

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1793

6 By: Brown of the Senate

7 and

8 (Adkins) of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to motor vehicles; amending 42 O.S.
11 2001, Sections 91, as last amended by Section 1,
12 Chapter 247, O.S.L. 2006 and Section 2, Chapter 477,
13 O.S.L. 2005, as amended by Section 2, Chapter 247,
14 O.S.L. 2006 (42 O.S. Supp. 2007, Sections 91 and
15 91A), which relate to liens on personal property;
16 providing for application of certain provisions
17 relating to utility vehicles under certain
18 circumstances; amending Section 16, Chapter 418,
19 O.S.L. 2004 and Section 1, Chapter 124, O.S.L. 2007
20 (47 O.S. Supp. 2007, Sections 11-1116 and 11-1117),
21 which relate to miscellaneous motor vehicle rules;
22 providing circumstances where operation of utility
23 vehicles on streets and highways is permitted;
24 modifying definition; amending 47 O.S. 2001, Sections
1102, as last amended by Section 1, Chapter 177,
O.S.L. 2007, 1105, as last amended by Section 1,
Chapter 202, O.S.L. 2007, 1107.2, as amended by
Section 3, Chapter 284, O.S.L. 2007, 1113, as last
amended by Section 4, Chapter 284, O.S.L. 2005,
Section 5, Chapter 284, O.S.L. 2005 and 1132, as
amended by Section 6, Chapter 284, O.S.L. 2005 (47
O.S. Supp. 2007, Sections 1102, 1105, 1107.2, 1113,
1115.3 and 1132), which relate to the Oklahoma
Vehicle License and Registration Act; modifying
definition and defining term; requiring a certificate
of title for certain utility vehicles under specified
circumstances; excepting utility vehicles from
certain inspection requirements; excepting utility
vehicles from requirement relating to odometer
disclosure statement; requiring the Oklahoma Tax

1 Commission to assign a certificate of registration
2 and yearly decals for utility vehicles; requiring
3 registration of utility vehicles within specified
4 time period from purchase if purchased after
5 specified date; permitting registration of utility
6 vehicles purchased prior to specified date;
7 establishing nonrecurring registration fee for
8 utility vehicles and providing for distribution of
9 such fee; exempting utility vehicles from certain
10 fee; amending 68 O.S. 2001, Sections 2101, as last
11 amended by Section 8, Chapter 284, O.S.L. 2005, 2102,
12 as amended by Section 9, Chapter 284, O.S.L. 2005 and
13 2103, as last amended by Section 8, Chapter 295,
14 O.S.L. 2006 (68 O.S. Supp. 2007, Sections 2101, 2102
15 and 2103), which relate to revenue and taxation;
16 modifying term and defining term; providing for
17 apportionment of certain revenue; providing for levy
18 of excise tax on transfers of ownership of certain
19 utility vehicles and providing procedures therefor;
20 providing an effective date; and declaring an
21 emergency.

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

23 SECTION 1. AMENDATORY 42 O.S. 2001, Section 91, as last
24 amended by Section 1, Chapter 247, O.S.L. 2006 (42 O.S. Supp. 2007,
25 Section 91), is amended to read as follows:

26 Section 91. A. 1. This section applies to every vehicle, all-
27 terrain vehicle, utility vehicle, manufactured home, motorcycle,
28 boat, outboard motor, or trailer that has a certificate of title
29 issued by the Oklahoma Tax Commission or by a federally recognized
30 Indian tribe in the State of Oklahoma, except as otherwise provided
31 in subsection D of this section. This section does not apply to
32 farm equipment as defined in Section 91.2 of this title. The items
33 of personal property to which this section applies are collectively

1 referred to as "Section 91 Personal Property". If personal property
2 is apparently covered both by this section and by Sections 191
3 through 200 of this title, the procedures set out in this section
4 shall apply instead of Sections 191 through 200.

5 2. Any person who, while lawfully in possession of an article
6 of Section 91 Personal Property, renders any service to the owner
7 thereof by furnishing storage, rental space, material, labor or
8 skill for the protection, improvement, safekeeping, towing, right to
9 occupy space, storage or carriage thereof, has a special lien
10 thereon, dependent on possession, for the compensation, if any,
11 which is due to such person from the owner for such service.

12 3. This special lien shall be subordinate to any perfected
13 security interest unless the claimant complies with the requirements
14 of this section.

15 4. Any person claiming the special lien provided in paragraph 2
16 of this subsection shall mail a notice of such lien, no later than
17 sixty (60) days after the first services are rendered, by regular,
18 first class United States mail, and by certified mail, to all
19 interested parties who reside at separate locations. (If services
20 provided are pursuant to a contract primarily for the purpose of
21 storage or rental of space, the beginning date of the sixty-day
22 period provided in the previous sentence shall be the first day of
23 the first period or partial period for which rental or storage

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1 charges remain unpaid.) The notice shall be in writing and shall
2 contain, but not be limited to, the following:

- 3 a. a statement that the notice is a notice of a
4 possessory lien,
- 5 b. the complete legal name, physical and mailing address,
6 and telephone number of the claimant,
- 7 c. the complete legal name, physical and mailing address
8 of the person who requested that the claimant render
9 service to the owner by furnishing material, labor or
10 skill, storage, or rental space, or the date the
11 property was abandoned if the claimant did not render
12 any other service,
- 13 d. a description of the article of personal property and
14 the complete physical and mailing address of the
15 location of the article of personal property,
- 16 e. an itemized statement describing the date or dates the
17 labor or services were performed and material
18 furnished, and the amount of the compensation claimed,
- 19 f. a statement by the claimant that the materials, labor
20 or skill furnished, or arrangement for storage or
21 rental of space, was authorized by the owner of the
22 personal property and was in fact provided or
23 performed, or that the property was abandoned by the
24 owner if the claimant did not render any other

1 service, and that storage or rental fees will accrue
2 as allowed by law, and

3 g. the signature of the claimant which shall be notarized
4 and, if applicable, the signature of the claimant's
5 attorney. If the claimant is a business, then the
6 name of the contact person must be shown. In place of
7 an original signature and notary seal, a digital or
8 electronic signature or seal shall be accepted.

9 5. For services rendered or vehicles abandoned on or after
10 November 1, 2005, storage charges or charges for rental of space
11 (unless agreed to by contract as part of an overall transaction or
12 arrangement that was primarily for the purpose of storage of the
13 Section 91 Personal Property or rental of space) may only be
14 assessed beginning with the day that the Notice of Possessory Lien
15 is mailed as evidenced by certified mail. Provided, however, in the
16 case of contractual charges incurred for storage or rental of space
17 in an overall transaction primarily for the purpose of storage or
18 rental, charges subject to the special lien may only be assessed
19 beginning with a date not more than sixty (60) days prior to the day
20 that the Notice of Possessory Lien is mailed, and shall accrue only
21 at the regular periodic rate for storage or rental as provided in
22 the contract, adjusted for partial periods of storage or rental.
23 The maximum allowable compensation for storage shall not exceed the
24

1 fees specified pursuant to Section 953.2 of Title 47 of the Oklahoma
2 Statutes.

3 6. The lien may be foreclosed by a sale of such personal
4 property upon the notice and in the manner following: The notice of
5 sale shall contain:

- 6 a. a statement that the notice is a Notice of Sale,
- 7 b. the names of all interested parties known to the
8 claimant,
- 9 c. a description of the property to be sold,
- 10 d. a notarized statement of the nature of the work, labor
11 or service performed, material furnished, or storage
12 or rental of space, and the date thereof, and the name
13 of the person who authorized the work, labor or
14 service performed, or the storage or rental
15 arrangement, or that the property was abandoned if the
16 claimant did not render any other service,
- 17 e. the date, time and exact physical location of sale,
18 and
- 19 f. the name, complete physical address and telephone
20 number of the party foreclosing such lien. If the
21 claimant is a business, then the name of the contact
22 person must be shown. In place of an original
23 signature and notary seal, a digital or electronic
24 signature or seal shall be accepted.

