ENGROSSED SENATE
BILL NO. 1752

By: Rabon of the Senate

and

Liotta of the House

[Corporation Commission - background checks - fees - registration of certain vehicles - offenses and penalties - importation of gasoline or diesel fuel - codification - emergency]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA

SECTION 1. AMENDATORY Section 1, Chapter 418, O.S.L. 2005 (17 O.S. Supp. 2005, Section 701), is amended to read as follows:

Section 701. A. 1. The Corporation Commission may promulgate rules to require employees and potential employees in sensitive or law enforcement positions to supply photographs, descriptions, fingerprints, measurements and other pertinent information necessary for a criminal history search by the Oklahoma State Bureau of Investigation. The Commission may designate national criminal history searches as defined in Section 150.9 of Title 74 of the Oklahoma Statutes if it deems such information necessary.

2. The Commission shall be authorized to require enforcement officers to be fingerprinted for submission of the fingerprints through the Oklahoma State Bureau of Investigation to the Federal Bureau of Investigation for a national criminal history check. The Commission shall be the recipient of the results of the record check.

B. The Commission shall request searches of the online and off-line files of the National Crime Information Center (NCIC), or any

successor federal agency which supplies such information, to identify apportioned motor vehicles or apportioned motor vehicle license plates which have been reported stolen.

C. The Commission is authorized to promulgate rules or issue orders to prohibit any person or company from conducting business or participating in any manner of business with the Commission as the Commission deems necessary. Any orders or rules pertaining to the provisions of the Trucking One-Stop Shop Act which were issued by the Oklahoma Tax Commission, on or after January 1, 2002, shall be deemed to be in effect and transferred to the authority of the Corporation Commission in accordance with the provisions of the Trucking One-Stop Shop Act.

D. The Commission is authorized to promulgate any rules necessary to implement the provisions of this section.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 162.1, is amended to read as follows:

Section 162.1 A. The Corporation Commission is authorized to promulgate all rules and regulations necessary to enable the State of Oklahoma to participate in the single state registration system for motor carriers authorized by the Intermodal Surface Transportation Efficiency Act of 1991, 49 U.S.C., Section 11506 (1991), and by applicable rules and regulations of the Interstate Commerce Commission.

B. The Corporation Commission is authorized to apply rules and regulations to interstate motor carriers exempt from the Interstate Commerce Commission regulations.

<u>C. The Corporation Commission is authorized to promulgate rules necessary to enable this state to participate in the Unified Carrier Registration System for interstate motor carriers and interstate motor carriers holding intrastate authority as set forth in SAFETEA-LU of 2005, Subtitle C.</u>

SECTION 3. AMENDATORY 47 O.S. 2001, Section 180h, is amended to read as follows:

Section 180h. The Corporation Commission is hereby authorized to collect from applicants for motor carrier and private carrier identification devices a fee of Seven Dollars ($7.00) for registration of each of its ~~trucks and Seven Dollars ($7.00) for each of its truck-tractors~~ vehicles registered under the provisions of this act or the Motor Carrier Act of 1995; and the fee shall be in addition to any other fees now provided for by law for the registration of said motor vehicles and shall be deposited in the State Treasury to the credit of the ~~Corporation Commission Revolving~~ Trucking One-Stop Shop Fund.

SECTION 4. AMENDATORY 47 O.S. 2001, Section 230.27, is amended to read as follows:

Section 230.27 A. Upon the filing by an intrastate motor carrier or private carrier of an application for a license, the applicant shall pay to the Corporation Commission a filing fee in the sum of One Hundred Dollars ($100.00) with an original or subapplication. Any valid license issued will remain in force, unless otherwise revoked by the Commission in accordance with the provisions of the Motor Carrier Act of 1995, for one (1) year from date of issuance.

B. Every motor carrier or private carrier wishing to continue operations under the original license, shall pay to the Corporation Commission ~~an annual renewal fee of Fifty Dollars ($50.00)~~ a renewal fee as set by Commission rule. An interstate license may be renewed for up to three (3) years.

C. The Commission shall, upon the receipt of any fee, deposit the same in the State Treasury to the credit of the ~~Corporation Commission Revolving~~ Trucking One-Stop Shop Fund.

