

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 86

By: Coates of the Senate

3 and

4 Peterson (Ron) of the  
5 House

6  
7  
8 ( motor vehicles - Oklahoma Vehicle License and  
9 Registration Act - effective date -

10 emergency )

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12  
13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
14 entire bill and insert

15 "An Act relating to motor vehicles; amending 47 O.S.  
16 2001, Section 562, as last amended by Section 2,  
17 Chapter 213, O.S.L. 2006 (47 O.S. Supp. 2006,  
18 Section 562), which relates to motor vehicle  
19 regulation and licensing definitions; modifying  
20 certain definitions; amending 47 O.S. 2001, Section  
21 1102, as last amended by Section 2, Chapter 295,  
22 O.S.L. 2006 (47 O.S. Supp. 2006, Section 1102),  
23 which relates to the Oklahoma Vehicle License and  
24 Registration Act; modifying certain definition; and  
providing an effective date.

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

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 562, as last  
2 amended by Section 2, Chapter 213, O.S.L. 2006 (47 O.S. Supp. 2006,  
3 Section 562), is amended to read as follows:

4 Section 562. The following words, terms and phrases, when used  
5 in Sections 561 through 567, 572, 578.1, 579 and 579.1 of this  
6 title, shall have the meanings respectively ascribed to them in this  
7 section, except where the context clearly indicates a different  
8 meaning:

9 1. "Motor vehicle" means any motor-driven vehicle required to  
10 be registered under the Oklahoma Vehicle License and Registration  
11 Act ~~except~~ including all-terrain vehicles and motorcycles used  
12 exclusively for off-road use;

13 2. "New motor vehicle dealer" means any person, firm,  
14 association, corporation or trust not excluded by this paragraph who  
15 sells, offers for sale, advertises to sell, leases or displays new,  
16 unused or remanufactured motor vehicles and holds a bona fide  
17 contract or franchise in effect with a manufacturer, remanufacturer  
18 or distributor authorized by the manufacturer or remanufacturer to  
19 make predelivery preparation of such vehicles sold to purchasers and  
20 to perform post-sale work pursuant to the manufacturer's,  
21 remanufacturer's or distributor's warranty. As used herein,  
22 "authorized predelivery preparation" means the rendition by the  
23 dealer of services and safety adjustments on each new, unused or  
24 remanufactured motor vehicle in accordance with the procedure and

1 safety standards required by the manufacturer or remanufacturer of  
2 the vehicle to be made before its delivery to the purchaser.

3 "Performance of authorized post-sale work pursuant to the warranty",  
4 as used herein, means the rendition of services which are required  
5 by the terms of the warranty that stands extended to the vehicle at  
6 the time of its sale and are to be made in accordance with the  
7 safety standards prescribed by the manufacturer or remanufacturer.

8 The term includes premises or facilities at which a person engages  
9 only in the repair of motor vehicles if repairs are performed  
10 pursuant to the terms of a franchise and motor vehicle  
11 manufacturer's or remanufacturer's warranty. However, the term  
12 shall not include premises or facilities at which a new motor  
13 vehicle dealer or dealers within the area of responsibility of such  
14 dealer or dealers as defined in the manufacturer's or  
15 remanufacturer's franchise agreement of such dealer or dealers  
16 performs motor vehicle repairs pursuant to the terms of a franchise  
17 and motor vehicle manufacturer's or remanufacturer's warranty. For  
18 the purpose of Sections 561 through 567, 572, 578.1, 579 and 579.1  
19 of this title, the terms "new motor vehicle dealer" and "new motor  
20 vehicle dealership" shall be synonymous. The term "new motor  
21 vehicle dealer" does not include:

22           a. receivers, trustees, administrators, executors,  
23           guardians or other persons appointed by or acting  
24           under judgment or order of any court,

1           b. public officers while performing or in operation of  
2           their duties, ~~or~~

3           c. employees of persons, corporations or associations  
4           enumerated in subparagraph a of this paragraph when  
5           engaged in the specific performance of their duties as  
6           such employees, or

7           d. sellers of implements of husbandry as described in  
8           Section 1-125 of this title;

9           3. "Motor vehicle salesperson" means any person who, for gain  
10          or compensation of any kind, either directly or indirectly,  
11          regularly or occasionally, by any form of agreement or arrangement,  
12          sells or negotiates for the sale of any new or unused motor vehicle  
13          for any new, unused or remanufactured motor vehicle dealer to any  
14          one or more third parties;