1 7. Such notice of sale shall be posted in three public places
2 in the county where the property is to be sold at least ten (10)
3 days before the time therein specified for such sale, and a copy of
4 the notice shall be mailed to all interested parties at their last-
5 known post office address, by regular, first class United States
6 mail and by certified mail on the day of posting. If the item of
7 personal property is a manufactured home, notice shall also be sent
8 by certified mail to the county treasurer and to the county assessor
9 of the county where the manufactured home is located.

10 8. Interested parties shall include all owners of the article
11 of personal property as indicated by the certificate of title issued
12 by the Oklahoma Tax Commission or by a federally recognized Indian
13 tribe in the State of Oklahoma; lien debtors, if any, other than the
14 owners; any lienholder whose lien is noted on the face of the
15 certificate of title; and any other person having any interest in
16 the article of personal property, of whom the claimant has actual
17 notice.

18 9. Any interested party shall be permitted to inspect and
19 verify the services rendered by the claimant prior to the sale of
20 the article of personal property during normal business hours,
21 unless the property was abandoned and the claimant did not render
22 any other service.

23 10. The claimant or any other person may in good faith become a
24 purchaser of the property sold.

1 11. Proceedings for foreclosure under this act shall be
2 commenced within thirty (30) days after the Notice of Possessory
3 Lien has been mailed as evidenced by certified mail. The date
4 actually sold shall be within sixty (60) days from the date of the
5 Notice of Sale as evidenced by certified mail.

6 B. 1. a. Any person who is induced by means of a check or other
7 form of written order for immediate payment of money
8 to deliver up possession of an article of personal
9 property on which the person has a special lien
10 created by subsection A of this section, which check
11 or other written order is dishonored, or is not paid
12 when presented, shall have a lien for the amount
13 thereof upon the personal property.

14 b. The person claiming such lien shall, within thirty
15 (30) days from the date of dishonor of the check or
16 other written order for payment of money, file in the
17 office of the county clerk of the county in which the
18 property is situated a sworn statement that:

19 (1) the check or other written order for immediate
20 payment of money, copy thereof being attached,
21 was received for labor, material or supplies for
22 producing or repairing an article of personal
23 property, or for other specific property-related
24 services covered by this section,

1 (2) the check or other written order was not paid,
2 and
3 (3) the uttering of the check or other written order
4 constituted the means for inducing the person,
5 one possessed of a special lien created by
6 subsection A of this section upon the described
7 article of personal property, to deliver up the
8 said article of personal property.

9 2. a. Any person who renders service to the owner of an
10 article of personal property by furnishing storage,
11 rental space, material, labor, or skill for the
12 protection, improvement, safekeeping, towing, right to
13 occupy space, storage, or carriage thereof shall have
14 a special lien on such property pursuant to this
15 section if such property is removed from the person's
16 possession, without such person's written consent or
17 without payment for such service.

18 b. The person claiming such lien shall, within five (5)
19 days of such nonauthorized removal, file in the office
20 of the county clerk of the county in which the
21 property is located, a sworn statement including:

22 (1) that services were rendered on or in relation to
23 the article of personal property by the person
24 claiming such lien,

1 (2) that the property was in the possession of the
2 person claiming the lien but such property was
3 removed without his or her written consent,

4 (3) an identifying description of the article of
5 personal property on which the service was
6 rendered, and

7 (4) that the debt for the services rendered on or in
8 relation to the article of personal property was
9 not paid. Provided, if the unpaid total amount
10 of the debt for services rendered on or in
11 relation to the article of personal property is
12 unknown, an approximated amount of the debt due
13 and owing shall be included in the sworn
14 statement but such approximated debt may be
15 amended within thirty (30) days of such filing to
16 reflect the actual amount of the debt due and
17 owing.

18 3. The enforcement of the lien shall be within sixty (60) days
19 after filing the lien in the manner provided by law for enforcing
20 the lien of a security agreement and provided that the lien shall
21 not affect the rights of innocent, intervening purchasers without
22 notice.

23 4. If a person claiming a special lien pursuant to this section
24 fails to substantially comply with any of the requirements of this

1 section, any interested party may proceed against the person
2 claiming such lien for all damages arising therefrom, including
3 conversion, if the article of personal property has been sold. If
4 the notice or notices required by this section shall be shown to be
5 knowingly false or fraudulent, the interested party shall be
6 entitled to treble damages. The prevailing party shall be entitled
7 to all costs, including a reasonable attorney fee.

8 C. If the person who renders service to the owner of an article
9 of personal property to which this section applies relinquishes or
10 loses possession of the article due to circumstances described in
11 subparagraph a of paragraph 1 or subparagraph a of paragraph 2 of
12 subsection B of this section, the person claiming the lien shall be
13 entitled to possession of the article until the amount due is paid,
14 unless the article is possessed by a person who became a bona fide
15 purchaser. Entitlement to possession shall be in accordance with
16 the following:

17 1. The claimant may take possession of an article pursuant to
18 this subsection only if the person obligated under the contract for
19 services has signed an acknowledgement of receipt of a notice that
20 the article may be subject to repossession. The notice and
21 acknowledgement pursuant to this subsection shall be:

22 a. in writing and separate from the written contract for
23 services, or
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1 b. printed on the written contract for services, credit
2 agreement or other document which displays the notice
3 in bold-faced, capitalized and underlined type, or is
4 separated from surrounding written material so as to
5 be conspicuous with a separate signature line;

6 2. The claimant may require the person obligated under the
7 contract for services to pay the costs of repossession as a
8 condition for reclaiming the article only to the extent of the
9 reasonable fair market value of the services required to take
10 possession of the article;

11 3. The claimant shall not transfer to a third party or to a
12 person who performs repossession services, a check, money order, or
13 credit card transaction that is received as payment for services
14 with respect to an article and that is returned to the claimant
15 because of insufficient funds or no funds, because the person
16 writing the check, issuing the money order, or credit cardholder has
17 no account or because the check, money order, or credit card account
18 has been closed. A person violating this paragraph shall be guilty
19 of a misdemeanor; and

20 4. An article that is repossessed pursuant to this subsection
21 shall be promptly delivered to the location where the services were
22 performed. The article shall remain at the services location at all
23 times until the article is lawfully returned to the record owner or
24 a lienholder or is disposed of pursuant to this section.

1 D. 1. If a vehicle, all-terrain vehicle, utility vehicle,
2 manufactured home, motorcycle, boat, outboard motor, or trailer has
3 a certificate of title issued by the Oklahoma Tax Commission or by a
4 federally recognized Indian tribe in the State of Oklahoma, but
5 there is no active lien recorded on the certificate of title,
6 Section 91A of this title will apply instead of this section.
7 Likewise, if there is an active lien recorded on the certificate of
8 title but the lien is over fifteen (15) years old and the property
9 is not a manufactured home, Section 91A will apply instead of this
10 section.

11 2. If personal property that otherwise would be covered by this
12 section has been registered by the Oklahoma Tax Commission or by a
13 federally recognized Indian tribe in the State of Oklahoma, and
14 there is a lien of record but no certificate of title has been
15 issued, Section 91A of this title will apply instead of this
16 section.

17 3. If personal property otherwise would be covered by this
18 section, but the services were rendered or the property was
19 abandoned prior to November 1, 2005, Section 91A of this title will
20 apply instead of this section.

21 4. Salvage pools as defined in Section 591.2 of Title 47 of the
22 Oklahoma Statutes and class AA licensed wrecker operators in their
23 capacity as wrecker operators shall not be subject to the provisions
24 of this section. Salvage pools as defined in Section 591.2 of Title

1 47 of the Oklahoma Statutes and class AA licensed wrecker operators
2 shall be subject to Section 91A of this title.

3 E. For purposes of this section:

4 1. "Possession" includes actual possession and constructive
5 possession; and

6 2. "Constructive possession" means possession by a person who,
7 although not in actual possession, does not have an intention to
8 abandon property, knowingly has both power and the intention at a
9 given time to exercise dominion or control over the property, and
10 who holds claim to such thing by virtue of some legal right.