SECTION 5. AMENDATORY 47 O.S. 2001, Section 1106, as amended by Section 18, Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2005, Section 1106), is amended to read as follows:

Section 1106. A. 1. If the Oklahoma Tax Commission shall determine at any time that an applicant for a certificate of title of a vehicle is not entitled thereto, it may refuse to issue such certificate or to register such vehicle.

2. The Commission may for a similar reason, after ten (10) days' notice and a hearing, revoke the registration and the certificate of title already acquired on any outstanding certificate of title. Said notice may be served in person or by registered mail.

B. 1. The Oklahoma Tax Commission may refuse registration and issuance of a certificate of title of a commercial motor vehicle, or any transfer of title and registration of a commercial motor vehicle, to a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

2. The Commission may revoke the registration, certificate of title, and license plate of a commercial motor vehicle if the vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

C. 1. The Corporation Commission may revoke, suspend or deny registration of a commercial motor vehicle if the vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a state or federal agency.

2. The Corporation Commission, Department of Public Safety, county sheriffs and all other duly authorized peace officers may seize and take into custody a commercial vehicle assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a state or federal agency. The law

enforcement official may seize only the tag of said commercial vehicle if deemed appropriate.

SECTION 6. AMENDATORY 47 O.S. 2001, Section 1115, as last amended by Section 68, Chapter 1, O.S.L. 2005 (47 O.S. Supp. 2005, 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, 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 H 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. Any person who purchases such vehicle or manufactured home 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. 1. All vehicles, other than those required to be registered pursuant 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.

2. All fleet vehicles registered pursuant to new applications approved pursuant to the provisions of Section 1120 of this title shall be registered on a staggered system monthly basis.

3. Applicants seeking to establish Oklahoma as the base jurisdiction for registering apportioned fleet vehicles shall have a one-time option of registering for a period of not less than four (4) nor greater than fifteen (15) months. Subsequent renewals for these registrants will be for twelve (12) months, expiring on the last day of the month chosen by the registrant under the one-time option as provided herein. In addition, registrants with multiple fleets may designate a different registration month of expiration for each fleet.

As used in this section, “fleet” shall have the same meaning as set forth in the International Registration Plan.

4. Effective January 1, 2004, all motorcycles and mopeds shall be registered on a staggered system of registration. The Oklahoma Tax Commission shall notify in writing, prior to December 1, 2003, all owners of motorcycles or mopeds registered as of such date, who shall have a one-time option of registering for a period of not less than three (3) months nor greater than fifteen (15) months. Subsequent renewals for these registrants will be for twelve (12) months, expiring on the last day of the month chosen by the

registrant under the one-time option as provided herein. All motorcycles and mopeds registered pursuant to new applications received on or after December 1, 2003, shall also be registered pursuant to the provisions of this paragraph.

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

1. For fleet vehicles required to be registered pursuant to the provisions of Section 1120 of this title for which a properly completed application for registration has not been received by the Corporation Commission by the last day of the month following the registration expiration date, a penalty of thirty percent (30%) of the Oklahoma portion of the annual registration fee, or Two Hundred Dollars ($200.00), whichever is greater, shall be assessed. The license and registration cards issued by the Corporation Commission for each fleet vehicle shall be valid until two (2) months after the registration expiration date;

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. Except as provided in subsection H of Section 1133 of this title, 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, the following penalties shall be imposed and collected by any Enforcement Officer of the Corporation Commission 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 of not less than 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. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section ~~3~~ 1167 of this ~~act~~ title. Revenue from such penalties shall be apportioned as provided in Section ~~3~~ 1167 of this ~~act~~ title;

2. A penalty of not less than Fifty Dollars ($50.00) shall be imposed for any person operating a commercial vehicle subject to the provisions of Section 1120 or Section 1133 of this title without the proper display of, or, carrying in such commercial vehicle, the identification credentials issued by the Corporation Commission as evidence of payment of the fee or tax as provided in Section 1120 or Section 1133 of this title. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section ~~3~~ 1167 of this ~~act~~ title.

Revenue from such penalties shall be apportioned as provided in Section ~~3~~ 1167 of this ~~act~~ title; and

3. A penalty of not less than 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. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section ~~3~~ 1167 of this ~~act~~ title. Revenue from such penalties shall be apportioned as provided in Section ~~3~~ 1167 of this ~~act~~ title.

