00). The replacement plate shall bear an expiration date that corresponds to the expiration date on the license plate removed from the first vehicle. The replacement plate shall be affixed to the first vehicle immediately upon removal of the existing license plate. The license plate removed from the first vehicle shall be affixed to the second vehicle upon payment by the owner of all applicable registration and license fees. Transfer of a license plate to a ~~new motor~~ second vehicle as authorized by this paragraph shall not relieve the owner of payment for registration or license fees applicable to such new motor vehicle as required by this title-;

2. If the license plate removed from the first vehicle is transferred to a second vehicle already displaying a license plate, the owner shall obtain the replacement license plate required by

paragraph 1 of this subsection. The replacement plate shall be affixed to the first vehicle and shall bear the expiration date of the license plate removed from the first vehicle. The license plate from the second vehicle shall be removed and returned to the Commission or one of its motor license agents. The license plate removed from the first vehicle shall then be affixed to the second vehicle. The removed plate from the first vehicle shall bear an expiration date identical to the plate removed from the second vehicle; and

3. If the license plate is removed from a vehicle which is sold, the ownership of which is transferred or which is repossessed, and such license plate is not transferred to a second vehicle registered to the seller or transferor thereof within thirty (30) days of such transfer of ownership or repossession, the seller, transferor or reposessor shall return the license plate to the Tax Commission or one of its motor license agents and shall be required to pay a transfer fee of One Dollar (\$1.00).

C. 1. Upon any sale or transfer of ownership of a vehicle to a dealer, no license plate shall be required except as provided in Section 1128 of this title.

2. Upon any repossession of a vehicle, a license plate shall not be required until such time as title to the vehicle is transferred to a person, other than a dealer or a licensed automotive dismantler and parts recycler, who purchases the vehicle from the person who repossessed the vehicle.

3. Upon any sale or transfer of ownership to a person other than a dealer of a vehicle for which a replacement license plate is not obtained pursuant to the provisions of paragraph 1 or 2 of subsection B of this section, the seller or transferor shall obtain a temporary license plate from the Tax Commission or a motor license agent. The temporary license plate shall be affixed to the vehicle at the time of transfer of possession to the purchaser prior to

operation of the vehicle on the roads and highways of this state.
The Tax Commission or motor license agent shall charge a fee of One
Dollar (\$1.00) for each temporary license plate issued. Such fees
collected by the Tax Commission shall be deposited to the Oklahoma
Tax Commission Reimbursement Fund and such fees collected by a motor
license agent shall be retained by the motor license agent. The
purchaser shall register the vehicle with the Tax Commission or a
motor license agent within thirty (30) days of the date of the sale
or transfer of ownership. The ~~Oklahoma~~ Tax Commission shall be
authorized to promulgate ~~such rules or regulations~~ as may be
required to implement the license plate transfers authorized by this
section.

D. In the event a person fails to obtain a replacement license
plate as provided for in this section within the time prescribed for
the registration of the new or used second vehicle, a penalty of
twenty-five cents (\$0.25) per day shall be assessed from the day
following the period prescribed for registration to the date of
acquisition of the replacement license plate, such penalty to accrue
for no more than thirty (30) days, at the end of which time the
penalty shall be twice the registration cost of such vehicle.

SECTION 5. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1115.2 of Title 47, unless there
is created a duplication in numbering, reads as follows:

The Oklahoma Tax Commission shall promulgate rules to establish
a system of notification to the Commission by each insurance carrier
which issues a vehicle liability policy pursuant to law of the
vehicle identification number (VIN) of all such vehicles being
insured to operate in this state. Each insurance carrier shall also
be required to state whether the insurance policy issued is a
personal, commercial, or other specifically named type of policy,
for the purpose of enforcing the provisions of subsection G of

Section 1133.1 and paragraph 2 of subsection A of Section 7-602 of Title 47 of the Oklahoma Statutes.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 1132, as amended by Section 1, Chapter 10, O.S.L. 1995 (47 O.S. Supp. 1998, Section 1132), is amended to read as follows:

Section 1132. A. ~~For~~ Subject to the provisions of subsection B of this section, for all vehicles, unless otherwise specifically provided by Section 1101 et seq. of this title, the following vehicle registration fees shall be assessed, to be paid annually in lieu of all other taxes both general and local:

1. A registration fee of Fifteen Dollars (\$15.00) shall be assessed at the time of initial registration by the owner and annually thereafter, for the use of the avenues of public access within this state; and

2. A fee, ~~to be paid annually in lieu of all other taxes both general and local,~~ of ~~one and one-quarter percent (1 1/4%)~~ three-fourths percent (3/4%) of the factory delivered price (F.D.P.). For this purpose the factory delivered price shall be rounded off to the nearest One Hundred Dollars (\$100.00). Provided, no fee shall be imposed pursuant to the provisions of this paragraph for any year in which the owner of the vehicle paid vehicle excise taxes pursuant to the provisions of Section 2101 et seq. of Title 68 of the Oklahoma Statutes for the purchase of such vehicle.

After the first ~~year's~~ year of registration in this or any other state, the fee shall be ~~assessed~~ computed at ninety percent (90%) of the fee computed ~~and assessed~~ pursuant to this paragraph for the first year. Thereafter such fee shall be computed ~~and assessed~~ at ninety percent (90%) of the previous year's fee. The fee shall be so computed ~~and assessed~~ through the twelfth year of registration. The fee thereafter through the twentieth year of registration shall be computed the same as for the twelfth year of registration. The fee provided by this paragraph shall not be assessed after the

twentieth year of registration. ~~The fee provided by this paragraph shall be paid annually for the vehicle registered;~~

B. 1. After the first year of registration in this state, the fee computed pursuant to the provisions of paragraph 2 of subsection A of this section shall be assessed at the lesser of Thirty-five Dollars (\$35.00) or the amount computed pursuant to the provisions of paragraph 2 of subsection A of this section.

~~3. Provided that in 2.~~ In no event shall the fee for the registration of a vehicle imposed by ~~this~~ paragraph 2 of subsection A of this section exceed the fee paid to register ~~said~~ the vehicle for the preceding year; ~~and.~~

~~4. Provided further, there~~ 3. There shall be a credit allowed with respect to the fee for registration of a new vehicle which is a replacement for:

a. a new original vehicle which is stolen from the purchaser/registrant within ninety (90) days of the date of purchase of the original vehicle as certified by a police report or other documentation as required by the Commission, or

b. a defective new original vehicle returned by the purchaser/registrant to the seller within six (6) months of the date of purchase of the defective new original vehicle as certified by the manufacturer.

~~Said~~ The credit shall be in the amount of the fee for registration which was paid for the new original vehicle and shall be applied to the registration fee for the replacement vehicle. In no event will ~~said~~ the credit be refunded.

~~B.~~ C. Persons sixty-five (65) years of age and older shall receive a reduction in the registration fee specified in paragraph 2 of subsection A of this section in the amount of One Hundred Dollars (\$100.00). This reduction shall apply to not more than one (1) vehicle per household. The reduction allowed pursuant to the provisions of this subsection shall not reduce the amount of the fee

specified in paragraph 2 of subsection A of this section below zero, nor shall any amount of such reduction in excess of the amount specified in paragraph 2 of subsection A of this section be refunded.

