

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1286

By: Balkman

AS INTRODUCED

An Act relating to motor vehicles; allowing for application to Oklahoma Tax Commission for special license plate; providing requirements for application; providing for fees for special license plates; requiring financial plan for certain plates; restricting transfer of plates; requiring renewal of plates; requiring system to be developed; exempting certain plates from application of act; defining term; creating revolving fund; directing expenditures of funds; 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 1135.7 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Beginning January 1, 2006, the Oklahoma Tax Commission is authorized to design and issue special license plates to any person that applies to the Oklahoma Tax Commission for the creation of a special license plate and meets the minimum standards and qualifications specified in this section.

B. If the following standards and guidelines are satisfied, the Oklahoma Tax Commission shall issue a special license plate to the person making application for the special license plate:

1. The license plate is to:
  - a. show membership in or affiliation with an organization, or
  - b. demonstrate support for an organization, group or cause;

2. The license plate does not advertise or endorse a product, brand, or service that is provided for sale;

3. The license plate does not promote any philosophy based on prejudice or that is contrary to state civil rights laws; and

4. Two hundred fifty (250) prepaid applications for the special license plate are received by the Oklahoma Tax Commission.

C. The fee for special license plates that do not provide financial assistance shall be Fifteen Dollars (\$15.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Unless otherwise provided in this section, the fee shall be apportioned as follows: Eight Dollars (\$8.00) of the special license plate fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining Seven Dollars (\$7.00) of the special license plate fee shall be apportioned as provided in Section 1104 of Title 47 of the Oklahoma Statutes.

D. The fee for special license plates that provide financial assistance shall be Thirty-five Dollars (\$35.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as follows:

1. Twenty Dollars (\$20.00) of the fee shall be apportioned to the License Plate Special Program Assistance Revolving Fund created in Section 2 of this act to be used in the manner detailed in the application for the special license plate;

2. Eight Dollars (\$8.00) of the fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act; and

3. Seven Dollars (\$7.00) of the fee shall be apportioned as provided in Section 1104 of Title 47 of the Oklahoma Statutes.

E. If a person applies for a special license plate that provides financial assistance, the application shall designate a state agency to be responsible for expending the funds generated by the special license plate and the application shall designate a specific public purpose for which the funds are to be used.

F. Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year.

Special license plates shall be renewed each year by the Tax Commission or a motor license agent. The Tax Commission shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system.

The Tax Commission is hereby directed to develop and implement a system whereby motor license agents are permitted to accept applications for special license plates authorized under this section. The motor license agent shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, motor license agents shall retain the fee provided in Section 1141.1 of Title 47 of the Oklahoma Statutes for registration of a motor vehicle. The motor license agent fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

G. All special plates issued by the Oklahoma Tax Commission prior to the effective date of this act shall not be subject to the requirements and qualifications outlined in this section.

H. As used in this section, "person" includes an individual, group, organization or not-for-profit corporation that is recognized as such by the Internal Revenue Service.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1135.8 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Tax Commission, to be designated the "License Plate Special Program Assistance Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies transferred thereto by paragraph 1 of subsection D of Section 1 of this act.

B. All monies accruing to the credit of said fund are hereby appropriated and shall be expended by the Oklahoma Tax Commission on December 31 of each year. The monies shall be distributed to the appropriate state agency to be expended in accordance with the specifications contained in the application for each special license plate that provides financial support in an amount based on the number of special license plates that are in circulation for that particular organization.

SECTION 2. This act shall become effective January 1, 2006.

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