

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 57

By: Long

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 116.13, as amended by Section 4, Chapter 146, O.S.L. 1993 and 1115, as amended by Section 1, Chapter 13, O.S.L. 1997 (47 O.S. Supp. 1998, Sections 116.13 and 1115), which relate to revenue enforcement officers and the Oklahoma Vehicle License and Registration Act; transferring certain employees, powers, duties and responsibilities from Oklahoma Tax Commission to Oklahoma Department of Transportation; transferring employees without loss of salary, benefits, status or merit protection; changing certain references to correspond; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 116.13a of Title 47, unless there is created a duplication in numbering, reads as follows:

The employees, powers, duties and responsibilities of the motor vehicle division revenue enforcement section of the Oklahoma Tax Commission are hereby transferred to the Department of Transportation. All employees shall be transferred without any loss of salary, benefits, status or merit protection.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 116.13, as amended by Section 4, Chapter 146, O.S.L. 1993 (47 O.S. Supp. 1998, Section 116.13), is amended to read as follows:

Section 116.13 ~~(a)~~ A. It shall be the duty of the ~~Oklahoma Tax Commission~~ Department of Transportation to assign revenue enforcement officers to work with members of the Oklahoma Highway Patrol in the enforcement of ~~Sections~~ Section 14-101 et seq. of this title and other acts regulating the usage of the highways of the

state and in the enforcement of the motor vehicle license and registration laws of the state.

~~(b)~~ B. Each employee of the ~~Tax Commission~~ Department assigned as a revenue enforcement officer, as herein provided, shall at all times while on duty be required to be dressed in a distinctive uniform and display a badge of office, both of which shall be completely different and distinguishable from those of the Oklahoma Highway Patrol. All such badges shall be furnished by the ~~Tax Commission~~ Department and each badge shall display a distinctive serial number. The type and detail of ~~said~~ uniforms shall be designated by the ~~Tax Commission and the Tax Commission~~ Department, which shall furnish ~~said~~ uniforms and replace them when necessary. An expense allowance of One Hundred Dollars (\$100.00) per month for maintenance and cleaning of uniforms shall be paid to each revenue enforcement officer of the ~~Tax Commission~~ Department.

~~(c)~~ C. Any person who without authority wears the badge or uniform of ~~an Oklahoma Tax Commission~~ a Department of Transportation revenue enforcement officer, or who without authority impersonates such an officer, with intent to deceive anyone, shall be guilty of a misdemeanor.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 1115, as amended by Section 1, Chapter 13, O.S.L. 1997 (47 O.S. Supp. 1998, Section 1115), is amended to read as follows:

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

vehicle purchased in this state or brought into this state by residents of this state:

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

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

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

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

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

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

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

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

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

being operated in violation of the provisions of the Oklahoma Vehicle License and Registration Act.

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

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

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

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

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

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

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

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

SECTION 4. This act shall become effective July 1, 1999.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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