D. Notwithstanding the provisions of subsection A of this section, the registration fee for a travel trailer shall be as specified in paragraph 1 of subsection A of this section, assessed at the time of initial registration by the owner and annually thereafter, for the use of the avenues of public access within this state, plus an amount determined according to the vehicle's gross weight and tire equipment, as follows:

1. For a travel trailer with a gross weight not exceeding six thousand (6,000) pounds propelled by pneumatic tires, thirty-three cents (\$0.33) for each one hundred (100) pounds or fraction thereof;

2. For a travel trailer with a gross weight not exceeding six thousand (6,000) pounds propelled by solid tires, forty-four cents (\$0.44) for each one hundred (100) pounds or fraction thereof;

3. For a travel trailer with a gross weight in excess of six thousand (6,000) pounds but not exceeding eight thousand (8,000) pounds propelled by pneumatic tires, forty-four cents (\$0.44) for each one hundred (100) pounds or fraction thereof;

4. For a travel trailer with a gross weight in excess of six thousand (6,000) pounds but not exceeding eight thousand (8,000) pounds propelled by solid tires, fifty-five cents (\$0.55) for each one hundred (100) pounds or fraction thereof;

5. For a travel trailer with a gross weight exceeding eight thousand (8,000) pounds but not exceeding ten thousand (10,000) pounds propelled by pneumatic tires, fifty-five cents (\$0.55) for each one hundred (100) pounds or fraction thereof;

6. For a travel trailer with a gross weight exceeding eight thousand (8,000) pounds but not exceeding ten thousand (10,000)

pounds propelled by solid tires, sixty-six cents (\$0.66) for each one hundred (100) pounds or fraction thereof;

7. For a travel trailer with a gross weight exceeding ten thousand (10,000) pounds but not exceeding seventeen thousand (17,000) pounds propelled by pneumatic tires, sixty-six cents (\$0.66) for each one hundred (100) pounds or fraction thereof;

8. For a travel trailer with a gross weight exceeding ten thousand (10,000) pounds but not exceeding seventeen thousand (17,000) pounds propelled by solid tires, eighty-eight cents (\$0.88) for each one hundred (100) pounds or fraction thereof;

9. For a travel trailer with a gross weight exceeding seventeen thousand (17,000) pounds propelled by pneumatic tires, seventy-one and one-half cents (\$0.715) for each one hundred (100) pounds or fraction thereof; and

10. For a travel trailer with a gross weight exceeding seventeen thousand (17,000) pounds propelled by solid tires, ninety-nine cents (\$0.99) for each one hundred (100) pounds or fraction thereof.

E. Upon every transfer or change of ownership of a vehicle, the new owner shall obtain title for and, except in the case of salvage vehicles and manufactured homes, register the vehicle within thirty (30) days of change of ownership and pay the fee provided in paragraph 1 of subsection A of this section in addition to any other fees provided for in this subsection. No new decal shall be issued to the registrant. Thereafter, the owner shall register the vehicle annually on the anniversary date of its initial registration in this state and shall pay the fees provided in paragraphs 1 and 2 of subsection A of this section, subject to the provisions of subsection B of this section, and receive a decal evidencing such payment. Provided, used motor vehicle dealers shall be exempt from the provisions of this section.

~~C.~~ F. In the event the vehicle is not registered, titled and tagged within thirty (30) days from the date of transfer of ownership, the penalty for the failure of the owner of the vehicle to register ~~said~~ the vehicle within thirty (30) days shall be twenty-five cents (\$0.25) per day, provided that in no event shall the penalty exceed Twenty-five Dollars (\$25.00).

SECTION 7. AMENDATORY 47 O.S. 1991, Section 1133, as last amended by Section 15, Chapter 5, O.S.L. 1998 (47 O.S. Supp. 1998, Section 1133), is amended to read as follows:

Section 1133. A. The following license fees shall be paid annually to the Oklahoma Tax Commission upon the registration of the following vehicles:

For each commercial vehicle over eight thousand (8,000) pounds as defined in Section 1102 of this title, the license fee shall be based on the combined laden weight of the vehicle or combination of vehicles. A passenger vehicle shall not be allowed to be registered as a commercial vehicle pursuant to the provisions of this section.

The license fees shall be computed and assessed at the following rates:

1. From 8,001 pounds to 15,000 pounds	\$ 95.00
2. From 15,001 pounds to 18,000 pounds	120.00
3. From 18,001 pounds to 21,000 pounds	155.00
4. From 21,001 pounds to 24,000 pounds	190.00
5. From 24,001 pounds to 27,000 pounds	225.00
6. From 27,001 pounds to 30,000 pounds	260.00
7. From 30,001 pounds to 33,000 pounds	295.00
8. From 33,001 pounds to 36,000 pounds	325.00
9. From 36,001 pounds to 39,000 pounds	350.00
10. From 39,001 pounds to 42,000 pounds	375.00
11. From 42,001 pounds to 45,000 pounds	400.00
12. From 45,001 pounds to 48,000 pounds	425.00
13. From 48,001 pounds to 51,000 pounds	450.00

14.	From 51,001 pounds to 54,000 pounds	475.00
15.	From 54,001 pounds to 57,000 pounds	648.00
16.	From 57,001 pounds to 60,000 pounds	681.00
17.	From 60,001 pounds to 63,000 pounds	713.00
18.	From 63,001 pounds to 66,000 pounds	746.00
19.	From 66,001 pounds to 69,000 pounds	778.00
20.	From 69,001 pounds to 72,000 pounds	817.00
21.	From 72,001 pounds to 73,280 pounds	857.00
22.	From 73,281 pounds to 74,000 pounds	870.00
23.	From 74,001 pounds to 75,000 pounds	883.00
24.	From 75,001 pounds to 76,000 pounds	896.00
25.	From 76,001 pounds to 77,000 pounds	909.00
26.	From 77,001 pounds to 78,000 pounds	922.00
27.	From 78,001 pounds to 79,000 pounds	935.00
28.	From 79,001 pounds to 80,000 pounds	948.00
29.	From 80,001 pounds to 81,000 pounds	961.00
30.	From 81,001 pounds to 82,000 pounds	974.00
31.	From 82,001 pounds to 83,000 pounds	987.00
32.	From 83,001 pounds to 84,000 pounds	1000.00
33.	From 84,001 pounds to 85,000 pounds	1013.00
34.	From 85,001 pounds to 86,000 pounds	1026.00
35.	From 86,001 pounds to 87,000 pounds	1039.00
36.	From 87,001 pounds to 88,000 pounds	1052.00
37.	From 88,001 pounds to 89,000 pounds	1065.00
38.	From 89,001 pounds to 90,000 pounds	1078.00

B. After the fifth year's registration in this or any other state, the license fee upon any truck registered on a basis of the combined laden weight not in excess of fifteen thousand (15,000) pounds shall be assessed at fifty percent (50%) of the fee computed and assessed for each of the first five (5) years. On the seventh and all subsequent years of registration in this or any other state, on such truck, such license fees shall be assessed and computed at

fifty percent (50%) of the amount due on the sixth year's registration. In no event shall such annual license fee on any truck be less than Ten Dollars (\$10.00) nor shall the annual license fee of any truck-tractor be less than Ninety-five Dollars (\$95.00).

C. In addition to the fees required by subsection A of this section, there shall be paid a registration fee of ~~Forty Dollars (\$40.00)~~ One Hundred Dollars (\$100.00) upon the first registration in this state after ~~July 1, 1985~~ January 1, 2000, and upon the transfer of ownership of any rental trailer, commercial trailer or semitrailer designed to be pulled and usually pulled by a truck or truck-tractor.

Thereafter, a fee of ~~Four Dollars (\$4.00)~~ Twenty Dollars (\$20.00) shall be paid annually for each rental trailer, commercial trailer or semitrailer. The fee of ~~Four Dollars (\$4.00)~~ Twenty Dollars (\$20.00) shall be due and payable on January 1 of each year and shall be the only fee due on any rental trailer, commercial trailer or semitrailer registered under this section.

Upon the payment of the registration fee of ~~Forty Dollars (\$40.00)~~ One Hundred Dollars (\$100.00), a nonexpiring registration certificate and identification plate shall be issued for each rental trailer, commercial trailer or semitrailer. The nonexpiring identification plate shall remain displayed on the rental trailer, commercial trailer or semitrailer for which the identification plate is issued until such trailer or semitrailer is sold or removed from service.

A receipt shall be issued upon the payment of the annual fee. The receipt shall show the total fee paid for one or more rental trailers, commercial trailers or semitrailers. The receipt shall be retained by the owner of any rental trailer, commercial trailer or semitrailer for a period of three (3) years and shall be subject to audit by the Oklahoma Tax Commission.

