

SB 84

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THE STATE SENATE  
Tuesday, February 27, 2001

Senate Bill No. 84

SENATE BILL NO. 84 - By: CAPPS of the Senate and BRADDOCK of the House.

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 1102, as last amended by Section 7, Chapter 150, O.S.L. 2000, 1133.1, as last amended by Section 1, Chapter 19, O.S.L. 1994, and 1141.1, as last amended by Section 6, Chapter 250, O.S.L. 2000 (47 O.S. Supp. 2000, Sections 1102, 1133.1 and 1141.1), which relate to the Oklahoma Vehicle License and Registration Act; modifying lettering requirement for certain commercial vehicles; deleting requirement for certain inspection; deleting fee for such inspection; and providing an effective date.

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 7, Chapter 150, O.S.L. 2000 (47 O.S. Supp. 2000, 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;

1       2. "Certificate of title" means a document which is proof of  
2 legal ownership of a motor vehicle as described and provided for in  
3 Section 1105 of this title;

4       3. "Chips and oil" or the term "road oil and crushed rock"  
5 means, with respect to materials authorized for use in the surfacing  
6 of roads or highways in this title or in any equivalent statute  
7 pertaining to road or highway surfacing in the State of Oklahoma,  
8 any asphaltic materials. Wherever chips and oil or road oil and  
9 crushed rock are authorized for use in the surfacing of roads or  
10 highways in this state, whether by the Department of Transportation,  
11 or by the county commissioners, or other road building authority  
12 subject to ~~this act~~ the Oklahoma Vehicle License and Registration  
13 Act, asphaltic materials are also authorized for use in such  
14 surfacing and construction;

15       4. "Combined laden weight" means the weight of a truck or  
16 station wagon and its cargo or payload transported thereon, or the  
17 weight of a truck or truck-tractor plus the weight of any trailers  
18 or semitrailers together with the cargo or payload transported  
19 thereon;

20       5. "Commercial trailer" means any trailer, as defined in  
21 Section 1-180 of this title, or semitrailer, as defined in Section  
22 1-162 of this title, when such trailer or semitrailer is used  
23 primarily for business or commercial purposes;

1       6. "Commercial trailer dealer" means any person, firm or  
2 corporation engaged in the business of selling any new and unused,  
3 or used, or both new and used commercial trailers;

4       7. "Commercial vehicle" means any vehicle over eight thousand  
5 (8,000) pounds combined laden weight used primarily for business or  
6 commercial purposes. Each motor vehicle being registered pursuant  
7 to the provisions of this section shall have the name of the  
8 commercial establishment or the words "Commercial Vehicle"  
9 permanently and prominently displayed upon the outside of the  
10 vehicle in letters not less than two (2) inches high ~~and two (2)~~  
11 ~~inches wide.~~ Such letters shall be in sharp contrast to the  
12 background and shall be of sufficient shape and color as to be  
13 readily legible during daylight hours, from a distance of fifty (50)  
14 feet while the vehicle is not in motion. ~~The Commission or its~~  
15 ~~motor license agents shall make physical inspections of commercial~~  
16 ~~vehicles as provided for in Section 1133.1 of this title, if by law~~  
17 ~~said vehicles are required to be inspected to verify that said~~  
18 ~~lettering is permanently displayed as required by this paragraph. A~~  
19 ~~fee of fifty cents (\$0.50) shall be charged for making such~~  
20 ~~inspection. Any commercial vehicle with a combined laden weight of~~  
21 ~~over twenty-six thousand (26,000) pounds registered pursuant to the~~  
22 ~~provisions of Section 1133 of this title shall not be subject to~~  
23 ~~physical inspection by the Commission or its motor license agents.~~

1 ~~Any commercial vehicle with a combined laden weight of twenty-six~~  
2 ~~thousand (26,000) pounds or less registered pursuant to Section 1133~~  
3 ~~or 1133.1 of this title shall be subject to physical inspection by~~  
4 ~~the Commission or its motor license agent only at the time the~~  
5 ~~vehicle is first registered in this state and upon the transfer of~~  
6 ~~ownership of such vehicle;~~

