

EHB 1598

THE STATE SENATE
Monday, March 29, 1999

ENGROSSED

House Bill No. 1598

ENGROSSED HOUSE BILL NO. 1598 - By: MATLOCK of the House and RABON of the Senate.

An Act relating to motor vehicles; amending 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), which relates to offenses and penalties; authorizing all-terrain vehicles to operate on certain roads; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 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;

1 3. To procure from another state or country, or display upon
2 any vehicle owned by such person within this state, except as
3 otherwise provided in the Oklahoma Vehicle License and Registration
4 Act, any license plate issued by any state or country other than
5 this state, unless there shall be displayed upon such vehicle at all
6 times the current license plate and decal assigned to it by the
7 Oklahoma Tax Commission or the vehicle shall display evidence that
8 the vehicle is registered as a nonresident vehicle pursuant to rules
9 promulgated by the Tax Commission, with the concurrence of the
10 Department of Public Safety. A violation of the provisions of this
11 paragraph shall be presumed to have occurred if a person who is the
12 holder of an Oklahoma driver license operates a vehicle owned by
13 such person on the public roads or highways of this state and there
14 is not displayed on the vehicle a current Oklahoma license plate and
15 decal, unless the vehicle is owned by a member of the Armed Forces
16 of the United States assigned to duty in this state in compliance
17 with official military or naval orders or the spouse of such a
18 member of the Armed Forces;

19 4. To drive, operate or move, or for the owner to cause or
20 permit to be driven or moved, upon the roads, streets or highways of
21 this state, any vehicle loaded in excess of its registered laden
22 weight, or which is licensed for a capacity less than the

1 manufacturer's rated capacity as provided for in the Oklahoma
2 Vehicle License and Registration Act;

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

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

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

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

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

21 10. For any owner of a vehicle registered on the basis of laden
22 weight to fail or refuse to weigh or reweigh it when requested to do

1 so by any enforcement officer charged with the duty of enforcing
2 this law;

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

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

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

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

20 Any person convicted of violating the provisions of this
21 subsection shall be deemed guilty of a misdemeanor and upon
22 conviction shall be punished by a fine not to exceed One Hundred
23 Dollars (\$100.00). Employees of the Motor Vehicle Division of the

1 Tax Commission may be authorized by the Tax Commission to issue
2 citations for a violation of paragraph 5 of this subsection. If a
3 person convicted of violating the provisions of paragraph 5 of this
4 subsection was issued a citation by a duly authorized employee of
5 the Motor Vehicle Division of the Tax Commission, the fine herein
6 levied shall be deposited to the Oklahoma Tax Commission Revolving
7 Fund.

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

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

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

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

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

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

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

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

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

1 The penalty for used commercial vehicles shall be equal to the
2 license fee for such vehicles.

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

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

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

21 "This machine is not manufactured or sold for operation on
22 the public streets or highways. Since it is not provided
23 with equipment required by law for street or highway use,

1 all persons are cautioned that any operation of this
2 vehicle upon a public street or highway will be in
3 violation of the motor vehicle laws of this state and will
4 subject the violator to arrest."

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

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

1 The provisions of this subsection shall also apply to those
2 motor-driven or operated vehicles known as "all-terrain vehicles",
3 which are manufactured principally for use off the roads. Provided,
4 that all-terrain vehicles may be operated on unpaved roads which are
5 located within the boundaries of any property of the Forest Service
6 of the United States Department of Agriculture.

7 F. Any person violating paragraph 3 or 6 of subsection A of
8 this section, in addition to the penal provisions provided in this
9 section, shall pay as additional penalty a sum equal to the amount
10 of license fees due on such vehicle or registration fees due on a
11 manufactured home known to be in violation and such amount is hereby
12 declared to be a lien upon the vehicle as provided in the Oklahoma
13 Vehicle License and Registration Act. In addition to the penalty
14 provisions provided in this section, any person violating paragraph
15 3 of subsection A of this section shall be deemed guilty of a
16 misdemeanor and shall, upon conviction, be punished by a fine of One
17 Hundred Dollars (\$100.00) and the suspension of such person's driver
18 license and right to operate the vehicle.

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

22 H. Anyone violating any of the provisions heretofore enumerated
23 in this section shall be guilty of a misdemeanor and upon conviction

1 shall be fined not less than Ten Dollars (\$10.00) and not to exceed
2 One Hundred Dollars (\$100.00).

3 I. Any violation of any portion of the Oklahoma Vehicle License
4 and Registration Act where a specific penalty has not been imposed
5 shall constitute a misdemeanor and upon conviction thereof the
6 person having violated it shall be fined not less than Ten Dollars
7 (\$10.00) and not to exceed One Hundred Dollars (\$100.00).

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

13 SECTION 2. This act shall become effective July 1, 1999.

14 SECTION 3. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

18 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
19 PUBLIC SAFETY, dated 3-23-99 - DO PASS.