D. Each motor vehicle registered pursuant to the provisions of this section or Section 1133.1 of this title shall have the name of the commercial establishment permanently and prominently displayed upon the outside of the vehicle in letters not less than two (2) inches high and two 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. A fee of fifty cents (\$0.50) shall be charged for such inspection. Any commercial vehicle with a combined laden weight of twenty-six thousand (26,000) pounds or less registered pursuant to this section or Section 1133.1 of this title shall be subject to physical inspection by the Commission or its motor license agent to verify that such display is made as required by this subsection at the time the vehicle is first registered in this state and upon the transfer of ownership of such vehicle.

E. Any commercial trailer or semitrailer licensed pursuant to this section shall not be permitted to be operated on the highways of this state when such commercial trailer or semitrailer is being operated by a resident of this state, or is being operated by a person operating a vehicle or vehicles domiciled in this state and required by law to be licensed in Oklahoma, unless the pulling truck or truck-tractor has been licensed pursuant to this section. In no event shall any truck, truck-tractor, trailer, or semitrailer used in the furtherance of any commercial enterprise be permitted to operate on the highways of this state or register at a smaller license fee than that prescribed in this section except as provided in this section.

~~D. F.~~ For the each fiscal year ~~beginning July 1, 1994, and for each fiscal year thereafter,~~ notwithstanding the provisions of Section 1104 of this title, the first Four Hundred Thousand Dollars (\$400,000.00) of all monies collected pursuant to subsections A, B

and C of this section shall be paid by the Oklahoma Tax Commission to the State Treasurer of the State of Oklahoma who shall deposit same each fiscal year, or such lesser amount as may accrue each fiscal year, under the provisions of this section to the credit of the General Revenue Fund of the State Treasury. All monies collected in excess of Four Hundred Thousand Dollars (\$400,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title.

~~E.~~ G. If any vehicle is used for a purpose other than that for which it has been registered, the owner of the vehicle shall be required to immediately reregister the vehicle at the appropriate rate. If any vehicle is placed or operated upon any street, road or highway of this state with a laden weight in excess of that for which it is licensed, the license fee for such increased laden weight shall become due, and the owner of the vehicle shall be required to immediately reregister the vehicle at the increased rate. Provided that, in either event there shall be credited upon the increased license fee for such reregistration for any portion of the year or period remaining after the change in use or increase in laden weight shall have occurred a proportionate part of the license fees previously paid. If this reregistration is made voluntarily by the owner, the ratable proportion of the credit allowed shall be determined as of the date the reregistration is voluntarily made. If the reregistration is not voluntarily made but occurs as a result of the discovery by any enforcement officer of an improper operation of the vehicle, that shall be considered prima facie evidence that it has been improperly registered for the entire portion of the year covered by the improper registration. Provided further that the ratable credit shall be allowed only on the first reregistration of any vehicle during any calendar year. If, during the calendar year, subsequent changes of license plate are desired, the ratable credit shall not be allowed but the owner of the vehicle shall be required

to pay the license fee due for that portion of the calendar year remaining without benefit of any additional credits. No owner of a motor vehicle shall possess at any time more than one license plate for any vehicle owned by such person. No reregistration shall be made until the current license plate previously issued has been surrendered.

Any person who has paid a fee under the terms and provisions of this subsection may at any time within one (1) year after the payment of such fee file with the Commission a claim under oath for refund stating the grounds therefor. However, the Commission shall allow refunds only where the amount of tax paid has been erroneously computed or determined through clerical errors or miscalculations. No refund shall be allowed by the Commission of a tax paid by the person where such payment is made through a mistake as to the legal misinterpretation or construction of the provisions of this section. Any refunds made by the Commission pursuant to this subsection shall be made out of any monies collected pursuant to this subsection and which have not been apportioned.

~~F.~~ H. The annual license fee required by this section is intended to cover only the motor vehicle for which it is issued. The Commission upon application, when a licensed truck-tractor has been destroyed by fire or accident, shall credit the unused portion of the annual license fee of said vehicle toward the license fee of a replacement vehicle of equal registered weight. The amount of credit shall not exceed the license fee due on the replacement vehicle. The Commission shall not be required to make a refund. If the replacement vehicle is to be registered at a greater weight, the applicant shall pay an additional sum equivalent to the difference between the unused portion of the annual license fee for the original motor vehicle and the license fee due for the replacement motor vehicle.

~~G.~~ I. The license fees provided for in this section shall be paid each year whether or not the vehicle is operated on the public highway.

~~H.~~ J. Notwithstanding the provision of any other statute in respect to the time for payment of license fees on motor vehicles, if the total amount of the annual license fees due from any resident owner, either individual, partnership, or Oklahoma corporation, upon the registration, on or before January 15 of any year, of commercial trucks, truck-tractors, trailers or semitrailers exceeds the sum of One Thousand Dollars (\$1,000.00), the license fees may be paid in equal semiannual installments. The first installment shall be paid at the time of the application for registration of the vehicles and not later than January 15 of each year, and the second installment shall be paid on or before the first day of July of such year.

This subsection shall not operate to reduce the amount of the license fees due. If any installment is not paid on or before the date due, all unpaid installments of license fees for such year on each vehicle shall be deemed delinquent and immediately due and payable, and there shall be added a penalty of twenty-five cents (\$0.25) per day to the balance of the license fee due on each vehicle for each day the balance remains unpaid up to thirty (30) days, after which the penalty due on each vehicle shall be Twenty-five Dollars (\$25.00). The penalty for vehicles registered by weight in excess of eight thousand (8,000) pounds shall be an amount equal to the license fee. On and after the ~~30th~~ thirtieth day each such vehicle involved shall be considered as improperly licensed and as not currently registered, and all of the provisions of the Oklahoma Vehicle License and Registration Act relating to enforcement, including the provisions for the seizure and sale of vehicles not registered and not displaying current license plates, shall apply to the vehicles.

All fees and taxes levied by ~~this act~~ the Oklahoma Vehicle License and Registration Act shall become and remain a first lien upon the vehicle upon which the fees or taxes are due until paid. The lien shall have priority to all other liens. No title to any vehicle may be transferred until the unpaid balance on the vehicle has been paid in full. Provided that any unpaid balance of the license fees shall remain and become a lien against any and all property of the owner, both real and personal, for so long as any license tag fee balance shall remain unpaid. Any unpaid balance under these provisions shall be immediately due and payable by the owner if any vehicle is sold, wrecked, or otherwise retired from service.

Any person electing to pay license fees on a semiannual installment basis, as herein authorized, shall be required to purchase a new license tag for the last half and shall pay the sum of Four Dollars (\$4.00) for each tag to cover the costs of the license tags. The license tags for each half shall be plainly marked in designating the half for which they were issued. A validation sticker may be used in lieu of a metal tag where appropriate. Such license tag fee shall be, in addition to the license fees or any other fees, collected on each application as provided by statute and shall be apportioned according to the provisions of Section 1104 of this title.

~~F.~~ K. Any person pulling or towing any vehicle intended to be resold, into or through this state, shall pay a fee of Three Dollars (\$3.00) for the vehicle towing and Three Dollars (\$3.00) for the one being towed. It shall be unlawful to operate any series of such units on the public highways of this state at a distance closer than five hundred (500) feet from each other. All fees and taxes levied by the terms and provisions of this section shall become and remain a first lien upon the vehicle upon which the fees or taxes are due

until paid. The lien shall be prior, superior, and paramount to all other liens of whatsoever kind or character.

~~J.~~ L. In addition to any other penalties prescribed by law, the following penalty shall be imposed by revenue enforcement officers upon any owner or operator of a commercial vehicle registered under the provisions of this section when the laden weight or combined laden weight of such vehicle is found to be in excess of that for which registered. The penalty shall be imposed each and every time a vehicle is found to be in violation of the registered laden weight or combined laden weight.

The penalty shall be Twenty Dollars (\$20.00) when such vehicle exceeds the laden weight or combined laden weight by 2,001 pounds; thereafter, an additional Twenty Dollars (\$20.00) shall be imposed for each additional one thousand pounds or fraction thereof of weight in excess of the registered laden weight or combined laden weight.

