

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1681

By: Case

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; providing definition for certain type of vehicle; providing certain rules of the road; amending 47 O.S. 1991, Sections 12-101, as amended by Section 2, Chapter 13, O.S.L. 1993 and 851, as amended by Section 1, Chapter 287, O.S.L. 1996 (47 O.S. Supp. 2000, Sections 12-101 and 851), which relate to scope and effect of regulations and inspection stickers; providing equipment requirements; requiring inspection stickers; amending 47 O.S. 1991, Section 1102, as last amended by Section 2, Chapter 80, O.S.L. 2000 (47 O.S. Supp. 2000, Section 1102), which relates to the Oklahoma Vehicle License and Registration Act; modifying definition to include certain vehicle; amending 68 O.S. 1991, Section 1355, as last amended by Section 1, Chapter 239, O.S.L. 2000 (68 O.S. Supp. 2000, Section 1355), which relates to sales tax exemptions; providing an exemption for certain vehicle; amending 68 O.S. 1991, Section 2101, as last amended by Section 8, Chapter 150, O.S.L. 2000 (68 O.S. Supp. 2000, Section 2101), which relates to vehicle excise tax; modifying definition to include certain vehicle; providing for codification; and providing an effective date.

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 1-134.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

"Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the national highway and traffic

safety administration standards for low-speed vehicles in 49 C.F.R. 571.000.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-805.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. No person shall operate any low-speed electrical vehicle on any street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

B. The provisions of subsection A of this section shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

C. This section shall not prevent a city from adopting any ordinance that would further restrict low-speed electrical vehicles from operating on certain city-owned streets in order to ensure the public health and safety.

D. This section shall be a part of and supplemental to the rules of the road as provided in Section 11-101 et seq. of Title 47 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 12-101, as amended by Section 2, Chapter 13, O.S.L. 1993 (47 O.S. Supp. 2000, Section 12-101), is amended to read as follows:

Section 12-101. A. Except as otherwise provided, it shall be a misdemeanor, upon conviction, punishable by fine of not more than Ten Dollars (\$10.00), for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

B. Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with provisions of this chapter, and compliance with regulations of the Interstate Commerce Commission governing motor carriers operating in interstate commerce shall be deemed to be a compliance with all provisions of this chapter.

C. The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable.

D. A low-speed electrical vehicle which is in compliance with the equipment requirements in 49 C.F.R. 571.500 shall be deemed to be in compliance with the provisions of Chapter 12 of this title.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 851, as amended by Section 1, Chapter 287, O.S.L. 1996 (47 O.S. Supp. 2000, Section 851), is amended to read as follows:

Section 851. A. Except as otherwise provided for in subsections B and C of this section, no person shall drive or move on any highway any motor vehicle, including, but not limited to, motorcycles, low-speed electrical vehicles, trailers, semitrailers or pole trailers, or ancient vehicles which are not used primarily incidental to historical or exhibition purposes only, which are licensed by the Oklahoma Tax Commission and operated on the streets or highways of this state or any combination thereof, unless the equipment upon the vehicle is in good working order and adjustment as required in this title and is in such safe mechanical condition as not to endanger the driver or other occupant of any vehicle upon the highway. Each such motor vehicle, except any commercial truck or truck-tractor registered pursuant to Section 1120 of this title which is engaged in interstate commerce, or any trailer or semitrailer registered pursuant to Section 1133 of this title which is engaged in interstate commerce, shall bear an official inspection sticker.

B. The provisions of this section shall not apply to:

1. Any manufactured home which requires a permit to be moved upon the highways of this state;

2. Any ancient vehicle as defined by Section 1-101.1 of this title, which has not been modified from its original state of manufacture. Provided, ancient vehicles shall be exempt from retrofitted pollution control devices; or

3. Any modified ancient vehicle which has been inspected as required by subsection C of this section. For purposes of this section, "modified ancient vehicle" shall mean any vehicle manufactured in 1948 or earlier which has been modified or modernized from its original state of manufacture.

C. 1. No person shall drive or move on any roadway any modified ancient vehicle unless the vehicle has been inspected in accordance with subsection A of this section or has been inspected annually in accordance with this subsection.

2. A modified ancient vehicle may be inspected pursuant to standards issued by the National Street Rod Association and the Department of Public Safety. This inspection shall be conducted annually by an inspector certified by the National Street Rod Association. Upon successful completion of the inspection, the Department shall issue to the owner of the vehicle a Certificate of Exemption which shall be carried in the vehicle at all times it is driven or moved on any roadway of this state. The certificate shall be submitted to any law enforcement officer upon request. The certificate shall serve as proof that the requirement for a state inspection and official inspection sticker as prescribed in subsection A of this section has been waived for the vehicle, and that the vehicle has been inspected pursuant to this subsection. The Department shall promulgate rules to implement and administer the provisions of this subsection.

D. Nothing in this section shall exempt any motor vehicle from the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 1102, as last amended by Section 2, Chapter 80, O.S.L. 2000 (47 O.S. Supp. 2000, Section 1102), is amended to read as follows:

Section 1102. As used in this 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, 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" 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. "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. "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. "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. "Manufactured home" means a residential dwelling built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and rules promulgated pursuant thereto and the rules promulgated by the Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section 582 of this title;

14. "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 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 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. "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;

16. "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. "Nonresident" means any person who is not a resident of this state;

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

19. "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. "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. "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 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. "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. "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. "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. "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

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 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. "Used motor vehicle dealer" means "used motor vehicle dealer" as defined in Section 581 of this title;

28. "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. "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; and

30. "Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the national highway and

traffic safety administration standards for low-speed vehicles in 49 C.F.R. 571.000.