15          4. "Commission" means the Oklahoma Motor Vehicle Commission;

16          5. "Manufacturer" means any person, firm, association,  
17          corporation or trust, resident or nonresident, who manufactures or  
18          assembles new and unused motor vehicles or who engages in the  
19          fabrication or assembly of motorized vehicles of a type required to  
20          be registered in the State of Oklahoma;

21          6. "Distributor" means any person, firm, association,  
22          corporation or trust, resident or nonresident, who, being authorized  
23          by the original manufacturer, in whole or in part sells or  
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1 distributes new and unused motor vehicles to motor vehicle dealers,  
2 or who maintains distributor representatives;

3 7. "Factory branch" means any branch office maintained by a  
4 person, firm, association, corporation or trust who manufactures or  
5 assembles motor vehicles for the sale of motor vehicles to  
6 distributors, or for the sale of motor vehicles to motor vehicle  
7 dealers, or for directing or supervising, in whole or in part, its  
8 representatives;

9 8. "Distributor branch" means any branch office similarly  
10 maintained by a distributor for the same purposes a factory branch  
11 is maintained;

12 9. "Factory representative" means any officer or agent engaged  
13 as a representative of a manufacturer of motor vehicles or by a  
14 factory branch, for the purpose of making or promoting the sale of  
15 its motor vehicles, or for supervising or contacting its dealers or  
16 prospective dealers;

17 10. "Distributor representative" means any person, firm,  
18 association, corporation or trust and each officer and employee  
19 thereof engaged as a representative of a distributor or distributor  
20 branch of motor vehicles, for the purpose of making or promoting the  
21 sale of its motor vehicles, or for supervising or contacting its  
22 dealers or prospective dealers;

23 11. "Franchise" means any contract or agreement between a motor  
24 vehicle dealer and a manufacturer of a new motor vehicle or its

1 distributor or factory branch by which the dealer is authorized to  
2 engage in the business of selling any specified make or makes of new  
3 motor vehicles;

4 12. "New or unused motor vehicle" means a vehicle which is in  
5 the possession of the manufacturer or distributor or has been sold  
6 only to the holder of a valid selling agreement, franchise or  
7 contract, granted by the manufacturer or distributor for the sale of  
8 that make of new vehicle so long as the manufacturer's statement of  
9 origin has not been assigned to anyone other than a licensed  
10 franchised new motor vehicle dealer of the same line-make;

11 13. "Area of responsibility" means the geographical area, as  
12 designated by the manufacturer, factory branch, factory  
13 representative, distributor, distributor branch or distributor  
14 representative, in which the new motor vehicle dealer is held  
15 responsible for the promotion and development of sales and rendering  
16 of service for the make of motor vehicle for which the motor vehicle  
17 dealer holds a franchise or selling agreement;

18 14. "Off premises" means at a location other than the address  
19 designated on the new motor vehicle dealer's license;

20 15. "Sponsoring entity" means any person, firm, association,  
21 corporation or trust which has control, either permanently or  
22 temporarily, over the real property upon which the off-premise sale  
23 or display is conducted;

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1       16. "Remanufactured vehicle" means a motor vehicle which has  
2 been assembled by a vehicle remanufacturer using a new body and  
3 which may include original, reconditioned or remanufactured parts,  
4 and which is not a salvage, rebuilt or junked vehicle as defined by  
5 paragraphs 1, 2 and 5, respectively, of subsection A of Section 1105  
6 of this title;

7       17. "Vehicle remanufacturer" means a commercial entity which  
8 assembles remanufactured vehicles;

9       18. "Product" means new motor vehicles and new motor vehicle  
10 parts;

11       19. "Service" means motor vehicle warranty repairs including  
12 both parts and labor;

13       20. "Lead" means a consumer contact in response to a factory  
14 program designed to generate interest in purchasing or leasing a new  
15 motor vehicle;

16       21. "Sell or sale" means to sell or lease; and

17       22. "Factory" means a manufacturer, distributor, factory  
18 branch, distributor branch, factory representative or distributor  
19 representative, which manufactures or distributes vehicle products.