SECTION 8. AMENDATORY 47 O.S. 1991, Section 1133.1, as last amended by Section 1, Chapter 19, O.S.L. 1994 (47 O.S. Supp. 1998, Section 1133.1), is amended to read as follows:

Section 1133.1 A. Any vehicle, ~~including a station wagon as defined in paragraph 22 of Section 1102 of this title,~~ which has a combined laden weight of eight thousand (8,000) pounds or less and is used primarily for business or commercial purposes may be registered, pursuant to Section 1133 of this title, as a commercial vehicle having a combined laden weight over eight thousand (8,000) pounds and less than fifteen thousand and one (15,001) pounds; provided, a passenger vehicle shall not be allowed to be registered as a commercial vehicle pursuant to the provisions of this section. ~~Said~~ The registration application shall state that such vehicle ~~or station wagon~~ is used for business or commercial purposes. Such vehicles ~~or station wagons~~ registered pursuant to this section shall

be assessed the license fees for such commercial vehicle pursuant to Section 1133 of this title.

B. Any person claiming the right to register a vehicle ~~or station wagon~~ pursuant to subsection A of this section shall sign an affidavit attesting to the fact that such person conducts a business or commercial enterprise or is employed by a person conducting a business or commercial enterprise that uses ~~said~~ the vehicle ~~or station wagon~~ primarily for the use of that business or commercial enterprise. Any person who signs ~~said~~ an affidavit as required by this subsection when such person does not believe the information in ~~said~~ the affidavit is true or knows that it is not true, upon conviction, shall be guilty of perjury and shall be punished as provided for by law.

C. Upon initial registration by a person of a vehicle ~~or station wagon~~ pursuant to the provisions of this section, and upon transfer of ownership of any such vehicle ~~or station wagon~~, any person claiming the right to register a vehicle ~~or station wagon~~ pursuant to subsection A of this section shall make further proof that the person does in fact conduct a business or commercial enterprise or is employed by a person conducting a business or commercial enterprise that uses ~~said~~ the vehicle ~~or station wagon~~ primarily for the use of that business or commercial enterprise by presenting a permit to do business pursuant to Section 1364 of Title 68 of the Oklahoma Statutes or a Federal Employers Identification Number or, if a sole proprietor, a copy of Schedule C from ~~their~~ the most recent federal income tax return. ~~Any person claiming the right to re-register a vehicle or station wagon identified by the words "Commercial Vehicle" pursuant to subsection D of this section shall offer the same proof required by this subsection for initial registration or transfer of ownership. Such proof shall not be necessary if the name of the business or commercial enterprise is~~

~~permanently and prominently displayed upon the outside of said vehicle or station wagon.~~

D. Upon initial registration by a person of a vehicle ~~or station wagon~~ pursuant to the provisions of this section, and upon transfer of ownership of any such vehicle ~~or station wagon~~, the Commission or its motor license agents shall physically inspect such vehicles ~~or station wagons~~ to verify that the name of the business or commercial enterprise is permanently and prominently displayed upon the outside of ~~said~~ the vehicle ~~or station wagon or said vehicle or station wagon is identified by the words "Commercial Vehicle"~~ permanently and prominently displayed upon the outside of ~~the vehicle or station wagon~~ 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 or station wagon is not in motion. The Commission or its motor license agent shall receive ~~the fee provided for in paragraph 5 of Section 1102 of this title~~ a fee of fifty cents (\$0.50) for making such inspection.

E. The failure of any owner of a vehicle ~~or station wagon~~ to properly label the vehicle ~~or station wagon~~ or to properly utilize the vehicle ~~or station wagon~~ for the purposes required by this section shall result in the issuance of a new license plate at the rate specified in Section 1132 of this title and in addition a penalty of fifty percent (50%) of the cost of such license shall be assessed against the owner.

F. In addition to the requirements of Section 1133 of this title, any commercial vehicle having a combined laden weight over eight thousand (8,000) pounds and less than fifteen thousand and one (15,001) pounds shall be subject to the requirements of this section.

G. Any person claiming the right to register a vehicle pursuant to this section shall supply to the Tax Commission or a motor license agent a security verification form as required pursuant to Sections 7-601.1 and 7-602 of this title clearly setting forth on the face of the security verification form that the vehicle being registered is covered by a commercial business insurance policy.

SECTION 9. AMENDATORY 47 O.S. 1991, Section 1134, as last amended by Section 2, Chapter 229, O.S.L. 1996 (47 O.S. Supp. 1998, Section 1134), is amended to read as follows:

Section 1134. A. Upon each pickup, truck or truck-tractor owned and operated by one or more farmers and used primarily for farm use, and not for commercial or industrial purposes, the license fee shall be Thirty Dollars (\$30.00). A passenger vehicle shall not allowed to be registered pursuant to the provisions of this section.

B. The fees herein assessed shall not apply to trailers or semitrailers or combinations thereof used primarily for farm use and for the transportation of products of the farm by the producer thereof; and such fee shall not apply to any trailer or semitrailer or combinations thereof when used primarily for the transportation of any article or articles owned by the operator of such trailer or semitrailer or combinations thereof and not used in the furtherance of or incident to any commercial or industrial enterprise. The provisions of Section 1134.2 of this title shall apply to any trailers or semitrailers when used primarily for the transportation of logs, ties, stave bolts and posts, direct from forest to sawmill.

C. For the purpose of this section, a trailer or semitrailer or combination thereof owned by a farmer and used primarily for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon, and not for commercial or industrial purposes, ~~may~~ shall be registered for One Dollar (\$1.00); provided, any such trailer used by the holder of a certificate of convenience and necessity issued

by the Oklahoma Corporation Commission or the Interstate Commerce Commission shall be conclusively presumed to be used in and for a commercial use, and must be licensed as such, paying the license fees provided in Section 1133 of this title.

D. Before a party shall be allowed to purchase a license plate or claim an exception or exemption under this section, said party shall:

1. Show an income tax Schedule F for the preceding year or shall present proof that said party possesses a farm serial number assigned to said party's farm by the Agriculture Stabilization Conservation County Committee; or

2. Present ~~a valid motor fuel tax exemption permit issued pursuant to the provisions of Section 509 of Title 68 of the Oklahoma Statutes~~ or a valid exemption card issued pursuant to the provisions of ~~subsection (D) of~~ Section 1358.1 of Title 68 of the Oklahoma Statutes.

A violation shall be grounds for revocation of driver's license. Any person who signs said affidavit as required by this section when such person does not believe that the information in said affidavit is true or knows it is not true, upon conviction, shall be guilty of perjury and shall be punished as provided for by law.

E. Any person owning a truck upon which the farm truck license fee has been paid in Oklahoma for the current year and whose truck may be needed during grain harvests or other seasonal farming activities for hauling farm products other than his or her own, or for hauling gravel, shale or other road materials for rural roads, may make application with the Oklahoma Tax Commission for a short term commercial license for such truck for a period of time not to exceed ninety (90) days.

F. Upon such application, the Commission shall issue a temporary commercial truck license and register the truck upon payment of the following fees:

1. For thirty (30) days a fee equal to one-eighth (1/8) of the annual commercial license fee required for such truck.

2. For sixty (60) days a fee equal to one-fourth (1/4) of the annual commercial license fee required for such truck.

3. For ninety (90) days a fee equal to three-eighths (3/8) of the annual commercial license fee required for such truck.

G. Provided, however, the provisions of this section shall not apply to the transportation of persons or property for hire.