11 SECTION 2. AMENDATORY Section 2, Chapter 477, O.S.L.
12 2005, as amended by Section 2, Chapter 247, O.S.L. 2006 (42 O.S.
13 Supp. 2007, Section 91A), is amended to read as follows:

14 Section 91A. A. 1. a. This section applies to all types of
15 personal property other than:

16 (1) farm equipment as defined in Section 91.2 of this
17 title, and

18 (2) "Section 91 Personal Property" as defined in
19 Section 91 of this title.

20 b. This section applies to any vehicle, all-terrain
21 vehicle, utility vehicle, manufactured home,
22 motorcycle, boat, outboard motor, or trailer that is
23 excluded from coverage under subsection A of Section
24 91 of this title because the personal property:

- 1 (1) does not have a certificate of title, or
2 (2) has a certificate of title but does not have an
3 active lien recorded on the certificate of title,
4 or
5 (3) has a certificate of title that is not issued by
6 the Oklahoma Tax Commission or by a federally
7 recognized Indian tribe in the State of Oklahoma,
8 or
9 (4) is otherwise excluded by subsection D of Section
10 91 of this title.

11 c. If personal property has a certificate of title, or
12 would be required to have a certificate of title under
13 Oklahoma law, and is apparently covered both by this
14 section and by Sections 191 through 200 of this title,
15 the procedures set out in this section shall apply
16 instead of Sections 191 through 200 of this title. If
17 personal property without a certificate of title and
18 not required to be titled under Oklahoma law is
19 covered both by this section and Sections 191 through
20 200 of this title, the procedures set out in Sections
21 191 through 200 of this title shall apply instead of
22 this section.

23 2. Any person who, while lawfully in possession of an article
24 of personal property to which this section applies, renders any

1 service to the owner thereof by furnishing storage, rental space,
2 material, labor or skill for the protection, improvement,
3 safekeeping, towing, right to occupy space, storage or carriage
4 thereof, has a special lien thereon, dependent on possession, for
5 the compensation, if any, which is due to such person from the owner
6 for such service. Charges owed under a contract primarily for the
7 purpose of storage or rental of space shall be accrued only at the
8 regular periodic rate for storage or rental as provided in the
9 contract, adjusted for partial periods of storage or rental.

10 3. The lien may be foreclosed by a sale of such personal
11 property upon the notice and in the manner following: The notice
12 shall contain:

- 13 a. the names of the owner and any other known party or
- 14 parties who may claim any interest in the property,
- 15 b. a description of the property to be sold,
- 16 c. the nature of the work, labor or service performed,
- 17 material furnished, or the storage or rental
- 18 arrangement, and the date thereof,
- 19 d. the time and place of sale, and
- 20 e. the name of the party, agent or attorney foreclosing
- 21 such lien. If the claimant is a business, then the
- 22 name of the contact person must be shown. In place of
- 23 an original signature and notary seal, a digital or
- 24 electronic signature or seal shall be accepted.

1 4. a. Such notice shall be posted in three public places in
2 the county where the property is to be sold at least
3 ten (10) days before the time therein specified for
4 such sale, and a copy of the notice shall be mailed to
5 the owner and any other party claiming any interest in
6 the property if known, at their last-known post office
7 address, by certified mail on the day of posting. If
8 the item of personal property is a manufactured home,
9 notice shall also be sent by certified mail to the
10 county treasurer and to the county assessor of the
11 county where the manufactured home is located.

12 b. In the case of any item of personal property without a
13 certificate of title and not required to be titled
14 under Oklahoma law, a party who claims any interest in
15 the property shall include all owners of the property;
16 any secured party who has an active financing
17 statement on file with the county clerk of Oklahoma
18 County listing one or more owners of the property by
19 legal name as debtors and indicating a collateral
20 description that would include the property; and any
21 other person having any interest in the personal
22 property, of whom the claimant has actual notice.

23 c. In the case of personal property subject to this
24 section for which a certificate of title has been

1 issued by any jurisdiction, a party who claims any
2 interest in the property shall include all owners of
3 the article of personal property as indicated by the
4 certificate of title; lien debtors, if any, other than
5 the owners; any lienholder whose lien is noted on the
6 face of the certificate of title; and any other person
7 having any interest in the article of personal
8 property, of whom the claimant has actual notice.

9 d. When the jurisdiction of titling for a vehicle, all-
10 terrain vehicle, motorcycle, boat, outboard motor, or
11 trailer that is five (5) model years old or newer, or
12 a manufactured home that is fifteen (15) model years
13 old or newer, cannot be determined by ordinary means,
14 the claimant, the agent of the claimant, or the
15 attorney of the claimant, shall request, in writing,
16 that the Oklahoma Tax Commission Motor Vehicle
17 Division ascertain the jurisdiction where the vehicle
18 or manufactured home is titled. The Oklahoma Tax
19 Commission Motor Vehicle Division shall, within
20 fourteen (14) days from the date the request is
21 received, provide information as to the jurisdiction
22 where the personal property is titled. If the
23 Oklahoma Tax Commission Motor Vehicle Division is
24

1 unable to provide the information, it shall provide
2 notice that the record is not available.

3 e. When personal property is of a type that Oklahoma law
4 requires to be titled, the owner of record of that
5 property is unknown, and the jurisdiction of titling
6 and owner of record cannot be determined by ordinary
7 means (and also, if applicable, cannot be determined
8 in accordance with the preceding subparagraph), then
9 the special lien may be foreclosed by publication of a
10 legal notice in a legal newspaper in the county where
11 the personal property is located, as defined in
12 Section 106 of Title 25 of the Oklahoma Statutes.
13 Such notice shall include the description of the
14 property by year, make, vehicle identification number
15 (if available from the property), the name of the
16 individual who may be contacted for information, and
17 the telephone number of that person or the address
18 where the vehicle is located. The legal notice shall
19 be published once per week for three (3) consecutive
20 weeks. As soon as circumstances exist as described in
21 the first sentence of this subparagraph, the first
22 date of publication may occur. The first date
23 available for public sale of the vehicle is the day
24 following publication of the final notice. When the

1 owner of record is unknown, the Notice of Sale
2 nevertheless must be completed and mailed to any known
3 interested party by certified mail. For purposes of
4 this paragraph, interested parties shall include all
5 persons described in subparagraph b or subparagraph c
6 of this paragraph, whichever is applicable, with the
7 exception of any owner who is unknown. Except in
8 circumstances described in paragraph 7 of this
9 subsection that provide for a shorter time period, the
10 Notice of Sale shall be posted in three public places
11 in the county where the property is to be sold at
12 least ten (10) days before the time therein specified
13 for such sale, and the Notice of Sale shall not be
14 mailed until at least thirty (30) days after said lien
15 has accrued.

16 5. The lienor or any other person may in good faith become a
17 purchaser of the property sold.

18 6. Proceedings for foreclosure under this act shall not be
19 commenced until thirty (30) days after said lien has accrued, except
20 as provided elsewhere in Oklahoma law.

21 7. Notwithstanding any other provision of law, proceedings for
22 foreclosures for the storage of junk vehicles towed and stored
23 pursuant to Section 955 of Title 47 of the Oklahoma Statutes by
24 Class AA wreckers listed with the Motor Vehicle Division of the

1 Department of Public Safety, may be commenced five (5) days after
2 the lien has accrued. For purposes of this paragraph, "junk
3 vehicles" means any vehicle that is more than ten (10) years old if
4 the cost of a comparable vehicle would be less than Three Hundred
5 Dollars (\$300.00) as quoted in the latest edition of the National
6 Automobile Dealers Association Official Used Car Guide or latest
7 monthly edition of any other nationally recognized published
8 guidebook, adjusting to the condition of the vehicle.

9 B. 1. a. Any person who is induced by means of a check or other
10 form of written order for immediate payment of money
11 to deliver up possession of an article of personal
12 property on which the person has a special lien
13 created by subsection A of this section, which check
14 or other written order is dishonored, or is not paid
15 when presented, shall have a lien for the amount
16 thereof upon the personal property.