20       SECTION 2.       AMENDATORY       47 O.S. 2001, Section 1102, as  
21 last amended by Section 2, Chapter 295, O.S.L. 2006 (47 O.S. Supp.  
22 2006, Section 1102), is amended to read as follows:

23       Section 1102. As used in the Oklahoma Vehicle License and  
24 Registration Act:

1           1. "All-terrain vehicle" means a motorized vehicle manufactured  
2 and used exclusively for off-highway use which is ~~sixty (60)~~ forty-  
3 eight (48) inches or less in width, with an unladen dry weight of  
4 ~~one thousand five hundred (1,500)~~ eight hundred (800) pounds or  
5 less, traveling on two or more low-pressure tires, having a seat  
6 designed to be straddled by the operator, and which is steered by  
7 the use of handlebars;

8           2. "Carrying capacity" means the carrying capacity of a vehicle  
9 as determined or declared in tons of cargo or payload by the owner;  
10 provided, that such declared capacity shall not be less than the  
11 minimum tonnage capacity fixed, listed or advertised by the  
12 manufacturer of any vehicle;

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

16           4. "Chips and oil" or the term "road oil and crushed rock"  
17 means, with respect to materials authorized for use in the surfacing  
18 of roads or highways in this title or in any equivalent statute  
19 pertaining to road or highway surfacing in the State of Oklahoma,  
20 any asphaltic materials. Wherever chips and oil or road oil and  
21 crushed rock are authorized for use in the surfacing of roads or  
22 highways in this state, whether by the Department of Transportation,  
23 or by the county commissioners, or other road building authority  
24 subject to the Oklahoma Vehicle License and Registration Act,

1 asphaltic materials are also authorized for use in such surfacing  
2 and construction;

3 5. "Combined laden weight" means the weight of a truck or  
4 station wagon and its cargo or payload transported thereon, or the  
5 weight of a truck or truck-tractor plus the weight of any trailers  
6 or semitrailers together with the cargo or payload transported  
7 thereon;

8 6. "Commercial trailer" means any trailer, as defined in  
9 Section 1-180 of this title, or semitrailer, as defined in Section  
10 1-162 of this title, when such trailer or semitrailer is used  
11 primarily for business or commercial purposes;

12 7. "Commercial 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 commercial trailers;

15 8. "Commercial vehicle" means any vehicle over eight thousand  
16 (8,000) pounds combined laden weight used primarily for business or  
17 commercial purposes. Each motor vehicle being registered pursuant  
18 to the provisions of this section shall have the name of the  
19 commercial establishment or the words "Commercial Vehicle"  
20 permanently and prominently displayed upon the outside of the  
21 vehicle in letters not less than two (2) inches high. Such letters  
22 shall be in sharp contrast to the background and shall be of  
23 sufficient shape and color as to be readily legible during daylight

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1 hours, from a distance of fifty (50) feet while the vehicle is not  
2 in motion;

3 9. "Commission" or "Tax Commission" means the Oklahoma Tax  
4 Commission;

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

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

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

18 13. "Local authorities" means every county, municipality or  
19 local board or body having authority to adopt police regulations  
20 under the Constitution and laws of this state;

21 14. "Low-speed electrical vehicle" means any four-wheeled  
22 electrical vehicle that is powered by an electric motor that draws  
23 current from rechargeable storage batteries or other sources of  
24 electrical current and whose top speed is greater than twenty (20)

1 miles per hour but not greater than twenty-five (25) miles per hour  
2 and is manufactured in compliance with the National Highway Traffic  
3 Safety Administration standards for low-speed vehicles in 49 C.F.R.  
4 571.500;

5 15. "Manufactured home" means a residential dwelling built in  
6 accordance with the National Manufactured Housing Construction and  
7 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and  
8 rules promulgated pursuant thereto and the rules promulgated by the  
9 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section  
10 582 of this title;

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

3 17. "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 the Oklahoma  
6 Vehicle License and Registration Act;

7 18. "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 19. "Nonresident" means any person who is not a resident of  
12 this state;

13 20. "Off-road motorcycle" means any motorcycle, as defined in  
14 Section 1-135 of this title, when such motorcycle has been  
15 manufactured for and used exclusively off-road, highways and any  
16 other paved surfaces;