SECTION 6. AMENDATORY 68 O.S. 1991, Section 1355, as last amended by Section 1, Chapter 239, O.S.L. 2000 (68 O.S. Supp. 2000, Section 1355), is amended to read as follows:

Section 1355. Exemptions - Subject to other tax.

There are hereby specifically exempted from the tax levied pursuant to the provisions of this article:

1. Sale of gasoline, motor fuel, methanol, "M-85" which is a mixture of methanol and gasoline containing at least eighty-five percent (85%) methanol, compressed natural gas, liquefied natural gas, or liquefied petroleum gas on which the Motor Fuel Tax, Gasoline Excise Tax, Special Fuels Tax or the fee in lieu of Special Fuels Tax levied in Article 5, 6, or 7 of this title has been, or will be paid;

2. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied in Article 21 of this title has been, or will be paid;

3. Sale of crude petroleum or natural or casinghead gas and other products subject to gross production tax pursuant to the provisions of Articles 10 and 11 of this title. This exemption shall not apply when such products are sold to a consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this state;

4. Sale of aircraft on which the tax levied pursuant to the provisions of Sections 6001 through 6004 of this title has been, or will be paid or which are specifically exempt from such tax pursuant to the provisions of Section 6003 of this title;

5. Sales from coin-operated devices on which the fee imposed by Sections 1501 through 1513 of this title has been paid;

6. Leases of twelve (12) months or more of motor vehicles in which the owners of the vehicles have paid the vehicle excise tax levied by Section 2103 of this title;

7. Sales of charity game equipment on which a tax is levied pursuant to the Oklahoma Charity Games Act, Section 401 et seq. of Title 3A of the Oklahoma Statutes;

8. Sales of cigarettes or tobacco products to:

a. a federally recognized Indian tribe or nation which has entered into a compact with the State of Oklahoma pursuant to the provisions of subsection C of Section 346 of this title or to a licensee of such a tribe or nation, upon which the payment in lieu of taxes required by the compact has been paid, or

b. a federally recognized Indian tribe or nation or to a licensee of such a tribe or nation upon which the tax levied pursuant to the provisions of Section 349 or Section 426 of this title has been paid; ~~and~~

9. Leases of aircraft upon which the owners have paid the aircraft excise tax levied by Section 6001 et seq. of this title or which are specifically exempt from such tax pursuant to the provisions of Section 6003 of this title; and

10. The sale of low-speed electrical vehicles on which the Oklahoma Motor Vehicle Excise Tax levied in Article 21 of this title has been or will be paid.

SECTION 7. AMENDATORY 68 O.S. 1991, Section 2101, as last amended by Section 8, Chapter 150, O.S.L. 2000 (68 O.S. Supp. 2000, Section 2101), is amended to read as follows:

Section 2101. For the purpose of this article:

~~(a)~~ 1. The term "motor vehicle" means and includes every automobile, truck, truck-tractor, or any motor bus or any

self-propelled vehicle not operated or driven upon fixed rails or tracks or in the air or on water-;i

~~(b)~~ 2. The term "vehicle" means and includes every device in, upon, or by which any person or property is, or may be, transported or drawn, excepting devices moved by human or animal power, when not used upon fixed rails or tracks, or in the air or on water-;i

~~(c)~~ 3. The term "low-speed electrical vehicle" means and includes any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. 571.000;

4. The term "automobile" means and includes every motor vehicle constructed and used solely for the transportation of persons for purposes other than for hire or compensation-;i

~~(d)~~ 5. The term "motorcycle" means and includes every motor vehicle designed to travel on not more than three wheels-;i

~~(e)~~ 6. The term "truck" means and includes every motor vehicle constructed or used for the transportation of property not falling within the definition of truck-tractor, trailer or semitrailer, as herein defined-;i

~~(f)~~ 7. The term "truck-tractor" means and includes every motor vehicle of the truck type designed to draw or support the front end of a semitrailer-;i

~~(g)~~ 8. The term "trailer" means and includes any vehicle designed to be drawn by a truck, tractor or a truck-tractor, but supported upon its own wheels-;i

~~(h)~~ 9. The term "semitrailer" means and includes any vehicle designed to be attached to, and having its front end supported by a truck, tractor, or truck-tractor-;i

~~(i)~~ 10. The term "motor bus" means and includes every motor vehicle constructed so as to carry persons, and which is used or rented to carry persons for compensation;i

~~(j)~~ 11. The term "manufactured home" means a residential dwelling built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and rules promulgated pursuant thereto and the rules promulgated by the Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section 582 of Title 47 of the Oklahoma Statutes;i

~~(k)~~ 12. The term "farm tractor" means and includes any vehicle of tractor type owned and operated by the purchaser and used exclusively for agricultural purposes;i

~~(l)~~ 13. The terms "legal ownership" and "legally owned" mean the right to possession, whether acquired by purchase, barter, exchange, assignment, gift, operation of law, or in any other manner;i

~~(m)~~ 14. The term "person" means and includes natural persons, individuals, partnerships, firms, associations, limited liability companies, corporations, estates, trustees, business trusts, syndicates, this state, any county, city, municipality, school district or other political subdivision of the state, or any corporation or combination acting as a unit or any receiver appointed by any state or federal court; and the use of the singular number shall include the plural number;i and

~~(n)~~ 15. The term "Tax Commission" means the Oklahoma Tax Commission.

SECTION 8. This act shall become effective November 1, 2001.

48-1-6513 MD 6/12/15