E. The Tax Commission, or Corporation Commission with respect to vehicles registered under Section 1120 or Section 1133 of this title, shall assess the registration fees and penalties for the year or years a vehicle was not registered. For vehicles not registered for two (2) or more years, the registration fees and penalties shall be due only for the current year and one (1) previous year.

F. In addition to any other penalty prescribed by law, there shall be a penalty of not less than Twenty Dollars ($20.00) upon a finding by an 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.

Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section ~~3~~ 1167 of this ~~act~~ title. Revenue from such penalties shall be apportioned as provided in Section ~~3~~ 1167 of this ~~act~~ title.

G. If a vehicle is donated to a nonprofit charitable organization, the nonprofit charitable organization shall be exempt from paying any current or past due registration fees, excise tax,

transfer fees, and penalties and interest. However, after the donation, if the person donating the vehicle, or someone on behalf of such person, purchases the same vehicle back from the nonprofit charitable organization to which the vehicle was donated, such person shall be liable for all current and past-due registration fees, excise tax, title or transfer fees, and penalties and interest on such vehicle.

SECTION 7. AMENDATORY 47 O.S. 2001, Section 1151, as last amended by Section 7, Chapter 284, O.S.L. 2005 (47 O.S. Supp. 2005, 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 Corporation 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 a bona fide registered dealer in used cars who are holders of a current and valid used car dealer license;

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 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 any provision of this subsection, other than paragraph 3 of this subsection, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars ($500.00). Any person convicted of violating the provisions of paragraph 3 of this subsection shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) and shall be required to obtain an Oklahoma license plate. Employees of the Corporation Commission may be authorized by the Corporation Commission to issue citations <u>to motor carriers or operators of commercial motor vehicles</u> 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 Corporation Commission, the fine herein levied shall be apportioned as provided in Section ~~3~~ 1167 of this ~~act~~ title.

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. The following self-propelled or motor-driven and operated vehicles shall not be registered under the provisions of the Oklahoma Vehicle License and Registration Act or, except as provided for in Section 11-1116 of this title, be permitted to be operated on the streets or highways of this state:

1. Vehicles known and commonly referred to as “minibikes” and other similar trade names; provided, 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;

2. Golf carts;

3. Go-carts; and

4. Other motor vehicles, except motorcycles, which are manufactured principally for use off the streets and highways.

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

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 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 One Hundred Dollars ($100.00) and the suspension of such person's driver license and right to operate the vehicle.

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 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 Three Hundred Dollars ($300.00).

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 Three Hundred Dollars ($300.00).

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 8. AMENDATORY Section 3, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2005, Section 1167), is amended to read as follows:

Section 1167. A. The Corporation Commission is hereby authorized to promulgate rules pursuant to the Administrative Procedures Act to establish the amounts of fees, fines and penalties as set forth in this act. The Corporation Commission shall notify all interested parties of any proposed rules to be promulgated as provided herein and shall provide such parties an opportunity to be heard prior to promulgation.

B. The Corporation Commission shall adjudicate enforcement actions initiated by Corporation Commission personnel.

C. Revenue derived from all fines and penalties collected or received by the Corporation Commission pursuant to the provisions of this act shall be apportioned as follows:

1. The first Eight Hundred Fifty Thousand Dollars ($850,000.00) collected or received each fiscal year shall be remitted to the Oklahoma Tax Commission and apportioned as provided in Section 1104 of Title 47 of the Oklahoma Statutes;

2. One-half of the remaining amount shall be deposited to the ~~One-Stop~~ Trucking One-Stop Shop Fund created in subsection D of this section; and

3. One-half of the remaining amount shall be deposited to the Weigh Station Improvement Revolving Fund created in subsection E of this section.

D. There is hereby created in the State Treasury a revolving fund for the Corporation Commission to be known and designated as the "~~One-Stop~~ Trucking One-Stop Shop Fund"~~, into which fund shall be deposited all funds apportioned~~. The Trucking One-Stop Shop Fund shall consist of:

1. All funds appropriated thereto in subsection C of this section;

2. All fees set forth by statute or by Commission rule as they pertain to registration and motor fuel administration; and

3. Any other monies to be utilized for the Trucking One-Stop Shop Act.

The fund shall be a continuing fund, not subject to fiscal year limitations. ~~No monies shall be paid out of the fund except pursuant to appropriation by the Legislature~~ Monies in the Trucking One-Stop Shop Fund shall only be expended for direct expenses relating to the Trucking One-Stop Shop Act.