SECTION 10. AMENDATORY 47 O.S. 1991, Section 1137.1, as last amended by Section 1, Chapter 119, O.S.L. 1994 (47 O.S. Supp. 1998, Section 1137.1), is amended to read as follows:

Section 1137.1 A. Except for vehicles, travel trailers or commercial trailers which display a current Oklahoma license tag, upon the purchase or transfer of ownership of a used motor vehicle, travel trailer or commercial trailer, including an out-of-state purchase or transfer of the same, to a licensed used motor vehicle dealer, wholesale used motor vehicle dealer, used travel trailer dealer or used commercial trailer dealer, subsequently referred to in this section as "dealer", the dealer shall affix a used dealer's plate visible from the rear of the vehicle, travel trailer or commercial trailer. Such license plate shall expire on December 31 of each year. When the vehicle, travel trailer or commercial trailer is parked on the dealer's licensed place of business, it shall not be required to have a license plate of any kind affixed. A dealer shall obtain from the Oklahoma Tax Commission at a cost of Ten Dollars (\$10.00) a dealer license plate for demonstrating, transporting or any other normal business of a dealer. A dealer may obtain ~~as many additional license plates as may be desired~~ upon the payment of Ten Dollars (\$10.00) for each additional license plate. ~~Use~~ of the used dealer license plate by a licensed dealer for other than the purposes as set forth herein, and such use shall constitute grounds for revocation of the dealer's license. The Oklahoma Tax

Commission shall design the official used dealer license plate to include the used dealer's license number issued to him or her each year by the Commission or the Used Motor Vehicle and Parts Commission.

B. Upon the purchase or transfer of ownership of an out-of-state used motor vehicle, travel trailer or commercial trailer to a licensed dealer, the dealer shall make application for an Oklahoma certificate of title pursuant to the Oklahoma Vehicle License and Registration Act, ~~Section 1101 et seq. of Title 47 of the Oklahoma Statutes~~. Upon receipt of the Oklahoma certificate of title, the dealer shall follow the procedure as set forth in subsection A of this section. Provided, nothing in this title shall be construed as requiring a dealer to register a used motor vehicle, travel trailer or commercial trailer purchased in another state which will not be operated or sold in this state.

C. Upon sale or transfer of ownership of the used motor vehicle or travel trailer, the dealer shall place upon the reassignment portion of the certificate of title a tax stamp issued by the county treasurer of the county in which the dealer has his or her primary place of business. The tax stamp shall be issued upon payment of a fee of Three Dollars and fifty cents (\$3.50) and shall be in lieu of the dealer's ad valorem tax on the inventories of used motor vehicles or travel trailers but shall not relieve any other property of the dealer from ad valorem taxation.

D. Upon sale of a used motor vehicle or travel trailer to another licensed dealer, the selling dealer shall place the tax stamp required in subsection C of this section upon the certificate of title. The used dealer license plate or wholesale dealer license plate shall be removed by the selling dealer. The purchasing dealer shall, at time of purchase, place his or her dealer license plate on the used motor vehicle, travel trailer or commercial trailer as provided in subsection A of this section; provided, for vehicles,

travel trailers or commercial trailers purchased by a licensed used dealer at an auction, in lieu of such placement of the dealer license plate, the auction may provide temporary documentation as approved by the Director of the Motor Vehicle Division of the Oklahoma Tax Commission for the purpose of transporting such vehicle to the purchaser's point of destination. Such temporary documentation shall be valid for two (2) days following the date of sale.

E. The purchaser of every used motor vehicle, travel trailer or commercial trailer, except as otherwise provided by law, shall obtain registration and title for the vehicle or trailer within thirty (30) days from the date of purchase of same. It shall be the responsibility of the selling dealer to place a temporary license plate, in size similar to the permanent Oklahoma license plate but of a fibrous substance, upon a used motor vehicle, travel trailer or commercial trailer when a transaction is completed for the sale of said vehicle. The temporary license plate shall show the license number which is issued to the dealer each year by the Oklahoma Tax Commission or the Used Motor Vehicle and Parts Commission, the date the used motor vehicle, travel trailer or commercial trailer was purchased and the company name of the selling dealer. Such temporary license plate shall be valid for a period of thirty (30) days from the date of purchase. Use of the temporary license by a dealer for other than the purposes set forth herein shall constitute grounds for revocation of the dealer's license to conduct business. The temporary license plate shall be affixed to the rear window of the vehicle sold. Purchasers of a commercial trailer shall affix the temporary license plate to the rear of the commercial trailer. The purchaser shall display the temporary license plate for a period not to exceed thirty (30) days or until registration and title are obtained as provided in this section.

The provisions of this subsection on temporary licenses shall apply to nonresidents who purchase a used motor vehicle, travel trailer or commercial trailer within this state that is to be licensed in another state. The nonresident purchaser shall be allowed to operate the vehicle or trailer within the state with a temporary license plate for a period not to exceed thirty (30) days from date of purchase. Any nonresident purchaser found to be operating a used motor vehicle, travel trailer or commercial trailer within this state after thirty (30) days shall be subject to the registration fees of this state upon the same terms and conditions applying to residents of this state.

F. It shall be unlawful for any dealer to procure the registration and licensing of any used motor vehicle, travel trailer or commercial trailer sold by the dealer or to act as the agent for the purchaser in the procurement of the registration and licensing of the purchaser's used vehicle, travel trailer or commercial trailer. A license of any dealer violating the provision of this section may be revoked.

G. Dealers following the procedure set forth herein shall not be required to register vehicles, travel trailers or commercial trailers to which this section applies, nor will the registration fee otherwise required be assessed. Provided, dealers shall not purchase or trade for a used motor vehicle, travel trailer or commercial trailer on which the registration therefor has been expired for a period exceeding thirty (30) days without obtaining current registration therefor.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1140.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. In addition to the duties and functions authorized to be performed by motor license agents pursuant to the provisions of the

Oklahoma Vehicle License and Registration Act, motor license agents are hereby authorized to perform the following duties:

1. Process, receive and issue permits, licenses and registrations relating to any tax which is payable to, collectible by, or administered by the Oklahoma Tax Commission;

2. Accept documents, reports or returns required to be filed with the Tax Commission and accept payment of remittances required to be made to the Tax Commission as provided by the tax laws of this state;

3. Provide information regarding the status of any permit or license issued by the Tax Commission, or the franchise tax status of any corporation, upon written request and subject to the provisions of Section 205 of Title 68 of the Oklahoma Statutes and any other provision of law relating to the confidentiality of records or information;

4. Receive and process applications for issuance and renewal of registrations pursuant to the International Registration Plan;

5. Stock an inventory of any special license plates issued pursuant to the provisions of Section 1136 of Title 47 of the Oklahoma Statutes; and

6. Perform any other duties specified by the Tax Commission relating to the enforcement or administration of any state tax law.

B. Motor license agents are further authorized, pursuant to a contract entered into with the Oklahoma Highway Patrol or other authorized law enforcement agency, to conduct or supervise the conduct of written examinations, vision examinations, and driving examinations in connection with the issuance of driver licenses.

C. Any permit, license, or registration issued by a motor license agent, and any document, report, return, or remittance accepted by a motor license agent, pursuant to the provisions of subsection A of this section, shall be deemed on the date of such

issuance or acceptance to have been issued or accepted by the Tax Commission.

D. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of Title 47 of the Oklahoma Statutes, motor license agents shall be entitled to charge and receive fees for duties performed pursuant to the provisions of this section as provided by law; provided, a fee of Three Dollars (\$3.00) shall be paid to a motor license agent for each income tax return filed with such agent.