7 8. "Commission" or "Tax Commission" means the Oklahoma Tax  
8 Commission;

9 9. "Dealer" means any person, firm, association, corporation or  
10 trust who sells, solicits or advertises the sale of new and unused  
11 motor vehicles and holds a bona fide contract or franchise in effect  
12 with a manufacturer or distributor of a particular make of new or  
13 unused motor vehicle or vehicles for the sale of same;

14 10. "Interstate commerce" means any commerce moving between any  
15 place in a state and any place in another state or between places in  
16 the same state through another state;

17 11. "Laden weight" means the combined weight of a vehicle when  
18 fully equipped for use and the cargo or payload transported thereon;  
19 provided that in no event shall the laden weight be less than the  
20 unladen weight of the vehicle fully equipped for use, plus the  
21 manufacturer's rated carrying capacity;

1        12. "Local authorities" means every county, municipality or  
2 local board or body having authority to adopt police regulations  
3 under the Constitution and laws of this state;

4        13. "Manufactured home" means a residential dwelling built in  
5 accordance with the National Manufactured Housing Construction and  
6 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and  
7 rules promulgated pursuant thereto and the rules promulgated by the  
8 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section  
9 582 of this title;

10       14. "Manufactured home dealer" means any person, firm or  
11 corporation engaged in the business of selling any new and unused,  
12 or used, or both new and used manufactured homes. Such information  
13 and a valid franchise letter as proof of authorization to sell any  
14 such new manufactured home product line or lines shall be attached  
15 to said application for a dealer license to sell manufactured homes.  
16 "Manufactured home dealer" shall not include any person, firm or  
17 corporation who sells or contracts for the sale of ~~his~~ the dealer's  
18 own personally titled manufactured home or homes. No person, firm  
19 or corporation shall be considered a manufactured home dealer as to  
20 any manufactured home purchased or acquired by such person, firm or  
21 corporation for purposes other than resale; provided, that the  
22 restriction set forth in this sentence shall not prevent an

1 otherwise qualified person, firm or corporation from utilizing a  
2 single manufactured home as a sales office;

3 15. "Motor license agent" means any person appointed,  
4 designated or authorized by the ~~Oklahoma~~ Tax Commission to collect  
5 the fees and to enforce the provisions provided for in ~~this act~~ the  
6 Oklahoma Vehicle License and Registration Act;

7 16. "New vehicle" or "unused vehicle" means a vehicle which has  
8 been in the possession of the manufacturer, distributor or  
9 wholesaler or has been sold only by the manufacturer, distributor or  
10 wholesaler to a dealer;

11 17. "Nonresident" means any person who is not a resident of  
12 this state;

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

15 19. "Person" means any individual, copartner, joint venture,  
16 association, corporation, limited liability company, estate, trust,  
17 business trust, syndicate, the State of Oklahoma, or any county,  
18 city, municipality, school district or other political subdivision  
19 thereof, or any group or combination acting as a unit, or any  
20 receiver appointed by the state or federal court;

21 20. "Recreational vehicle" means every vehicle which is built  
22 on or permanently attached to a self-propelled motor chassis or  
23 chassis cab which becomes an integral part of the completed vehicle

1 and is capable of being operated on the highways. In order to  
2 qualify as a recreational vehicle pursuant to this paragraph such  
3 vehicle shall be permanently constructed and equipped for human  
4 habitation, having its own sleeping and kitchen facilities,  
5 including permanently affixed cooking facilities, water tanks and  
6 holding tank with permanent toilet facilities. Recreational vehicle  
7 shall not include manufactured homes or any vehicle with portable  
8 sleeping, toilet and kitchen facilities which are designed to be  
9 removed from such vehicle;

10 21. "Rental trailer" means all small or utility trailers or  
11 semitrailers constructed and suitable for towing by a passenger  
12 automobile and designed only for carrying property, when said  
13 trailers or semitrailers are owned by, or are in the possession of,  
14 any person engaged in renting or leasing such trailers or  
15 semitrailers for intrastate or interstate use or combined intrastate  
16 and interstate use;