E. There is hereby created in the State Treasury a revolving fund for the Department of Transportation to be designated the "Weigh Station Improvement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited thereto. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of constructing, equipping and maintaining facilities to determine the weight of vehicles traveling on the roads and highways of this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1169 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Corporation Commission is authorized to revoke, suspend or deny the issuance, extension or reinstatement of any motor carrier or motor vehicle license, permit, registration, certificate or duplicate copy thereof, to any person who shall be guilty of:

1. Violation of any of the provisions of applicable state law;

2. Violation of rules promulgated by the Corporation Commission;

3. Failure to observe or fulfill the conditions upon which the license, permit, registration or certificate was issued;

4. Nonpayment of any delinquent tax, fee or penalty to the Commission or the State of Oklahoma; or

5. Nonpayment of a uniform base state program delinquent tax, fee or penalty to a state or province participating with the Corporation Commission in that program.

B. The interest or penalty or any portion thereof ordinarily accruing by failure of the motor carrier, registrant or licensee to properly file a report or return may be waived or reduced by the Corporation Commission. No interest or penalties in excess of Ten Thousand Dollars ($10,000.00) shall be allowed except by order of the Commission.

C. The Corporation Commission shall promulgate rules setting forth the revocation, suspension or denial of a motor carrier or motor vehicle certificate, registration, license or permit. The Corporation Commission shall additionally promulgate rules allowing for the collection and remittance of financial liabilities owed by a motor carrier, registrant, licensee or permittee to a state or province participating with the Corporation Commission in a uniform base state program or to another state agency.

D. Upon the revocation or expiration of any motor carrier or motor vehicle license, permit, registration or certificate, all accrued taxes, fees and penalties due and payable under the terms of state law, rules or order imposing or levying such tax, fee or penalty shall become due and payable concurrently upon the revocation or expiration of the license, permit, registration or certificate and the licensee, permittee, registrant or certificate holder shall forthwith make a report covering the period of time not covered by preceding reports filed by said person and ending with the date of the revocation or expiration and shall pay all such taxes, fees or penalties owed.

E. No person shall knowingly, or intentionally, present an altered or fraudulent credential or document to the Corporation Commission or to any duly authorized peace officer. Any person or persons violating the provisions of this subsection shall be found guilty of contempt of the Commission and shall, upon conviction thereof, be punished by a fine of not more than Two Thousand Dollars ($2,000.00) for each offense.

F. Failure for any person to comply with the provisions of this section may subject the person's assets to be seized and sold to include the taxes, fees and penalties assessed together with all costs of advertisement and sale. The sale shall be conducted in the manner as provided by law for the sale of personal property under seizure or execution.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1170 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Reports and files of the Corporation Commission concerning the administration of the International Registration Plan and the International Fuel Tax Agreement, shall be considered confidential and privileged, except as otherwise provided for by law, and neither the Commission nor any employee engaged in the administration of the International Registration Plan or International Fuel Tax Agreement or charged with the custody of any such reports or records nor any person who may have secured such reports or records from the Commission shall disclose any information obtained from the reports or records of any person.

B. The provisions of this section shall not prevent the Commission from disclosing the following information and no liability whatsoever, civil or criminal, shall attach to any member of the Commission or any employee thereof for any error or omission in the disclosure of such information:

1. The delivery to a taxpayer or a duly authorized representative of the taxpayer of a copy of any report or any other paper filed by the taxpayer pursuant to the provisions of the International Registration Plan or the International Fuel Tax Agreement;

2. The exchange of information that is not protected by the federal Privacy Protection Act, 42 U.S.C., Section 2000aa et seq., pursuant to reciprocal agreements or compacts entered into by the Commission and other state agencies or agencies of the federal government;

3. The publication of statistics so classified as to prevent the identification of a particular report and the items thereof;

4. The examination of records and files by the State Auditor and Inspector or the duly authorized agents of the State Auditor and Inspector;