17 b. The person claiming such lien shall, within thirty
18 (30) days from the date of dishonor of the check or
19 other written order for payment of money, file in the
20 office of the county clerk of the county in which the
21 property is situated a sworn statement that:

22 (1) the check or other written order for immediate
23 payment of money, copy thereof being attached,
24 was received for labor, material or supplies for

1 producing or repairing an article of personal
2 property, or for other specific property-related
3 services covered by this section,

4 (2) the check or other written order was not paid,
5 and

6 (3) the uttering of the check or other written order
7 constituted the means for inducing the person,
8 one possessed of a special lien created by
9 subsection A of this section upon the described
10 article of personal property, to deliver up the
11 said article of personal property.

12 2. a. Any person who renders service to the owner of an
13 article of personal property by furnishing storage,
14 rental space, material, labor, or skill for the
15 protection, improvement, safekeeping, towing, right to
16 occupy space, storage, or carriage thereof shall have
17 a special lien on such property pursuant to this
18 section if such property is removed from the person's
19 possession, without such person's written consent or
20 without payment for such service.

21 b. The person claiming such lien shall, within five (5)
22 days of such nonauthorized removal, file in the office
23 of the county clerk of the county in which the
24 property is located, a sworn statement including:

- 1 (1) that services were rendered on or in relation to
2 the article of personal property by the person
3 claiming such lien,
4 (2) that the property was in the possession of the
5 person claiming the lien but such property was
6 removed without his written consent,
7 (3) an identifying description of the article of
8 personal property on or in relation to which the
9 service was rendered, and
10 (4) that the debt for the services rendered on or in
11 relation to the article of personal property was
12 not paid. Provided, if the unpaid total amount
13 of the debt for services rendered on or in
14 relation to the article of personal property is
15 unknown, an approximated amount of the debt due
16 and owing shall be included in the sworn
17 statement but such approximated debt may be
18 amended within thirty (30) days of such filing to
19 reflect the actual amount of the debt due and
20 owing.

21 3. The enforcement of the lien shall be within sixty (60) days
22 after filing the lien in the manner provided by law for enforcing
23 the lien of a security agreement and provided that the lien shall
24

1 not affect the rights of innocent, intervening purchasers without
2 notice.

3 C. If the person who renders service to the owner of an article
4 of personal property to which this section applies relinquishes or
5 loses possession of the article due to circumstances described in
6 subparagraph a of paragraph 1 or subparagraph a of paragraph 2 of
7 subsection B of this section, the person claiming the lien shall be
8 entitled to possession of the article until the amount due is paid,
9 unless the article is possessed by a person who became a bona fide
10 purchaser. Entitlement to possession shall be in accordance with
11 the following:

12 1. The claimant may take possession of an article pursuant to
13 this subsection only if the person obligated under the contract for
14 services has signed an acknowledgment of receipt of a notice that
15 the article may be subject to repossession. The notice and
16 acknowledgment pursuant to this subsection shall be:

- 17 a. in writing and separate from the written contract for
18 services, or
19 b. printed on the written contract for services, credit
20 agreement or other document which displays the notice
21 in bold-faced, capitalized and underlined type, or is
22 separated from surrounding written material so as to
23 be conspicuous with a separate signature line;

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1 2. The claimant may require the person obligated under the
2 contract for services to pay the costs of repossession as a
3 condition for reclaiming the article only to the extent of the
4 reasonable fair market value of the services required to take
5 possession of the article;

6 3. The claimant shall not transfer to a third party or to a
7 person who performs repossession services, a check, money order, or
8 credit card transaction that is received as payment for services
9 with respect to an article and that is returned to the claimant
10 because of insufficient funds or no funds, because the person
11 writing the check, issuing the money order, or credit cardholder has
12 no account or because the check, money order, or credit card account
13 has been closed. A person violating this paragraph shall be guilty
14 of a misdemeanor; and

15 4. An article that is repossessed pursuant to this subsection
16 shall be promptly delivered to the location where the services were
17 performed. The article shall remain at the services location at all
18 times until the article is lawfully returned to the record owner or
19 a lienholder or is disposed of pursuant to this section.

20 D. 1. This section applies if a vehicle, all-terrain vehicle,
21 manufactured home, motorcycle, boat, outboard motor, or trailer has
22 a certificate of title issued by the Oklahoma Tax Commission or by a
23 federally recognized Indian tribe in Oklahoma, but there is no
24 active lien recorded on the certificate of title.

1 2. This section applies if a vehicle, all-terrain vehicle,
2 utility vehicle, motorcycle, boat, outboard motor or trailer has a
3 certificate of title issued by the Oklahoma Tax Commission or by a
4 federally recognized Indian tribe in Oklahoma, and there is an
5 active lien recorded on the certificate of title, but the lien is
6 over fifteen (15) years old.

7 3. This section applies if personal property to which Section
8 91 of this title otherwise would apply has been registered by the
9 Oklahoma Tax Commission or by a federally recognized Indian tribe in
10 the State of Oklahoma, and there is a lien of record but no
11 certificate of title has been issued.

12 4. This section applies if personal property to which Section
13 91 of this title otherwise would apply has not been registered by
14 either the Oklahoma Tax Commission or a federally recognized Indian
15 tribe in the State of Oklahoma, and no certificate of title has been
16 issued, but there is a lien of record.

17 5. This section applies to personal property that otherwise
18 would be covered by Section 91 of this title, except that the
19 services were rendered or the property was abandoned prior to
20 November 1, 2005.

21 6. This section applies to a vehicle, all-terrain vehicle,
22 utility vehicle, manufactured home, motorcycle, boat, outboard
23 motor, or trailer for which ownership cannot be determined by
24 ordinary means or by the Oklahoma Tax Commission Motor Vehicle

1 Division, as provided in subparagraphs d and e of paragraph 4 of
2 subsection A of this section, as applicable.

3 7. This section applies to items of personal property that are
4 not required by Oklahoma law to be titled, and that do not have a
5 certificate of title.

6 8. This section applies to salvage pools as defined in Section
7 591.2 of Title 47 of the Oklahoma Statutes.

8 9. This section applies to class AA licensed wrecker operators
9 in their capacity as wrecker operators with respect to all types of
10 personal property, regardless of whether that personal property has
11 a certificate of title.

12 10. For a vehicle abandoned at a salvage pool, if the cost of
13 repairing the vehicle for safe operation on the highway does not
14 exceed sixty percent (60%) of the fair market value of the vehicle
15 as defined in Section 1111 of Title 47 of the Oklahoma Statutes, a
16 salvage title shall not be required.

17 E. For purposes of this section:

18 1. "Possession" includes actual possession and constructive
19 possession; and

20 2. "Constructive possession" means possession by a person who,
21 although not in actual possession, does not have an intention to
22 abandon property, knowingly has both power and the intention at a
23 given time to exercise dominion or control over the property, and
24 who holds claim to such thing by virtue of some legal right.

1 SECTION 3. AMENDATORY Section 16, Chapter 418, O.S.L.
2 2004 (47 O.S. Supp. 2007, Section 11-1116), is amended to read as
3 follows:

4 Section 11-1116. A. The self-propelled or motor-driven and
5 operated vehicles described in this section shall be prohibited from
6 operating or shall be limited in operation on the streets and
7 highways of this state.

8 B. Self-propelled or motor-driven cycles, known and commonly
9 referred to as "minibikes" and other similar trade names, shall be
10 prohibited from operating on the streets and highways of this state,
11 except:

12 1. When used in a parade; or

13 2. When registered, as required by subsection E of Section 1151
14 of ~~Title 47 of the Oklahoma Statutes~~ this title, and operated in
15 this state by food vendor services upon streets having a speed limit
16 of thirty (30) miles per hour or less.