17 22. "Special mobilized machinery" means special purpose  
18 machines, either self-propelled or drawn as trailers or  
19 semitrailers, which derive no revenue from the transportation of  
20 persons or property, whose use of the highway is only incidental,  
21 and whose useful revenue producing service is performed at  
22 destinations in an area away from the traveled surface of an  
23 established open highway;

1       23. "State" means the State of Oklahoma;

2       24. "Station wagon" means any passenger vehicle which does not  
3 have a separate luggage compartment or trunk and which does not have  
4 open beds, and has one or more rear seats readily lifted out or  
5 folded, whether same is called a station wagon or ranch wagon;

6       25. "Travel trailer" means any vehicular portable structure  
7 built on a chassis, used as a temporary dwelling for travel,  
8 recreational or vacational use, and, when factory-equipped for the  
9 road, it shall have a body width not exceeding eight (8) feet and an  
10 overall length not exceeding forty (40) feet, including the hitch or  
11 coupling;

12       26. "Travel trailer dealer" means any person, firm or  
13 corporation engaged in the business of selling any new and unused,  
14 or used, or both new and used travel trailers. Such information and  
15 a valid franchise letter as proof of authorization to sell any such  
16 new travel trailer product line or lines shall be attached to said  
17 application for a dealer license to sell travel trailers. "Travel  
18 trailer dealer" shall not include any person, firm or corporation  
19 who sells or contracts for the sale of ~~his~~ the dealer's own  
20 personally titled travel trailer or trailers. No person, firm or  
21 corporation shall be considered as a travel trailer dealer as to any  
22 travel trailer purchased or acquired by such person, firm or  
23 corporation for purposes other than resale;

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

3       28. "Used vehicle" means any vehicle which has been sold,  
4 bargained, exchanged or given away, or used to the extent that it  
5 has become what is commonly known, and generally recognized, as a  
6 "secondhand" vehicle. This shall also include any vehicle,  
7 regardless of age, owned by any person who is not a dealer; and

8       29. "Vehicle" means any type of conveyance or device in, upon  
9 or by which a person or property is or may be transported from one  
10 location to another upon the avenues of public access within the  
11 state. "Vehicle" does not include bicycles, trailers except travel  
12 trailers and rental trailers, or implements of husbandry as defined  
13 in Section 1-125 of this title. All implements of husbandry used as  
14 conveyances shall be required to display the owner's driver's  
15 license number or license plate number of any vehicle owned by the  
16 owner of the implement of husbandry on the rear of the implement in  
17 numbers not less than two (2) inches in height. The use of the  
18 owner's social security number on the rear of the implement of  
19 husbandry shall not be required.

20       SECTION 2.       AMENDATORY       47 O.S. 1991, Section 1133.1, as  
21 last amended by Section 1, Chapter 19, O.S.L. 1994 (47 O.S. Supp.  
22 2000, Section 1133.1), is amended to read as follows:

1           Section 1133.1 A. Any vehicle, including a station wagon as  
2 defined in paragraph ~~22~~ 24 of Section 1102 of this title, which has  
3 a combined laden weight of eight thousand (8,000) pounds or less and  
4 is used primarily for business or commercial purposes may be  
5 registered, pursuant to Section 1133 of this title, as a commercial  
6 vehicle having a combined laden weight over eight thousand (8,000)  
7 pounds and less than fifteen thousand and one (15,001) pounds. ~~Said~~  
8 The registration application shall state that such vehicle or  
9 station wagon is used for business or commercial purposes. Such  
10 vehicles or station wagons registered pursuant to this section shall  
11 be assessed the license fees for such commercial vehicle pursuant to  
12 Section 1133 of this title.