5. The disclosing of information or evidence to the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, any district attorney, or agent of any federal law enforcement agency when the information or evidence is to be used by such officials to investigate or prosecute violations of the criminal provisions of the Uniform Tax Procedure Code or of any state tax law or of any federal crime committed against this state. Any information disclosed to the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, any district attorney, or agent of any federal law enforcement agency shall be kept confidential by such person and not be disclosed except when presented to a court in a prosecution for violation of the tax laws of this state or except as specifically authorized by law, and a violation by the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, district attorney, or agent of any

federal law enforcement agency by otherwise releasing the information shall be a felony;

6. The use by any division of the Commission of any information or evidence in the possession of or contained in any report or return filed or documents obtained by the Commission in the administration of the International Fuel Tax Agreement or the International Registration Plan;

7. The furnishing, at the discretion of the Commission, of any information disclosed by its records or files to any official person or body of this state, any other state, the United States, or foreign country who is concerned with the administration or assessment of any similar tax in this state, any other state or province or the United States;

8. The furnishing of information as to the issuance or revocation of any registration or license by the Commission as provided for by law. Such information shall be limited to the name of the person issued the permit or license, the name of the business entity authorized to engage in business pursuant to the permit or license, the address of the business entity, and the grounds for revocation;

9. The disclosure of information to any person for a purpose as authorized by the taxpayer pursuant to a waiver of confidentiality. The waiver shall be in writing and shall be made upon such form as the Commission may prescribe;

10. The disclosure of information directly involved in the resolution of the protest by a taxpayer to an assessment of tax or additional tax or the resolution of a claim for a refund filed by a taxpayer, including the disclosure of the pendency of an administrative proceeding involving such protest or claim, to a person called by the Commission as an expert witness or as a witness whose area of knowledge or expertise specifically addresses the issue addressed in the protest or claim for refund. Such disclosure

to a witness shall be limited to information pertaining to the specific knowledge of that witness as to the transaction or relationship between taxpayer and witness;

11. The furnishing to a prospective purchaser of any business, or his or her authorized representative, of information relating to any liabilities, delinquencies, assessments or warrants of the prospective seller of the business which have not been filed of record, established, or become final and which relate solely to the seller's business. Any disclosure under this paragraph shall only be allowed upon the presentment by the prospective buyer, or the buyer's authorized representative, of the purchase contract and a written authorization between the parties;

12. The furnishing of information as to the amount of state revenue affected by the issuance or granting of any registration or license or credit issued by the Corporation Commission as provided for by law. Such information shall be limited to the type of registration, license or credit issued or granted, the date and duration of such registration, license or credit, and the amount of such revenue. The provisions of this paragraph shall not authorize the disclosure of the name of the person issued such registration, license, exemption, credit, or the name of the business entity authorized to engage in business pursuant to the registration, license or credit.

SECTION 11. AMENDATORY 68 O.S. 2001, Section 607, as last amended by Section 25, Chapter 522, O.S.L. 2004 (68 O.S. Supp. 2005, Section 607), is amended to read as follows:

Section 607. A. Before any person imports gasoline or diesel fuel into the state in the fuel supply tank or tanks of any motor vehicle, or in any other container for use on the highways of this state, such person shall file application for and obtain a Motor Fuel/Diesel Fuel Importer for Use License. Such requirement shall be complied with notwithstanding the tax levied by the Motor Fuel

Tax Code has been paid on such gasoline or diesel fuel. However, persons exempted by Section 605 of this title from the tax levied pursuant to Section 603 of this title shall not be required to obtain such license. The application required by this section shall be verified and filed on a form prescribed and furnished by the Corporation Commission showing the name and address and kind of business of the applicant, a designation of the principal place of business and such other information as the Corporation Commission may require. Such application must also contain, as a condition to the issuance of the license, an agreement by the applicant to comply with the requirements of Section 601 et seq. of this title and the rules of the Corporation Commission.