SECTION 12. AMENDATORY 47 O.S. 1991, Section 1151, as last amended by Section 3, Chapter 293, O.S.L. 1998 (47 O.S. Supp. 1998, Section 1151), is amended to read as follows:

Section 1151. A. It shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title, license plate or decal issued to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title, registration certificate, license plate or decal issued under the laws of this or any other state;

3. To procure from another state or country, or display upon any vehicle owned by such person within this state, except as otherwise provided in the Oklahoma Vehicle License and Registration Act, any license plate issued by any state or country other than this state, unless there shall be displayed upon such vehicle at all times the current license plate and decal assigned to it by the Oklahoma Tax Commission or the vehicle shall display evidence that the vehicle is registered as a nonresident vehicle pursuant to rules promulgated by the Tax Commission, with the concurrence of the Department of Public Safety. A violation of the provisions of this paragraph shall be presumed to have occurred if a person who is the

holder of an Oklahoma driver license operates a vehicle owned by such person on the public roads or highways of this state and there is not displayed on the vehicle 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;

4. To drive, operate or move, or for the owner to cause or permit to be driven or moved, upon the roads, streets or highways of this state, any vehicle loaded in excess of its registered laden weight, or which is licensed for a capacity less than the manufacturer's rated capacity as provided for in the Oklahoma Vehicle License and Registration Act;

5. To operate a vehicle without proper license plate or decal or on which all taxes due the state have not been paid;

6. To buy, sell or dispose of, or possess for sale, use or storage, any secondhand or used vehicle on which the registration or license fee has not been paid, as required by law, and on which vehicle the person neglects, fails or refuses to display at all times the license plate or decal assigned to it;

7. To give a fictitious name or fictitious address or make any misstatement of facts in application for certificate of title and registration of a vehicle;

8. To purchase a license plate on an assigned certificate of title. This particular paragraph shall be applicable to all persons except bona fide registered dealers in used cars who are holders of current and valid used car dealers' licenses;

9. To operate a vehicle upon the highways of this state after the registration deadline for that vehicle without a proper license plate, as prescribed by the Oklahoma Vehicle License and Registration Act, for the current year;

10. For any owner of a vehicle registered on the basis of laden weight to fail or refuse to weigh or reweigh it when requested to do so by any enforcement officer charged with the duty of enforcing this law;

11. To operate or possess any vehicle which bears a motor number or serial number other than the original number placed thereon by the factory except a number duly assigned and authorized by the state;

12. For any motor license agent to release a license plate, a manufactured home registration receipt, decal or excise tax receipt to any unauthorized person or source, including any dealer in new or used motor vehicles. Violation of this paragraph shall constitute sufficient grounds for discharge of a motor license agent by the Tax Commission;

13. To operate any vehicle registered as a commercial vehicle without the lettering requirements of Section ~~1102~~ 1133 of this title; or

14. To operate any vehicle in violation of the provisions of Sections 7-600 through 7-606 of this title while displaying a yearly decal issued to the owner who has filed an affidavit with the appropriate motor license agent in accordance with Section 7-607 of this title.

Any person convicted of violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed One Hundred Dollars (\$100.00). Employees of the Motor Vehicle Division of the Tax Commission may be authorized by the Tax Commission to issue citations for a violation of paragraph 5 of this subsection. If a person convicted of violating the provisions of paragraph 5 of this subsection was issued a citation by a duly authorized employee of the Motor Vehicle Division of the Tax Commission, the fine herein

levied shall be deposited to the Oklahoma Tax Commission Revolving Fund.

B. Except as otherwise authorized by law, it shall be unlawful to:

1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title issued for a manufactured home, manufactured home registration receipt, manufactured home registration decal or excise tax receipt;

2. Alter or in any manner change a certificate of title issued for a manufactured home under the laws of this state or any other state;

3. Remove or alter a manufactured home registration receipt, manufactured home registration decal or excise tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to misrepresent the payment of the required excise tax and registration fees;

4. Buy, sell, or dispose of, or possess for sale, use or storage any used manufactured home on which the registration fees or excise taxes have not been paid as required by law; or

5. Purchase identification, manufactured home registration receipt, manufactured home registration decal or excise tax receipt on an assigned certificate of title.

Anyone violating the provisions of this subsection, upon conviction, shall be guilty of a felony.

C. In the event a new vehicle is not registered within thirty (30) days from date of purchase, the penalty for the failure of the owner of the vehicle to register the vehicle within thirty (30) days shall be Twenty-five Dollars (\$25.00), provided that in no event shall the penalty exceed an amount equal to the license fee. The penalty for new commercial vehicles shall be equal to the license fee for such vehicles.

If a used vehicle is brought into Oklahoma by a resident of this state and is not registered within thirty (30) days, a penalty of twenty-five cents (\$0.25) per day shall be charged from the date of entry to the date of registration, such penalty to accrue for thirty (30) days, upon failure to register, at the end of which time the penalty shall be Twenty-five Dollars (\$25.00), provided that in no event shall the penalty exceed an amount equal to the license fee. The penalty for used commercial vehicles shall be equal to the license fee for such vehicles.

D. Any owner who knowingly makes or causes to be made any false statement of a fact required in this section to be shown in an application for the registration of one or more vehicles shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00), or shall be imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment.

E. Self-propelled or motor-driven cycles, known and commonly referred to as "minibikes" and other similar trade names, shall not be registered under the provisions of the Oklahoma Vehicle License and Registration Act or be permitted to be operated on the streets or highways of this state. Provided that minibikes may be operated on the streets when used in a parade. Notwithstanding other provisions of this subsection, minibikes may be registered and operated in this state by food vendor services upon streets having a speed limit of thirty (30) miles per hour or less.

All minibikes offered for sale in this state shall bear the following notice to the customer:

"This machine is not manufactured or sold for operation on the public streets or highways. Since it is not provided with equipment required by law for street or highway use, all persons are cautioned that any operation of this vehicle upon a public street or highway will be in

violation of the motor vehicle laws of this state and will subject the violator to arrest."

Transfers and sales of such vehicles shall be subject to sales tax and not motor vehicle excise taxes.

The provisions of this subsection shall also apply to those motor-driven or operated vehicles known as "golf carts", "go-carts" and other motor vehicles which are manufactured principally for use off the streets and highways. Provided that golf carts owned by the Oklahoma Tourism and Recreation Department, and operated by employees or agents of the Oklahoma Tourism and Recreation Department, may be operated on the streets and highways of this state during daylight hours or under regulation developed by the Oklahoma Tourism and Recreation Commission, when such streets and highways are located within the boundaries of a state park. The Department shall have warning signs placed at the entrance and other locations at those state parks allowing golf carts to be operated on the streets and highways of this state located within the boundaries of those state parks. The warning signs shall state that golf carts may be on such streets and highways and that motor vehicle operators shall take special precautions to be alert for the presence of the golf carts on such streets and highways.

F. Any person violating paragraph 3 or 6 of subsection A of this section, in addition to the penal provisions provided in this section, shall pay as additional penalty a sum equal to the amount of license fees due on such vehicle or registration fees due on a manufactured home known to be in violation and such amount is hereby declared to be a lien upon the vehicle as provided in the Oklahoma Vehicle License and Registration Act. In addition to the penalty provisions provided in this section, any person ~~violating~~ convicted of a violation of the provisions of paragraph 3 of subsection A of this section shall be deemed guilty of a misdemeanor and shall, upon the first such conviction, be punished by a fine of ~~One Hundred~~

~~Dollars (\$100.00)~~ Three Hundred Fifty Dollars (\$350.00) and the suspension of such person's driver license and right to operate the vehicle for one (1) year. One Hundred Dollars (\$100.00) of such fine shall be apportioned to the school district in which the person convicted of such violation resides and Fifty Dollars (\$50.00) shall be apportioned to the law enforcement agency employing the arresting officer, to be used solely for supplies and equipment. In addition to the penalty provisions provided in this section, any person convicted of a second or subsequent violation of the provisions of paragraph 3 of subsection A of this section shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of Five Hundred Dollars (\$500.00) and the suspension of such person's driver license and right to operate the vehicle for one (1) year. Two Hundred Dollars (\$200.00) of such fine shall be apportioned to the school district in which the person convicted of such violation resides and Fifty Dollars (\$50.00) shall be apportioned to the law enforcement agency employing the arresting officer, to be used solely for supplies and equipment.

G. Each violation of any provision of the Oklahoma Vehicle License and Registration Act for each and every day such violation has occurred shall constitute a separate offense.

H. ~~Anyone~~ Except as otherwise provided herein, anyone violating any of the provisions heretofore enumerated in this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00) and not to exceed One Hundred Dollars (\$100.00).

I. Any violation of any portion of the Oklahoma Vehicle License and Registration Act where a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars (\$10.00) and not to exceed One Hundred Dollars (\$100.00).

J. Any provision of Section 1101 et seq. of this title providing for proportional registration under reciprocal agreements and the International Registration Plan that relates to the promulgation of rules and regulations shall not be subject to the provisions of this section.