17 All minibikes offered for sale in this state shall bear the
18 following notice to the customer: "This machine is not manufactured
19 or sold for operation on the public streets or highways. Since it
20 is not provided with equipment required by law for street or highway
21 use, all persons are cautioned that any operation of this vehicle
22 upon a public street or highway will be in violation of the motor
23 vehicle laws of this state and will subject the violator to arrest."
24

1 C. Golf carts shall not be operated on the streets and highways
2 of this state except:

3 1. Golf carts owned by the Oklahoma Tourism and Recreation
4 Department, and operated by employees or agents of the Department or
5 employees of independent management companies working on behalf of
6 the Department, may be operated on the streets and highways of this
7 state during daylight hours or under rules developed by the Oklahoma
8 Tourism and Recreation Commission, when the streets and highways are
9 located within the boundaries of a state park. The Department shall
10 have warning signs placed at the entrance and other locations at
11 those state parks allowing golf carts to be operated on the streets
12 and highways of this state located within the boundaries of those
13 state parks. The warning signs shall state that golf carts may be
14 operating on streets and highways and that motor vehicle operators
15 shall take special precautions to be alert for the presence of golf
16 carts on the streets and highways;

17 2. The municipal governing body has adopted an ordinance
18 governing the operation of golf carts on city streets, and the
19 operation occurs during daylight hours only;

20 3. Golf carts may operate on state highways only if making a
21 perpendicular crossing of a state highway located within the
22 boundaries of a municipality which has adopted an ordinance
23 governing the operation of golf carts; or
24

1 4. The board of county commissioners of a county has approved
2 the operation of golf cart traffic on roadways within the county,
3 and:

4 a. the roadway has a posted speed limit of twenty-five
5 (25) miles per hour or less,

6 b. the roadway is located in an unincorporated area, and

7 c. appropriate signage, cautioning motorists of the
8 possibility of golf cart traffic, is erected by the
9 board of county commissioners.

10 D. All-terrain vehicles and utility vehicles shall not be
11 operated on the streets and highways of this state, except:

12 1. On unpaved roads which are located within the boundaries of
13 any property of the Forest Service of the United States Department
14 of Agriculture;

15 2. On public streets and highways if:

16 a. the vehicle needs to make a direct crossing of the
17 street or highway while the vehicle is traveling upon
18 a regularly traveled trail and needs to continue
19 travel from one area of the trail to another and, if
20 the vehicle comes to a complete stop, yields the
21 right-of-way to all oncoming traffic that constitutes
22 an immediate hazard, and crosses the street or highway
23 at an angle of approximately ninety (90) degrees to
24 the direction of the street or highway. This

1 exception shall not apply to divided highways or
2 streets or highways with a posted speed limit of more
3 than thirty-five (35) miles per hour in the area of
4 the crossing,

5 b. the vehicle needs to travel on a public street or
6 highway in order to cross a railroad track. In that
7 event, the all-terrain vehicle or utility vehicle may
8 travel for not more than three hundred (300) feet on a
9 public street or highway to cross a railroad track,

10 c. the operator of the all-terrain vehicle or utility
11 vehicle making the crossing at a street or highway has
12 a valid driver license, and

13 d. the operator of the vehicle makes a crossing on a
14 street or highway during daylight hours only;

15 3. All-terrain vehicles or utility vehicles may be operated on
16 city streets if:

17 a. the municipal governing body has adopted an ordinance
18 governing the operation of golf carts ~~or~~, utility
19 vehicles or all-terrain vehicles on city streets, and

20 b. operation occurs during daylight hours only.

21 SECTION 4. AMENDATORY Section 1, Chapter 124, O.S.L.
22 2007 (47 O.S. Supp. 2007, Section 11-1117), is amended to read as
23 follows:
24

1 Section 11-1117. A. It shall be unlawful for a person less
2 than eighteen (18) years of age to operate or to be carried as a
3 passenger upon an all-terrain vehicle unless the person wears a
4 crash helmet of a type which complies with standards established by
5 49 C.F.R., Section 571.218.

6 B. It shall be unlawful for the operator of an all-terrain
7 vehicle to carry a passenger unless that all-terrain vehicle has
8 been specifically designed by the manufacturer to carry passengers
9 in addition to the operator.

10 C. Fine and court costs for violating the provisions of this
11 section shall not exceed Twenty-five Dollars (\$25.00). Any peace
12 officer of this state including, but not limited to, park rangers,
13 is authorized to enforce the provisions of this section. All monies
14 collected pursuant to a citation for a violation of this section
15 shall be deposited in the Oklahoma Tourism and Recreation Department
16 Revolving Fund for credit to the cost center of the state park or
17 public recreation area where such citation was issued.

18 D. Any parent, legal guardian or person having actual
19 responsibility for a person under eighteen (18) years of age, or who
20 is the owner of the all-terrain vehicle operated by a person under
21 eighteen (18) years of age, who knows, or should have known, that
22 the person operating the all-terrain vehicle is not in compliance
23 with the provisions of this section, shall be punishable according
24 to the provisions of subsection C of this section.

1 E. As used in this section, "all-terrain vehicle" means a
2 ~~motorized~~ vehicle powered by an internal combustion engine
3 manufactured and used exclusively for off-highway use ~~which is~~
4 ~~forty eight (48) inches or less in width, with an unladen dry weight~~
5 ~~of eight hundred (800) pounds or less, traveling on two~~ four or more
6 low-pressure tires, having a seat designed to be straddled by the
7 operator, and which is steered by the use of handlebars.

8 F. The provisions of this section shall apply only to persons
9 operating all-terrain vehicles on public lands.

10 G. The provisions of this section shall not apply to persons
11 operating an all-terrain vehicle on privately owned property.

12 SECTION 5. AMENDATORY 47 O.S. 2001, Section 1102, as
13 last amended by Section 1, Chapter 177, O.S.L. 2007 (47 O.S. Supp.
14 2007, Section 1102), is amended to read as follows:

15 Section 1102. As used in the Oklahoma Vehicle License and
16 Registration Act:

17 1. "All-terrain vehicle" means a ~~motorized~~ vehicle powered by
18 an internal combustion engine manufactured and used exclusively for
19 off-highway use ~~which is forty eight (48) inches or less in width,~~
20 ~~with an unladen dry weight of eight hundred (800) pounds or less,~~
21 traveling on ~~two~~ four or more low-pressure tires, and having a seat
22 designed to be straddled by the operator and handlebars for
23 steering;

24

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

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

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

20 5. "Combined laden weight" means the weight of a truck or
21 station wagon and its cargo or payload transported thereon, or the
22 weight of a truck or truck-tractor plus the weight of any trailers
23 or semitrailers together with the cargo or payload transported
24 thereon;

1 6. "Commercial trailer" means any trailer, as defined in
2 Section 1-180 of this title, or semitrailer, as defined in Section
3 1-162 of this title, when such trailer or semitrailer is used
4 primarily for business or commercial purposes;

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

8 8. "Commercial vehicle" means any vehicle over eight thousand
9 (8,000) pounds combined laden weight used primarily for business or
10 commercial purposes. Each motor vehicle being registered pursuant
11 to the provisions of this section shall have the name of the
12 commercial establishment or the words "Commercial Vehicle"
13 permanently and prominently displayed upon the outside of the
14 vehicle in letters not less than two (2) inches high. Such letters
15 shall be in sharp contrast to the background and shall be of
16 sufficient shape and color as to be readily legible during daylight
17 hours, from a distance of fifty (50) feet while the vehicle is not
18 in motion;

19 9. "Commission" or "Tax Commission" means the Oklahoma Tax
20 Commission;

21 10. "Dealer" means any person, firm, association, corporation
22 or trust who sells, solicits or advertises the sale of new and
23 unused motor vehicles and holds a bona fide contract or franchise in
24

1 effect with a manufacturer or distributor of a particular make of
2 new or unused motor vehicle or vehicles for the sale of same;

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

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

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

14 14. "Low-speed electrical vehicle" means any four-wheeled
15 electrical vehicle that is powered by an electric motor that draws
16 current from rechargeable storage batteries or other sources of
17 electrical current and whose top speed is greater than twenty (20)
18 miles per hour but not greater than twenty-five (25) miles per hour
19 and is manufactured in compliance with the National Highway Traffic
20 Safety Administration standards for low-speed vehicles in 49 C.F.R.
21 571.500;

22 15. "Manufactured home" means a residential dwelling built in
23 accordance with the National Manufactured Housing Construction and
24 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and

1 rules promulgated pursuant thereto and the rules promulgated by the
2 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section
3 582 of this title;

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

19 17. "Motor license agent" means any person appointed,
20 designated or authorized by the Oklahoma Tax Commission to collect
21 the fees and to enforce the provisions provided for in the Oklahoma
22 Vehicle License and Registration Act;