B. Before any such application may be approved by the Corporation Commission, the applicant must fully comply with the contribution requirements pursuant to Section 607.2 of this title. In addition, prior to the approval, the Corporation Commission may require the applicant to file a bond payable to the State of Oklahoma conditioned upon compliance with the provisions of Section 601 et seq. of this title and the rules of the Corporation Commission in a sum of not more than Ten Thousand Dollars ($10,000.00), the amount thereof to be fixed by an order of the Corporation Commission. During the license year, the amount of any such bond required may be increased or reduced by the ~~Tax~~ Corporation Commission at its discretion, and the Corporation Commission may in its discretion, waive the filing of a bond by any person who regularly purchases sufficient gasoline or diesel fuel on which the motor fuel or diesel fuel excise tax has been paid to this state when the tax equals or exceeds the amount of the tax levied against such person under Section 601 et seq. of this title.

C. Upon approval of such application and bond, the Corporation Commission shall issue to the applicant a nontransferable Motor Fuel/Diesel Fuel Importer for Use License bearing a distinctive

number, at no charge to the applicant. The license shall be issued on an annual basis and shall remain in full force and effect until surrendered, suspended, or canceled in the manner provided by law. Each license shall be valid only for the operation of motor vehicles on the highways of this state by the person to whom it is issued including motor vehicles transporting persons or property in furtherance of the business of the licensee under a lease, a contract or any other arrangement, whether permanent or temporary in nature. The Corporation Commission may issue one (1) license credential to evidence the compliance of the applicant with the provisions of this section and the provisions of Section 1120 of Title 47 of the Oklahoma Statutes.

D. In consideration of the use of the highways of this state, and in addition to all other taxes levied for such purposes, all persons who import motor fuel/diesel fuel into the state in the fuel supply tank or tanks of motor vehicles for use in propelling the vehicles on the highways for commercial purposes may receive a temporary motor fuel/diesel fuel permit from the Corporation Commission. This permit shall be recognized in lieu of licensing requirements in this state. The permit shall indicate the time and date of its issuance and shall be valid for a period not to exceed one hundred twenty (120) hours from such indicated time.

A fee of Twenty-five Dollars ($25.00) shall be charged for the issuance of the temporary permit. Eight Dollars ($8.00) of the fee shall be apportioned in the same manner as other motor fuel/diesel fuel revenue. Two Dollars ($2.00) of the fee shall be retained by the Corporation Commission and apportioned as provided in Section ~~3~~ 1167 of this ~~act~~ title. Fifteen Dollars ($15.00) of the fee shall be paid to the State Treasurer for deposit in the General Revenue Fund.

Any person importing motor fuel/diesel fuel into this state for use while in possession of an expired, altered or undated temporary

fuel permit shall be deemed to be operating without proper licensing and shall be subject to licensing and penalties as provided for in the Motor Fuel/Diesel Fuel Importer for Use Tax Code.

The Corporation Commission may prescribe an application form for the temporary permit and such other forms as it deems appropriate. The Corporation Commission, without notice, may suspend the issuance of temporary permits to any person found to be in violation of the Motor Fuel/Diesel Fuel Importer for Use Tax Code or similar laws of this state.

The Corporation Commission may enter into an agreement with any person or corporation located within or without the state for transmission of temporary permits by way of a facsimile machine or other device when the Corporation Commission determines that such agreement is in the best interests of the state.

E. In lieu of the requirements as provided for in Section 601 et seq. of this title in respect to licensing, bonding, reporting and auditing, the Corporation Commission may, when in the best interests of this state and its residents, enter into the International Fuel Tax Agreement or other cooperative compacts or agreements with another state or other states or provinces to permit base state or base jurisdiction licensing of persons importing motor fuel or diesel fuel into this state and liable for the tax levied pursuant to Section 601 et seq. of this title and provide for the cooperation and assistance among the member states and provinces in the administration and collection of motor fuels consumption and use taxes. Any action taken by the Oklahoma Tax Commission with respect to the International Fuel Tax Agreement or other such compacts or agreements prior to the effective date of this act shall remain in effect unless altered by the Corporation Commission pursuant to its authority to do so after the effective date of this act.

SECTION 12. AMENDATORY 68 O.S. 2001, Section 608, is amended to read as follows:

Section 608. (a) Every person operating a motor vehicle on the highways of this state as a Motor Fuel/Diesel Fuel Importer for Use must at all times during such operation have displayed in the cab of such motor vehicle, a ~~photostatic~~ copy of the Motor Fuel/Diesel Fuel Importer for Use License which shall be subject to inspection at all times by representatives of the ~~Tax~~ Corporation Commission.