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

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

1        23. "Recreational vehicle" means every vehicle which is built  
2 on or permanently attached to a self-propelled motor chassis or  
3 chassis cab which becomes an integral part of the completed vehicle  
4 and is capable of being operated on the highways. In order to  
5 qualify as a recreational vehicle pursuant to this paragraph such  
6 vehicle shall be permanently constructed and equipped for human  
7 habitation, having its own sleeping and kitchen facilities,  
8 including permanently affixed cooking facilities, water tanks and  
9 holding tank with permanent toilet facilities. Recreational vehicle  
10 shall not include manufactured homes or any vehicle with portable  
11 sleeping, toilet and kitchen facilities which are designed to be  
12 removed from such vehicle;

13        24. "Remanufactured vehicle" means a vehicle which has been  
14 assembled by a vehicle remanufacturer using a new body and which may  
15 include original, reconditioned, or remanufactured parts, and which  
16 is not a salvage, rebuilt, or junked vehicle as defined by  
17 paragraphs 1, 2, and 5, respectively, of subsection A of Section  
18 1105 of this title;

19        25. "Rental trailer" means all small or utility trailers or  
20 semitrailers constructed and suitable for towing by a passenger  
21 automobile and designed only for carrying property, when said  
22 trailers or semitrailers are owned by, or are in the possession of,  
23 any person engaged in renting or leasing such trailers or  
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1 semitrailers for intrastate or interstate use or combined intrastate  
2 and interstate use;

3 26. "Special mobilized machinery" means special purpose  
4 machines or devices, either self-propelled or drawn as trailers or  
5 semitrailers, which derive no revenue from the transportation of  
6 persons or property, whose use of the highway is only incidental,  
7 and whose useful revenue producing service is performed at  
8 destinations in an area away from the traveled surface of an  
9 established open highway;

10 27. "State" means the State of Oklahoma;

11 28. "Station wagon" means any passenger vehicle which does not  
12 have a separate luggage compartment or trunk and which does not have  
13 open beds, and has one or more rear seats readily lifted out or  
14 folded, whether same is called a station wagon or ranch wagon;

15 29. "Travel trailer" means any vehicular portable structure  
16 built on a chassis, used as a temporary dwelling for travel,  
17 recreational or vacation use, and, when factory-equipped for the  
18 road, it shall have a body width not exceeding eight (8) feet and an  
19 overall length not exceeding forty (40) feet, including the hitch or  
20 coupling;

21 30. "Travel trailer dealer" means any person, firm or  
22 corporation engaged in the business of selling any new and unused,  
23 or used, or both new and used travel trailers. Such information and  
24 a valid franchise letter as proof of authorization to sell any such

1 new travel trailer product line or lines shall be attached to said  
2 application for a dealer license to sell travel trailers. "Travel  
3 trailer dealer" shall not include any person, firm or corporation  
4 who sells or contracts for the sale of his or her own personally  
5 titled travel trailer or trailers. No person, firm or corporation  
6 shall be considered as a travel trailer dealer as to any travel  
7 trailer purchased or acquired by such person, firm or corporation  
8 for purposes other than resale;

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

11 32. "Used vehicle" means any vehicle which has been sold,  
12 bargained, exchanged or given away, or used to the extent that it  
13 has become what is commonly known, and generally recognized, as a  
14 "secondhand" vehicle. This shall also include any vehicle other  
15 than a remanufactured vehicle, regardless of age, owned by any  
16 person who is not a dealer;

17 33. "Vehicle" means any type of conveyance or device in, upon  
18 or by which a person or property is or may be transported from one  
19 location to another upon the avenues of public access within the  
20 state. "Vehicle" does not include bicycles, trailers except travel  
21 trailers and rental trailers, or implements of husbandry as defined  
22 in Section 1-125 of this title. All implements of husbandry used as  
23 conveyances shall be required to display the owner's driver's  
24 license number or license plate number of any vehicle owned by the

1 owner of the implement of husbandry on the rear of the implement in  
2 numbers not less than two (2) inches in height. The use of the  
3 owner's social security number on the rear of the implement of  
4 husbandry shall not be required; and

5 34. "Vehicle remanufacturer" means a commercial entity which  
6 assembles remanufactured vehicles.

7 SECTION 3. This act shall become effective January 1, 2008."

8 Passed the House of Representatives the 18th day of April, 2007.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2007.

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Presiding Officer of the Senate