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

1 C. Upon initial registration by a person of a vehicle or  
2 station wagon pursuant to the provisions of this section, and upon  
3 transfer of ownership of any such vehicle or station wagon, any  
4 person claiming the right to register a vehicle or station wagon  
5 pursuant to subsection A of this section shall make further proof  
6 that the person does in fact conduct a business or commercial  
7 enterprise or is employed by a person conducting a business or  
8 commercial enterprise that uses ~~said~~ the vehicle or station wagon  
9 primarily for the use of that business or commercial enterprise by  
10 presenting a permit to do business pursuant to Section 1364 of Title  
11 68 of the Oklahoma Statutes or a Federal Employers Identification  
12 Number or, if a sole proprietor, a copy of Schedule C from their  
13 most recent federal income tax return. Any person claiming the  
14 right to re-register a vehicle or station wagon identified by the  
15 words "Commercial Vehicle" pursuant to subsection D of this section  
16 shall offer the same proof required by this subsection for initial  
17 registration or transfer of ownership. Such proof shall not be  
18 necessary if the name of the business or commercial enterprise is  
19 permanently and prominently displayed upon the outside of said  
20 vehicle or station wagon.

21 ~~D. Upon initial registration by a person of a vehicle or~~  
22 ~~station wagon pursuant to the provisions of this section, and upon~~  
23 ~~transfer of ownership of any such vehicle or station wagon the~~

1 ~~Commission or its motor license agents shall physically inspect such~~  
2 ~~vehicles or station wagons to verify that the name of the business~~  
3 ~~or commercial enterprise is permanently and prominently displayed~~  
4 ~~upon the outside of said vehicle or station wagon or said vehicle or~~  
5 ~~station wagon is identified by the words "Commercial Vehicle"~~  
6 ~~permanently and prominently displayed upon the outside of the~~  
7 ~~vehicle or station wagon in letters not less than two (2) inches~~  
8 ~~high and two (2) inches wide. Such letters shall be in sharp~~  
9 ~~contrast to the background and shall be of sufficient shape and~~  
10 ~~color as to be readily legible during daylight hours from a distance~~  
11 ~~of fifty (50) feet while the vehicle or station wagon is not in~~  
12 ~~motion. The Commission or its motor license agent shall receive the~~  
13 ~~fee provided for in paragraph 5 of Section 1102 of this title for~~  
14 ~~making such inspection.~~

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

22 ~~F.~~ E. In addition to the requirements of Section 1133 of this  
23 title, any commercial vehicle having a combined laden weight over

1 eight thousand (8,000) pounds and less than fifteen thousand and one  
2 (15,001) pounds shall be subject to the requirements of this  
3 section.

4 SECTION 3. AMENDATORY 47 O.S. 1991, Section 1141.1, as  
5 last amended by Section 6, Chapter 250, O.S.L. 2000 (47 O.S. Supp.  
6 2000, Section 1141.1), is amended to read as follows:

7 Section 1141.1 A. Each motor license agent shall be entitled  
8 to retain the following amounts from the taxes and fees collected by  
9 such agent to be used to fund the operation of the office of such  
10 motor license agent subject to the provisions of Sections 1140  
11 through 1147 of this title:

12 1. ~~Beginning October 1, 2000, Two Dollars and fifty-six cents~~  
13 (\$2.56) for each vehicle registered and for each special license  
14 plate issued pursuant to the Oklahoma Vehicle License and  
15 Registration Act, ~~each motor license agent shall be entitled to~~  
16 ~~retain Two Dollars and fifty-six cents (\$2.56) for each vehicle~~  
17 ~~registered and for each special license plate issued;~~

18 2. One Dollar and twenty-five cents (\$1.25) for each  
19 certificate of title issued for boats and motors pursuant to the  
20 Oklahoma Statutes;

21 3. For each certificate of registration issued for boats and  
22 motors pursuant to the Oklahoma Statutes, an amount determined  
23 pursuant to the provisions of subsection B of this section.