23 18. "New vehicle" or "unused vehicle" means a vehicle which has
24 been in the possession of the manufacturer, distributor or

1 wholesaler or has been sold only by the manufacturer, distributor or
2 wholesaler to a dealer;

3 19. "Nonresident" means any person who is not a resident of
4 this state;

5 20. "Off-road motorcycle" means any motorcycle, as defined in
6 Section 1-135 of this title, when such motorcycle has been
7 manufactured for and used exclusively off roads, highways and any
8 other paved surfaces;

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

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

17 23. "Recreational vehicle" means every vehicle which is built
18 on or permanently attached to a self-propelled motor chassis or
19 chassis cab which becomes an integral part of the completed vehicle
20 and is capable of being operated on the highways. In order to
21 qualify as a recreational vehicle pursuant to this paragraph such
22 vehicle shall be permanently constructed and equipped for human
23 habitation, having its own sleeping and kitchen facilities,
24 including permanently affixed cooking facilities, water tanks and

1 holding tank with permanent toilet facilities. Recreational vehicle
2 shall not include manufactured homes or any vehicle with portable
3 sleeping, toilet and kitchen facilities which are designed to be
4 removed from such vehicle;

5 24. "Remanufactured vehicle" means a vehicle which has been
6 assembled by a vehicle remanufacturer using a new body and which may
7 include original, reconditioned, or remanufactured parts, and which
8 is not a salvage, rebuilt, or junked vehicle as defined by
9 paragraphs 1, 2, and 5, respectively, of subsection A of Section
10 1105 of this title;

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

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

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

2 28. "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 29. "Travel trailer" means any vehicular portable structure
7 built on a chassis, used as a temporary dwelling for travel,
8 recreational or vacation 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 30. "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 or her own personally
20 titled travel trailer or trailers. No person, firm or corporation
21 shall be considered as a travel trailer dealer as to any travel
22 trailer purchased or acquired by such person, firm or corporation
23 for purposes other than resale;

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

3 32. "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 other
7 than a remanufactured vehicle, regardless of age, owned by any
8 person who is not a dealer;

9 33. "Utility vehicle" means a vehicle powered by an internal
10 combustion engine, manufactured and used exclusively for off-highway
11 use, equipped with seating for two or more people and a steering
12 wheel, traveling on four or more wheels;

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

1 ~~34.~~ 35. "Vehicle remanufacturer" means a commercial entity
2 which assembles remanufactured vehicles.

3 SECTION 6. AMENDATORY 47 O.S. 2001, Section 1105, as
4 last amended by Section 1, Chapter 202, O.S.L. 2007 (47 O.S. Supp.
5 2007, Section 1105), is amended to read as follows:

6 Section 1105. A. As used in the Oklahoma Vehicle License and
7 Registration Act:

8 1. "Salvage vehicle" means any vehicle which is within the last
9 ten (10) model years and which has been damaged by collision or
10 other occurrence to the extent that the cost of repairing the
11 vehicle for safe operation on the highway exceeds sixty percent
12 (60%) of its fair market value, as defined by Section 1111 of this
13 title, immediately prior to the damage. For purposes of this
14 section, actual repair costs shall only include labor and parts for
15 actual damage to the suspension, motor, transmission, frame or
16 unibody and designated structural components;

17 2. "Rebuilt vehicle" means any salvage vehicle which has been
18 rebuilt and inspected for the purpose of registration and title;

19 3. "Flood-damaged vehicle" means a salvage or rebuilt vehicle
20 which was damaged by flooding or a vehicle which was submerged at a
21 level to or above the dashboard of the vehicle and on which an
22 amount of loss was paid by the insurer;

23 4. "Recovered-theft vehicle" means a salvage or rebuilt vehicle
24 which was recovered from a theft; and

1 5. "Junked vehicle" means any vehicle which is incapable of
2 operation or use on the highway, has no resale value except as a
3 source of parts or scrap and has an eighty percent (80%) loss in
4 fair market value.

5 B. The owner of every vehicle in this state shall possess a
6 certificate of title as proof of ownership of such vehicle, except
7 those vehicles registered pursuant to Section 1120 of this title and
8 trailers registered pursuant to Section 1133 of this title,
9 previously titled by anyone in another state and engaged in
10 interstate commerce, and except as provided in subsection M of this
11 section. Except for owners that possess an agricultural exemption
12 permit pursuant to Section 1358.1 of Title 68 of the Oklahoma
13 Statutes, the owner of an all-terrain vehicle or a motorcycle used
14 exclusively off roads or highways in this state which is purchased
15 or the ownership of which is transferred on or after July 1, 2005
16 and the owner of a utility vehicle used exclusively off roads and
17 highways in this state which is purchased or the ownership of which
18 is transferred on or after July 1, 2008, shall possess a certificate
19 of title as proof of ownership. Any person possessing an
20 agricultural exemption permit and owning an all-terrain vehicle or a
21 motorcycle used exclusively off roads or highways in this state
22 which is purchased or the ownership of which is transferred on or
23 after July 1, 2008, shall possess a certificate of title as proof of
24 ownership. Upon receipt of proper application information by such

1 owner, the Tax Commission shall issue an original or transfer
2 certificate of title. Until July 1, 2008, any security interest in
3 an all-terrain vehicle that attached and was perfected before July
4 1, 2005, and that has not otherwise terminated shall remain
5 perfected, and shall take priority over any subsequently perfected
6 security interest in the same all-terrain vehicle, notwithstanding
7 that a certificate of title may have been issued with respect to the
8 same all-terrain vehicle on or after July 1, 2005, and that a lien
9 may have been recorded on said certificate of title. There shall be
10 six types of certificates of title:

11 1. Original title for any motor vehicle which is not a
12 remanufactured, salvage, rebuilt or junked vehicle;

13 2. Salvage title for any motor vehicle which is a salvage
14 vehicle or is specified as a salvage vehicle or the equivalent
15 thereof on a certificate of title from another state;

16 3. Rebuilt title for any motor vehicle which is a rebuilt
17 vehicle;

18 4. Junked title for any motor vehicle which is a junked vehicle
19 or is specified as a junked vehicle or the equivalent thereof on a
20 certificate of title from another state;

21 5. Classic title for any motor vehicle, except a junked
22 vehicle, which is twenty-five (25) model years or older; and

23 6. Remanufactured title for any vehicle which is a
24 remanufactured vehicle.

1 Application for a certificate of title, whether the initial
2 certificate of title or a duplicate, may be made to the Tax
3 Commission or any motor license agent. When application is made
4 with a motor license agent, the application information shall be
5 transmitted either electronically or by mail to the Tax Commission
6 by the motor license agent. If the application information is
7 transmitted electronically, the motor license agent shall forward
8 the required application along with evidence of ownership, where
9 required, by mail. Where the transmission of application
10 information cannot be performed electronically, the Tax Commission
11 is authorized to provide postage paid envelopes to motor license
12 agents for the purpose of mailing the application along with
13 evidence of ownership, where required. The Tax Commission shall
14 upon receipt of proper application information issue an Oklahoma
15 certificate of title. The certificates may be mailed to the
16 applicant. Upon issuance of a certificate of title, the Tax
17 Commission shall provide the appropriate motor license agent with
18 confirmation of such issuance.

19 C. 1. The application for certificate of title shall be upon a
20 blank form furnished by the Tax Commission, containing:

- 21 a. a full description of the vehicle,
- 22 b. the manufacturer's serial or other identification
23 number,

24

- c. the motor number and the date on which first sold by the manufacturer or dealer to the owner,
- d. any distinguishing marks,
- e. a statement of the applicant's source of title,
- f. any security interest upon the vehicle, and
- g. such other information as the Tax Commission may require.

2. The application for a certificate of title for a vehicle which is within the last seven (7) model years shall require a declaration as to whether the vehicle has been damaged by collision or other occurrence and whether the vehicle has been recovered from theft and the extent of the damage to the vehicle. The declaration shall be made by the owner of a vehicle if:

- a. the vehicle has been damaged or stolen,
- b. the owner did or did not receive any payment for the loss from an insurer, or
- c. the vehicle is titled or registered in a state that does not classify the vehicle or brand the title because of damage to or loss of the vehicle similar to the classifications or brands utilized by this state.