(b) Any person operating a motor vehicle on the highways of this state, the operation of which is subject to the tax levied by this article, without having obtained a Motor Fuel/Diesel Fuel Importer for Use License as required by Section 607 of this title, shall be guilty of a misdemeanor and, upon conviction, punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a period not exceeding one (1) year or both. The venue for prosecutions arising under this section shall be in the district court of any county in which such vehicle is being operated.

SECTION 13. AMENDATORY 68 O.S. 2001, Section 609, is amended to read as follows:

Section 609. A. Every person licensed under this article shall make and transmit to the ~~Tax~~ Corporation Commission on or before the last day of April, July, October, and January of each year, upon a form prescribed and furnished by the ~~Tax~~ Commission, a verified quarterly report, showing the total miles traveled, miles traveled in Oklahoma by each motor vehicle, the total gallonage of motor fuel or diesel fuel consumed, the number of gallons of motor fuel or diesel fuel purchased or received in this state, the date of each purchase or receipt, the name and address of the seller, the delivery invoice number of each purchase or receipt, and the number of gallons of motor fuel or diesel fuel imported into and used in this state. The report must also include the amount of motor fuel or diesel fuel on hand at the beginning and close of the period as shown by the physical inventory taken on that date (those dates), if

storage is maintained, and a complete record of all receipts and withdrawals into and from said storage.

The number of gallons of motor fuel or diesel fuel shown to have been purchased or received in Oklahoma on which the tax levied by the Motor Fuel Tax Code has been paid to this state shall be deducted from the total number of gallons of motor fuel or diesel fuel used by such person in Oklahoma to determine the number of gallons of motor fuel or diesel fuel upon which the tax levied by this article is to be computed and paid.

Every person licensed under this article who travels less than ten thousand (10,000) miles per year in Oklahoma may, at the option of the Tax Commission, file an annual report in lieu of filing the quarterly report.

B. Every person at the time of filing each quarterly report shall pay to the ~~Tax~~ Commission the full amount of tax due for the preceding quarter at the rate provided for in this article. Such tax is due and payable on the first day of the succeeding quarter for which the report is filed, and if not paid, is delinquent from and after the twentieth day of such month. When any person shall fail to submit to the ~~Tax~~ Commission any report required hereunder within thirty (30) days from the date it is required to be filed, the Tax Commission shall assess, in addition to the penalties and interest provided for in Section 217 of this title, a penalty of not less than Five Dollars ($5.00) for the first offense and not less than Five Dollars ($5.00) for each subsequent offense.

C. The Motor Fuel/Diesel Fuel Importer for Use License of any person who is delinquent in the payment of tax levied by this article may be canceled by the ~~Tax~~ Commission in the manner provided by law.

SECTION 14. AMENDATORY 68 O.S. 2001, Section 610, is amended to read as follows:

Section 610. (a) Each Motor Fuel/Diesel Fuel Importer for Use must maintain and keep for a period of three (3) years such records of motor fuel or diesel fuel used and mileage traveled by each and all motor vehicles on the highways of this state including motor vehicles owned, operated, leased or under any other form of contract, together with inventories, withdrawals, deliveries, purchases supported by invoices, bills of lading and all pertinent records and papers as may be required by the ~~Tax~~ Corporation Commission for the administration of this article.

(b) Every retailer or dealer who sells and delivers any motor fuel or diesel fuel into the fuel supply tanks of any motor vehicle of a licensed Motor Fuel/Diesel Fuel Importer for Use must, at the time of the delivery, make and deliver to the person owning or operating such vehicle an invoice covering each such delivery, showing the name of the purchaser, the date, the name and address of the seller printed thereon, the number of gallons delivered, the price per gallon and total sales price, and such other information as the ~~Tax~~ Commission may require. Each invoice must be made in duplicate, be identified by consecutive numbers with at least three digits printed thereon, and each retailer or dealer must furnish said invoices and retain one copy thereof and be able to account for each invoice and each copy thereof.

The invoices required by this section must be demanded by every Motor Fuel/Diesel Fuel Importer for Use covering each purchase.