SECTION 13. AMENDATORY 47 O.S. 1991, Section 7-601.1, is amended to read as follows:

Section 7-601.1 A. Every carrier, upon issuing an owner's policy, a renewal thereof, or a binder, shall supply a security verification form in duplicate to an owner for each insured vehicle on a form approved by the Insurance Commissioner.

1. The owner's security verification form shall contain the following minimum information:

- a. the name and address of the carrier,
- b. the name and address of the agent or office where the existence of security may be verified, if other than the carrier,
- c. the name of the named insured,
- d. a notice that an owner's liability insurance policy has been issued pursuant to the Compulsory Insurance Law of this state,
- e. the year of manufacture, make and at least the last three ~~(3)~~ digits of the vehicle identification number of each insured motor vehicle,
- f. the inclusive dates the motor vehicle liability insurance is in effect, ~~and~~
- g. a warning to the owner that state law:
 - (1) requires a current copy of the owner's security verification form must be surrendered to the motor license agent or other registering agency upon application or renewal for a motor vehicle license plate, and

(2) requires the other copy of the owner's security verification form to be carried in the motor vehicle at all times, and produced by any driver of the vehicle upon request for inspection by any peace officer or representative of the Department of Public Safety. In case of a collision, the security verification form shall be shown upon request of any person affected by the collision, and

h. the type of insurance issued for the motor vehicle.

The security verification form shall not include the address of the named insured.

2. The owner's security verification form shall contain the following statement: "Examine policy exclusions carefully. This form does not constitute any part of your insurance policy."

3. When a carrier issues an owner's policy providing blanket liability coverage for a fleet of motor vehicles, the year of manufacture, make and at least the last three ~~(3)~~ digits of the vehicle identification number specified in subparagraph e of paragraph 1 of this subsection may be deleted. The security verification form shall bear the term "Fleet Coverage" and otherwise meet the provisions of Section 7-600 et seq. of this title.

4. In the event the effective dates within an owner's policy exceed one (1) year, the carrier shall furnish the owner a copy of the owner's security verification form at least annually in addition to the time of issuance or renewal in order for the owner to submit such copy for motor vehicle registration purposes.

5. In the event an owner's policy also provides liability coverage which meets the requirements of an operator's policy, the carrier may also issue to each person entitled thereto an operator's security verification form as provided in this section.

B. Every carrier, upon issuing an operator's policy, a renewal thereof, or a binder, may issue to the insured person a written operator's security verification form of a size which may conveniently be carried upon the person, containing the following minimum information:

1. The name and address of the carrier;
2. The name and address of the person or office where an inquiry may be made to verify the existence of security;
3. The name of the named insured;
4. A notice that in accordance with the Compulsory Insurance Law of this state, liability coverage has been issued for the named insured;

5. A statement reflecting the form may be carried in lieu of an owner's form pursuant to the Compulsory Insurance Law while operating a motor vehicle. Such form shall be produced upon request of any peace officer or representative of the Department of Public Safety. In case of a collision, the form shall be shown upon request of a person affected by a collision with a vehicle operated by the insured; and

6. The inclusive dates of liability coverage.

C. A carrier may provide any additional information consistent with the Compulsory Insurance Law of this state in an owner's or operator's security verification form, but shall not be required to list the actual amounts of liability coverage thereon. The security verification form shall not constitute nor be construed as any part of an insurance policy, renewal or binder.

SECTION 14. 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 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~~ the 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. The type of insurance policy shall be consistent with the type of registration for the vehicle, and the

motor license agent shall verify this fact prior to processing the application for registration or renewal.

3. 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,
- d. any licensed taxicab, and
- e. any vehicle owned by a licensed used motor vehicle dealer.

4. 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. 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 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 15. AMENDATORY 68 O.S. 1991, Section 2103, as amended by Section 21, Chapter 294, O.S.L. 1997 (68 O.S. Supp. 1998, Section 2103), is amended to read as follows:

Section 2103. A. 1. Except as otherwise provided in Sections 2101 through 2108 of this title, there is hereby levied an excise tax upon the transfer of legal ownership of any vehicle registered in this state and upon the use of any vehicle registered in this state and upon the use of any vehicle registered for the first time in this state. The excise tax for new vehicles shall be levied at ~~three and one-fourth percent (3 1/4%)~~ two percent (2%) of the value of each vehicle, ~~except; for any truck or truck-tractor registered under the provisions of subsection A of Section 1133 of Title 47 of the Oklahoma Statutes, for a laden weight or combined laden weight of 54,001 pounds or more, and for any trailer or semitrailer registered under subsection C of Section 1133 of Title 47 of the Oklahoma Statutes, which is primarily designed to transport cargo over the highways of this state and generally recognized as such, the excise tax shall be Ten Dollars (\$10.00). This exception shall not apply to special mobilized machinery, trailers, or semitrailers manufactured, modified or remanufactured for the purpose of providing services other than transporting cargo over the highways of this state. This exception shall also not apply to pickup trucks, vans, or sport utility vehicles as determined pursuant to the provisions of subsections A, B, C, D and E of Section 2104 of this title.~~ The excise tax for used vehicles shall be levied at two

percent (2%) of the value of each vehicle as determined pursuant to the provisions of subsection G of Section 2104 of this title.

2. The tax hereby levied shall be due at the time of the transfer of legal ownership or first registration in this state of such vehicle, and shall be collected by the Tax Commission at the time of the issuance of a certificate of title for any such vehicle.

3. In the event an excise tax is collected on the transfer of legal ownership or use of the vehicle during any calendar year, then an additional excise tax must be collected upon all subsequent transfers of legal ownership. The excise tax levied by this section shall be delinquent from and after the thirtieth day after the legal ownership or possession of any vehicle is obtained. Any person failing or refusing to pay the tax as herein provided on or before date of delinquency shall pay in addition to the tax a penalty of twenty-five cents (\$0.25) per day for each day of delinquency, but such penalty shall in no event exceed the amount of the tax.

B. The excise tax levied in subsection A of this section assessed on all commercial vehicles registered pursuant to Section 1120 of Title 47 of the Oklahoma Statutes, as amended, shall be in lieu of all sales and use taxes levied under Articles 13 and 14 of this title. The transfer of legal ownership of any motor vehicle as used in this section and Articles 13 and 14 of this title shall include the lease, lease purchase or lease finance agreement involving any truck in excess of eight thousand (8,000) pounds combined laden weight or any truck-tractor provided the vehicle is registered in Oklahoma pursuant to Section 1120 of Title 47 of the Oklahoma Statutes or any trailer, semitrailer or open commercial vehicle registered pursuant to Section 1133 of Title 47 of the Oklahoma Statutes, as amended. The excise tax levied herein shall not be subsequently collected at the end of the lease period if the lessee acquires complete legal title of the vehicle.

C. The provisions of this section shall not apply to transfers made without consideration between:

1. Husband and wife;
2. Parent and child; or

3. An individual and an express trust which that individual or the spouse, child or parent of that individual has a right to revoke.

D. 1. There shall be a credit allowed with respect to the excise tax paid for a new vehicle which is a replacement for:

- a. a new original vehicle which is stolen from the purchaser/registrant within ninety (90) days of the date of purchase of the original vehicle as certified by a police report or other documentation as required by the Commission, or
- b. a defective new original vehicle returned by the purchaser/registrant to the seller within six (6) months of the date of purchase of the defective new original vehicle as certified by the manufacturer.

2. The credit allowed pursuant to paragraph 1 of this subsection shall be in the amount of the excise tax which was paid for the new original vehicle and shall be applied to the excise tax due on the replacement vehicle. In no event shall the credit be refunded.

SECTION 16. AMENDATORY 68 O.S. 1991, Section 2104, as amended by Section 2, Chapter 300, O.S.L. 1992 (68 O.S. Supp. 1998, Section 2104), is amended to read as follows:

Section 2104. A. The value of any new motor vehicle, except a manufactured ~~home~~ home, for the purposes of the excise tax levied by Section 2103 of this title, shall be determined as of the time the person applying for a certificate of title thereto obtained either ownership or possession of the vehicle, which shall be

presumed to be the actual date of the sale or other transfer of ownership, and assignment of the certificate of title.