The declaration shall be based upon the best information and knowledge of the owner and shall be in addition to the requirements specified in paragraph 1 of this subsection. The Tax Commission shall not issue a certificate of title for a vehicle which is

1 subject to the provisions of this paragraph without the required
2 declaration, completed and signed by the owner of the vehicle. Upon
3 receipt of an application without the properly completed
4 declaration, the Tax Commission shall return the application to the
5 applicant with notice that the title may not be issued without the
6 required declaration. Nothing in this paragraph shall prohibit the
7 Tax Commission from recognizing the type of or brand on a title or
8 other ownership document issued by another state or the inspection
9 conducted in another state and issuing the appropriate certificate
10 of title for the vehicle.

11 3. The certificate of title shall have the following security
12 features:

- 13 a. intaglio printing or security thread, with or without
14 watermark,
- 15 b. latent images,
- 16 c. fluorescent inks,
- 17 d. micro print,
- 18 e. void background, and
- 19 f. color coding.

20 4. Each title issued pursuant to the provisions of the Oklahoma
21 Vehicle License and Registration Act shall be color coded as
22 determined by the Tax Commission.

23 5. The certificate of title shall be of such size and design
24 and color as the Tax Commission may direct pursuant to the

1 provisions of this section. The title shall be on colored paper or
2 other material as designated by the Tax Commission and be of such
3 intensity or hue as will allow easy identification as to whether the
4 title is an original title, a salvage title, a rebuilt title,
5 remanufactured title, or a junked title. The type of title shall be
6 identified on the front of the certificate of title. The original
7 title, rebuilt title, remanufactured title, or classic title shall
8 be identified by the word "Original", "Rebuilt", "Remanufactured" or
9 "Classic" printed in the upper right quadrant of the certificate of
10 title, in the space which is currently captioned "type of title".

11 D. 1. To obtain an original certificate of title for a vehicle
12 that is being registered for the first time in this state which has
13 not been previously registered in any other state, the applicant
14 shall be required to deliver, as evidence of ownership, a
15 manufacturer's certificate of origin properly assigned by the
16 manufacturer, distributor, or dealer licensed in this or any other
17 state shown thereon to be the last transferee to the applicant upon
18 a form to be prescribed and approved by the Tax Commission. A
19 manufacturer's certificate of origin shall contain:

- 20 a. the manufacturer's serial or other identification
21 number,
22 b. date on which first sold by the manufacturer to the
23 dealer,

24

- c. any distinguishing marks including model and the year same was made,
- d. a statement of any security interests upon the vehicle, and
- e. such other information as the Tax Commission may require.

2. The manufacturer's certificate of origin shall have the following security features:

- a. intaglio printing or security thread, with or without watermark,
- b. latent images,
- c. fluorescent inks,
- d. micro print, and
- e. void background.

E. In the absence of a dealer's or manufacturer's number, the Tax Commission may assign such identifying number to the vehicle, which shall be permanently stamped, burned or pressed or attached into the vehicle, and a certificate of title shall be delivered to the applicant upon payment of all fees and taxes, and the remaining copies shall be permanently filed and indexed by the Tax Commission. The Tax Commission shall assign an identifying number to any rebuilt vehicle if the vehicle identification number displayed on the rebuilt vehicle does not accurately describe the vehicle as rebuilt. The motor license agent, at the time of inspection of the rebuilt

1 vehicle pursuant to Section 1111 of this title, shall identify the
2 make, model, and year for the body to accurately describe the
3 rebuilt vehicle. At the time of the inspection, an appropriate
4 identifying number shall be permanently stamped, burned, pressed, or
5 attached on the rebuilt vehicle. The assigned identifying number
6 shall be recorded on the certificate of title for the rebuilt
7 vehicle. The dealer's or manufacturer's vehicle identification
8 number on the rebuilt vehicle shall be preserved in the computer
9 files of the Tax Commission for at least five (5) years.

10 F. When registering for the first time in this state a vehicle
11 which was not originally manufactured for sale in the United States,
12 to obtain a certificate of title, the Tax Commission shall require
13 the applicant to deliver:

14 1. As evidence of ownership, if the vehicle has not previously
15 been titled in the United States, the documents constituting valid
16 proof of ownership in the country in which the vehicle was
17 originally purchased, together with a notarized translation of any
18 such documents; and

19 2. As evidence of compliance with federal law, copies of the
20 bond release letters for the vehicle issued by the United States
21 Environmental Protection Agency and the United States Department of
22 Transportation, together with a receipt issued by the Internal
23 Revenue Service indicating that the applicable federal gas guzzler
24 tax has been paid.

1 The Tax Commission shall not issue a certificate of title for a
2 vehicle which is subject to the provisions of this paragraph without
3 the required documentation from agencies of the United States and
4 evidence of ownership. Upon receipt of an application without the
5 required documentation, the Tax Commission shall return the
6 application to the applicant with notice that the certificate of
7 title may not be issued without the required documentation. Nothing
8 in this paragraph shall prohibit the Tax Commission from issuing
9 certificates of title for antique or classic vehicles not driven
10 upon the public streets, roads, or highways.

11 G. When registering in this state a vehicle which was titled in
12 another state and which title contains the name of a secured party
13 on the face of the other state certificate of title, or such state
14 certificate is being held by the secured party in that state or any
15 other state, the Tax Commission or the motor license agent shall
16 complete a lien entry form as prescribed by the Tax Commission. The
17 owner of such vehicle shall file an affidavit with the Tax
18 Commission or the motor license agent stating that title to the
19 vehicle is being held by a secured party has not been issued
20 pursuant to the laws of the state where titled, and that there is an
21 existing lien or encumbrance on the vehicle. The current name and
22 address of the secured party or lienholder shall also be stated in
23 the affidavit. The form of the affidavit shall be prescribed by the
24 Tax Commission and contain any other information deemed necessary by

1 the Tax Commission. A statement of the lien or encumbrance shall be
2 included on the Oklahoma certificate of title and the lien or
3 encumbrance shall be deemed continuously perfected as though it had
4 been perfected pursuant to Section 1110 of this title. For
5 completing the lien entry form and recording the security interest
6 on the certificate of title, the Tax Commission or the motor license
7 agent shall collect a fee of Three Dollars (\$3.00) which shall be in
8 addition to other fees provided by the Oklahoma Vehicle License and
9 Registration Act. The fee, if collected by the motor license agent
10 pursuant to this subsection, shall be retained by the motor license
11 agent.

12 H. The charge for each certificate of title issued, except for
13 junked titles as defined in paragraph 4 of subsection B of this
14 section, shall be Eleven Dollars (\$11.00), which charge shall be in
15 addition to any other fees or taxes imposed by law for such vehicle.
16 One Dollar (\$1.00) of each such charge shall be deposited in the
17 Oklahoma Tax Commission Reimbursement Fund. However, the charge
18 shall not apply to any vehicle which is to be registered in this
19 state pursuant to the provisions of Section 1120 or 1133 of this
20 title and which was registered in another state at least sixty (60)
21 days prior to the time it is required to be registered in this
22 state.

23 I. The vehicle identification number of a junked vehicle shall
24 be preserved in the computer files of the Tax Commission for a

1 period of not less than five (5) years. The charge of junked titles
2 as defined in paragraph 4 of subsection B of this section shall be
3 Four Dollars (\$4.00). The fee remitted to the Tax Commission shall
4 be deposited in the Oklahoma Tax Commission Reimbursement Fund.

5 J. If a vehicle is sold to a resident of another state
6 destroyed, dismantled, or ceases to be used as a vehicle, the owner
7 shall immediately notify the Tax Commission. Absent evidence to the
8 contrary, failure to notify the Tax Commission shall be prima facie
9 evidence that the vehicle has been in continuous operation in this
10 state.

11 K. If a vehicle is stolen, the owner shall immediately notify
12 the appropriate law enforcement agency. Immediately after receiving
13 such notification, the law enforcement agency shall notify the Tax
14 Commission.