(c) Any person willfully violating any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars ($1,000.00), or be sentenced to imprisonment in the county jail for not more than one (1) year, or both. Venue for prosecution arising under this section shall be in the district court of any county in which such person resides or, if such person is not a resident of

this state, any county in which such person uses the highways of this state or maintains an established place of business.

SECTION 15. AMENDATORY 68 O.S. 2001, Section 611, is amended to read as follows:

Section 611. (a) Any person importing motor fuel or diesel fuel into this state and liable for the tax levied by this article for the first time who has not obtained a Motor Fuel/Diesel Fuel Importer for Use License, shall, for the purpose of determining the number of gallons of motor fuel or diesel fuel used on the highways of this state, be required to pay to the ~~Tax~~ Corporation Commission the tax levied by this article on all motor fuel or diesel fuel contained in the fuel supply tank or tanks, and any other containers for use in propelling said vehicle. Upon obtaining a Motor Fuel/Diesel Fuel Importer for Use License and filing a report showing all of the operations of such person subject to tax by this article, credit shall be allowed on said report for the tax paid under the provisions of this section and any overpayment of tax shall be refunded or credited to a future report. However, this credit shall not be allowed and no refund of such tax shall be made unless the report taking the credit or the claim for the refund is filed within thirty (30) days from the date of payment of said tax.

(b) The second time any person imports motor fuel or diesel fuel into this state and becomes liable for the tax levied by this article, without having obtained a Motor Fuel/Diesel Fuel Importer for Use License, the motor vehicle operated by such person may be seized and held until such person complies with the provisions of this article and pays all taxes determined to be due hereunder. However, said motor vehicle may be released upon the making of a bond or furnishing other security for the payment of the tax.

SECTION 16. AMENDATORY 68 O.S. 2001, Section 613, is amended to read as follows:

Section 613. (a) Whenever any person to whom a Motor Fuel/Diesel Fuel Importer for Use License has been issued ceases doing business or discontinues all operations in Oklahoma subject to the tax levied by this article, such person must notify the ~~Tax~~ Corporation Commission in writing of said fact within fifteen (15) days after such discontinuance and surrender such license together with all Motor Fuel/Diesel Fuel Importer for Use Licenses issued. All tax, penalties and interest levied by this article due from such person at the time of such discontinuance, shall become due and payable concurrently with such discontinuance, and such person must make a report and pay all such tax, interest and penalties at the time his license is surrendered.

(b) Any person willfully violating any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars ($1,000.00), or be sentenced to imprisonment in the county jail for not more than one (1) year or both. Venue for prosecution arising under this section shall be in the district court of any county in which such person resides, or, if such person is not a resident of this state, any county in which such person uses the highways of this state or maintains an established place of business.

SECTION 17. AMENDATORY 68 O.S. 2001, Section 615, is amended to read as follows:

Section 615. Any person licensed under the Motor Fuel/Diesel Fuel Importer for Use Law shall be entitled to a credit equivalent to the tax rate per gallon on all gasoline or diesel fuel upon which the Oklahoma gasoline or diesel fuel tax has been paid and which has thereafter been consumed in motor vehicles outside this state. When the amount of credit provided in this section to which the person is entitled for any calendar quarter exceeds the amount of tax for which such person is liable for gasoline or diesel fuel consumed in Oklahoma in such vehicles during the same quarter, such excess

shall, under ~~regulations~~ rules promulgated by the ~~Tax~~ Corporation Commission, be allowed as a credit if used within twenty-four (24) months from the first day of any calendar quarter against the tax for which such person would be otherwise liable for any of the succeeding quarters; or, upon claim filed with the ~~Tax~~ Commission within twenty-four (24) months from the first day of any calendar quarter in which the gasoline or diesel fuel was used, such excess, less one and seven-tenths percent (1.7%) of gasoline tax levied and two percent (2%) of diesel fuel tax levied pursuant to Section 500.4 of this title, may be refunded. Application for refund must be supported by evidence of the mileage traveled and the gallonage consumed and satisfactory evidence of the tax-paid purchases. Refund vouchers shall be paid from current collections derived from the tax levied under which the tax refund claims have been allowed, and a portion of such current collections as are necessary to pay such refund is hereby appropriated.

SECTION 18. 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.

Passed the Senate the 7th day of March, 2006.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2006.

_____
Presiding Officer of the House
of Representatives