B. ~~The value of any new vehicle, except those vehicles subject to the tax levied pursuant to Section 4481 of Title 26 of the United States Code, manufactured in the United States shall be the manufacturer's price of such a vehicle delivered at the factory plus the value of all extra or optional equipment and accessories physically attached to such vehicle at the time of sale and sold as a part thereof minus any portion of the value of such optional equipment and accessories deducted by the dealer at the time of sale if such optional equipment and accessories are sold by the dealer as a discount package. The value of such optional equipment and accessories shall not be less than the manufacturer's suggested retail selling price thereof or the manufacturer's factory price thereof, whichever is the higher. Provided, that as to automobiles the value of such optional equipment and accessories shall not be less than the manufacturer's suggested retail selling price thereof as shown or listed on the label or sticker required by the Act of Congress known as the "Federal Disclosure of Automobile Information Act" (15 U.S.C.A. Section 1231), which is required to be securely affixed or attached on all new automobiles. A complete list of such extra or optional equipment and accessories showing separately such value of each item thereof or the total price of the discount package shall be furnished by the seller to the purchaser of all new vehicles. The total value of such optional equipment and accessories, minus any portion of such value deducted by the dealer at the time of sale if such optional equipment and accessories are sold by the dealer as a discount package, and the factory delivered price of the vehicle, which total shall be the basis of the motor vehicle excise tax, for purposes of the excise tax levied by Section 2103 of this title shall be the actual sales price of such vehicle less any discounts, credits or allowances for a motor vehicle~~

exchanged as part of the transaction; provided, such value prior to the subtraction of any such discounts, credits or allowances shall be required to be within ten percent (10%) of the manufacturer's price of the vehicle delivered at the factory plus the value of all extra or optional equipment and accessories physical attached to the vehicle at the time of sale and sold as a part thereof, other than equipment and accessories sold by the dealer as a discount package and the value of such discounts, credits or allowances for a motor vehicle exchanged as part of the transaction shall be required to be within ten percent (10%) of the "blue book" value of the exchange motor vehicle. Such price shall be entered on the bill of sale furnished by the seller to the purchaser, or on such other form as may be prescribed by the Oklahoma Tax Commission. The seller shall also show thereon separately, for license fee rate purposes only, the factory delivered price of the vehicle without extra or optional equipment.

~~C. The value of a new vehicle subject to the tax levied pursuant to Section 4481 of Title 26 of the United States Code shall be, for the purposes of this article, the actual sales price of such vehicle, provided that said tax has been paid on said vehicle.~~

~~D. The manufacturer's price of a new vehicle manufactured outside of the United States shall, for the purpose of the excise tax levied by Section 2103 of this title, be the value of such model and make of vehicle as determined by the Tax Commission as the gross value of such vehicle at the point or port of entry into the United States, which value shall likewise include the value of all extra or optional equipment and accessories attached to such vehicle minus any portion of the value of such optional equipment and accessories deducted by the dealer at the time of sale if such optional equipment and accessories are sold by the dealer as a discount package.~~

~~E. For purposes of this section, the term "discount package" shall mean optional equipment and accessories physically attached to a vehicle which were selected and packaged together by the manufacturer to be offered for sale at a reduced price. The seller shall deliver to the buyer a copy of the label or sticker required by the Act of Congress known as the "Federal Disclosure of Automobile Information Act" (15 U.S.C.A. Section 1231) indicating a discount package. The buyer shall deliver the copy to the Tax Commission at time of application for title.~~

~~F.~~ Notwithstanding the definition of the terms "new vehicle" and "used vehicle" to the contrary contained in any other law, the term "new vehicle" as used in this section shall also include any vehicle of the latest manufactured model which is owned or acquired by a licensed used motor vehicle dealer and which has not ~~theretofore~~ previously been registered in Oklahoma and upon which vehicle an Oklahoma motor vehicle excise tax has not been paid. However, upon the sale or transfer by a licensed used motor vehicle dealer located in this state of any such vehicle which is the latest manufactured model, ~~said~~ the vehicle shall be valued as a used vehicle for excise tax purposes.

~~G.~~ D. The value of a used vehicle for purposes of the excise tax levied by Section 2103 of this title shall be the lesser of the actual sales price of such vehicle less any discounts, credits or allowances for a motor vehicle exchanged as part of the transaction, or sixty-five percent (65%) of the new vehicle value of such vehicle, determined ~~(as above provided)~~ herein for subsequent transfers in the first year and in the second year for which registered and sixty-five percent (65%) of the value of the previous year, so fixed for each successive calendar year for which such vehicle is registered and licensed in this, or any other state, until such vehicle reaches a minimum value of Two Hundred Fifty Dollars (\$250.00); provided, if the value is based upon the actual

sales price of the vehicle, the value prior to the subtraction of such discounts, credits or allowances shall be required to be within ten percent (10%) of the "blue book" value of the vehicle and the value of such discounts, credits or allowances for a motor vehicle exchanged as part of the transaction shall be required to be within ten percent (10%) of the "blue book" value of the exchanged motor vehicle. As used in this subsection, the term "new vehicle value" shall mean:

1. For a vehicle manufactured in the United States, the manufacturer's price of such a vehicle delivered at the factory plus the value of all extra or optional equipment and accessories physically attached to such vehicle at the time of sale and sold as a part thereof, less any portion of the value of such optional equipment and accessories deducted by the dealer at the time of sale if such optional equipment and accessories are sold by the dealer as a discount package. The value of such optional equipment and accessories shall not be less than the manufacturer's suggested retail selling price thereof or the manufacturer's factory price thereof, whichever is the higher. Provided, that as to automobiles the value of such optional equipment and accessories shall not be less than the manufacturer's suggested retail selling price thereof as shown or listed on the label or sticker required by the Act of Congress known as the "Federal Disclosure of Automobile Information Act", 15 U.S.C.A. Section 1231, which is required to be securely affixed or attached on all new automobiles. A complete list of such extra or optional equipment and accessories showing separately such value of each item thereof or the total price of the discount package shall be furnished by the seller to the purchaser of all such new vehicles; and

2. For a vehicle manufactured outside of the United States, the value of such model and make of vehicle as determined by the Tax Commission as the gross value of such vehicle at the point or port

of entry into the United States, which value shall likewise include the value of all extra or optional equipment and accessories attached to such vehicle, less any portion of the value of such optional equipment and accessories deducted by the dealer at the time of sale if such optional equipment and accessories are sold by the dealer as a discount package.

Provided, if a vehicle was a new vehicle for the purposes of this section before January 1, 2000, or if the actual sales price of the vehicle was not entered on the bill of sale furnished by the seller to the purchaser, or on such other form as prescribed by the Tax Commission as required in subsection B of this section when the vehicle was a new vehicle, the term "new vehicle value" shall mean the manufacturer's price of such a vehicle delivered at the factory plus the value of all extra or optional equipment and accessories physically attached to such vehicle at the time of sale and sold as a part thereof, less any portion of the value of such optional equipment and accessories deducted by the dealer at the time of sale if such optional equipment and accessories are sold by the dealer as a discount package.

In computing the motor vehicle excise tax, the ~~fees collected~~ amount of tax due shall be rounded to the nearest dollar.

~~H.~~ E. In computing the motor vehicle excise tax due, the value of all vehicles shall be increased or reduced to the nearest multiple of Fifty Dollars (\$50.00) and for this purpose Twenty-five Dollars (\$25.00) or more shall be considered a major fraction of Fifty Dollars (\$50.00) and shall require an increase to the next nearest multiple of Fifty Dollars (\$50.00).

SECTION 17. Sections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of this act shall become effective January 1, 2000.

SECTION 18. Sections 3 and 4 of this act shall become effective July 1, 2000.

Passed the Senate the 3rd day of March, 1999.

President of the Senate

Passed the House of Representatives the ____ day of _____ ,
1999.

Speaker of the House of
Representatives