1 ~~However, until January 1, 1998, each motor license agent shall be~~  
2 ~~entitled to retain One Dollar and twenty-five cents (\$1.25) for each~~  
3 ~~certificate of registration issued for boats and motors;~~

4 4. Two Dollars and twenty-five cents (\$2.25) for each  
5 certificate of title issued pursuant to the Oklahoma Vehicle License  
6 and Registration Act;

7 5. Beginning October 1, 2000, three percent (3%) of the vehicle  
8 excise tax collected pursuant to Section 2103 of Title 68 of the  
9 Oklahoma Statutes. Beginning July 1, 2001, each motor license agent  
10 shall be entitled to retain three and one hundred twenty-five one-  
11 thousandths percent (3.125%) of the vehicle excise tax collected  
12 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.

13 Beginning July 1, 2002, and for all subsequent years, each motor  
14 license agent shall be entitled to retain three and twenty-five one-  
15 hundredths percent (3.25%) of the vehicle excise tax collected  
16 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.

17 However, beginning July 1, 2003, the Legislature shall annually  
18 review the percentage to be retained by the motor license agents  
19 pursuant to this paragraph to determine whether such percentage  
20 should be adjusted;

21 6. Four percent (4%) of the excise tax collected on the  
22 transfer of boats and motors pursuant to the Oklahoma Statutes;

1           7. Two Dollars (\$2.00) for each driver license, endorsement,  
2 identification license, or renewal or duplicate issued pursuant to  
3 Section 6-101 et seq. of this title;

4           8. Two Dollars (\$2.00) for the recording of security interests  
5 as provided in Section 1110 of this title;

6           9. Two Dollars (\$2.00) for each inspection conducted pursuant  
7 to subsection L of Section 1105 of this title;

8           10. ~~Fifty cents (\$0.50) for each inspection conducted pursuant~~  
9 ~~to paragraph 7 of Section 1102 of this title;~~

10          ~~11.~~ Three Dollars (\$3.00) for each inspection conducted  
11 pursuant to subsection M of Section 1105 of this title;

12          ~~12.~~ 11. One Dollar (\$1.00) for each certificate of ownership  
13 filed pursuant to subsection Q of Section 1105 of this title;

14          ~~13.~~ 12. One Dollar (\$1.00) for each temporary permit issued  
15 pursuant to Section 1124 of this title;

16          ~~14.~~ 13. One Dollar and fifty cents (\$1.50) for processing each  
17 proof of financial responsibility, driver license information,  
18 insurance verification information, and other additional information  
19 as provided in Section 7-602 of this title;

20          ~~15.~~ 14. The mailing fees and registration fees provided in  
21 Sections 1131 and 1140 of this title;

22          ~~16.~~ 15. The notary fee provided in Section 1143 of this title;

1       ~~17.~~ 16. Three Dollars (\$3.00) for each lien entry form  
2 completed and recorded on a certificate of title pursuant to  
3 subsection G of Section 1105 of this title;

4       ~~18.~~ 17. Seven Dollars (\$7.00) for each certificate of title or  
5 each certificate of registration issued for repossessed vehicles  
6 pursuant to Section 1126 of this title; and

7       ~~19.~~ 18. Any amount specifically authorized by law to be  
8 retained by the motor license agent for the furnishing of a summary  
9 of a traffic record.

10       The balance of the funds collected shall be remitted to the  
11 Oklahoma Tax Commission as provided in Section 1142 of this title to  
12 be apportioned pursuant to Section 1104 of this title.

13       B. For each certificate of registration issued for boats and  
14 motors, each motor license agent shall be entitled to retain the  
15 greater of One Dollar and twenty-five cents (\$1.25) or an amount to  
16 be determined by the ~~Oklahoma~~ Tax Commission according to the  
17 provisions of this subsection. At the end of fiscal year 1997 and  
18 each fiscal year thereafter, the Tax Commission shall compute the  
19 average amount of registration fees for all boats and motors  
20 registered in this state during the fiscal year and shall multiply  
21 the result by six and twenty-two one-hundredths percent (6.22%).  
22 The resulting product shall be the amount which may be retained by

1 each motor license agent for each certificate of registration for  
2 boats and motors issued during the following calendar year.

3 SECTION 4. This act shall become effective November 1, 2001.

4 COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 2-13-01 - DO PASS,  
5 As Coauthored.