15 L. Except for all-terrain vehicles, utility vehicles and
16 motorcycles used exclusively for off-road use, no title for an out-
17 of-state vehicle, except any commercial truck or truck-tractor
18 registered pursuant to Section 1120 of this title which is engaged
19 in interstate commerce or any trailer or semitrailer registered
20 pursuant to Section 1133 of this title which is engaged in
21 interstate commerce, shall be issued without an inspection of such
22 vehicle and payment of a fee of Four Dollars (\$4.00) for such
23 inspection; provided, the Tax Commission may enter into reciprocal
24

1 agreements with other states for such inspections to be performed at
2 locations outside the boundaries of this state for vehicles which:

3 1. Are offered for sale at auction;

4 2. Have been solely used as vehicles for rent under the
5 ownership of a licensed motor vehicle dealer or a person engaged in
6 the business of renting motor vehicles; or

7 3. Have not been registered in this or any other state for more
8 than one (1) year.

9 The inspection shall include a comparison of the vehicle
10 identification number on the vehicle with the number recorded on the
11 ownership records and the recording of the actual odometer reading
12 on the vehicle. The four-dollar fee shall be collected by the motor
13 license agent or Tax Commission when the title is issued. The motor
14 license agent shall retain Two Dollars (\$2.00). The remaining Two
15 Dollars (\$2.00) shall be deposited in the Oklahoma Tax Commission
16 Reimbursement Fund.

17 The Tax Commission may allow the inspection to be performed at a
18 location out-of-state by another state's department of motor
19 vehicles or state police.

20 M. No title for any out-of-state vehicle offered for sale at
21 salvage pools, salvage disposal sales, or an auction, or by a dealer
22 or a licensed automotive dismantler and parts recycler, shall be
23 issued without an inspection to compare the vehicle identification
24 number on the vehicle with the number recorded on the ownership

1 record and to record the actual odometer reading on the vehicle.
2 Upon request of the seller, person or entity conducting an auction,
3 dealer or licensed dismantler, the inspection shall be conducted at
4 the location or place of business of the sale, auction, dealer, or
5 the dismantler. The inspection shall be conducted by any motor
6 license agent or a duly authorized employee thereof; provided, if
7 the vehicle identification number on the vehicle offered for sale at
8 salvage pools, salvage disposal sales or a classic or antique
9 auction does not match the number recorded on the ownership record,
10 the inspection may be conducted at the location of or place of
11 business of such sale or auction by any state, county or city law
12 enforcement officer. The Tax Commission may enter into reciprocal
13 agreements with other states for such inspections to be performed at
14 locations outside the boundaries of this state for vehicles which:

- 15 1. Are offered for sale at auction;
- 16 2. Have been solely used as vehicles for rent under the
17 ownership of a licensed motor vehicle dealer or a person engaged in
18 the business of renting motor vehicles; or
- 19 3. Have not been registered in this or any other state for more
20 than one (1) year.

21 The inspection shall be certified upon forms prescribed by the Tax
22 Commission. The name and other identification of the authorized
23 person conducting the inspection shall be legibly printed or typed
24 on the form. Prior to any inspection by any employee of a motor

1 license agent, the motor license agent shall notify the Tax
2 Commission of the name and any other identification information
3 requested by the Tax Commission of the authorized person. A
4 signature specimen of the authorized person shall be submitted to
5 the Tax Commission by the employing motor license agent. If the
6 authorization to inspect vehicles is withdrawn or the employer-
7 employee relationship is terminated, the motor license agent,
8 immediately, shall notify the Tax Commission and return any
9 remaining inspection forms to the Tax Commission. The fee for the
10 inspection shall be Four Dollars (\$4.00). The motor license agent
11 shall retain Three Dollars (\$3.00) of the fee. Fees received by a
12 motor license agent or an authorized employee thereof shall be
13 handled and accounted for in the manner as prescribed by law for any
14 other fees paid to or received by a motor license agent. Out-of-
15 state vehicles brought into this state by a person licensed in
16 another state to sell new or used vehicles to be sold within this
17 state at a motor vehicle auction which is limited to dealer to
18 dealer transactions shall not be required to be inspected, unless
19 the vehicle is purchased by an Oklahoma dealer. Any person licensed
20 in another state to sell new or used motor vehicles, who offers a
21 motor vehicle for sale within this state at a motor vehicle auction
22 which is limited to dealer-to-dealer transactions, shall not be
23 within the definition of "owner" in Section 1102 of this title, for
24 purposes of Section 1101 et seq. of this title.

1 N. A licensed motor vehicle dealer, upon payment of a fee of
2 Fifteen Dollars (\$15.00), may reassign an out-of-state certificate
3 of title to a used motor vehicle provided such dealer obtains the
4 appropriate inspection form required by either subsection L or M of
5 this section and attaches the form to the out-of-state certificate
6 of title. Motor license agents shall be allowed to retain Two
7 Dollars and twenty-five cents (\$2.25) of the fee plus an additional
8 Two Dollars (\$2.00) or Three Dollars (\$3.00) as provided in
9 subsections L and M of this section for performance of the
10 inspection. Two Dollars (\$2.00) of the fee shall be deposited in
11 the Tax Commission Reimbursement Fund. An out-of-state vehicle
12 which has been rebuilt shall be inspected pursuant to the provisions
13 of Section 1111 of this title. The Tax Commission shall train motor
14 license agents in interpreting vehicle identification numbers to
15 assure that it accurately describes the vehicle and to detect
16 rollback or alteration of the odometer. Failure of a motor license
17 agent to inspect the vehicle and make the required notations shall
18 be a misdemeanor punishable by a fine of not more than One Thousand
19 Dollars (\$1,000.00) for the first offense and Five Thousand Dollars
20 (\$5,000.00) for the second offense or subsequent offense, or by
21 imprisonment in the county jail for not more than six (6) months, or
22 by both such fine and imprisonment.

23 O. The ownership of any vehicle which has been declared a total
24 loss by an insurer because of theft shall be transferred to the

1 insurer by a salvage title; provided, the ownership of any such
2 vehicle which has been declared a total loss by an insurer licensed
3 by the Oklahoma Insurance Department and maintaining a multi-state
4 motor vehicle salvage processing center in this state shall be
5 transferred to the insurer by a salvage title without the
6 requirement of a visual inspection of the vehicle identification
7 number by the insurer. Upon recovery of the vehicle, the ownership
8 shall be transferred by an original title, salvage title, or junked
9 title, as may be appropriate based upon an estimate of the amount of
10 loss submitted by the insurer.

11 P. The owner of any vehicle which is incapable of operation or
12 use on the public roads and has no resale value, except as parts,
13 scrap or junk, may deliver the certificate of title to the vehicle
14 to the Tax Commission for cancellation. Upon verification that any
15 perfected lien against the vehicle has been released, the
16 certificate of title shall be canceled without any fee, charge, or
17 cost required from the owner. The vehicle identification numbers on
18 the certificates of title shall be preserved in the computer files
19 of the Tax Commission for at least five (5) years from the date of
20 cancellation of the certificate of title. The Tax Commission shall
21 prescribe and provide an affidavit form to be completed by the owner
22 of any vehicle for which the certificate of title is canceled. No
23 title or registration shall subsequently be issued for a vehicle for
24 which the certificate of title has been surrendered pursuant to this

1 subsection. The Tax Commission shall prescribe a form for the
2 transfer of ownership of a vehicle for which the certificate of
3 title has been canceled.

4 Q. The owner of a vehicle which is not within the last ten (10)
5 model years, not roadworthy and not capable of repair for operation
6 or use on the roads and highways shall transfer the vehicle only
7 upon a certificate of ownership prescribed by the Tax Commission, if
8 the certificate of title to the vehicle is lost, has been canceled,
9 or otherwise not available. The prescribed ownership form shall
10 include the names and addresses of the buyer and seller, the driver
11 license number or social security number of the seller, the make and
12 model of the vehicle, and the public vehicle identification number.
13 If there is no public vehicle identification number, the vehicle
14 shall be inspected by a law enforcement officer to verify the
15 absence of the number on the vehicle and the prescribed ownership
16 form shall include a signed statement, by such officer, verifying
17 the absence of the number.

18 The certificate of ownership shall be completed in triplicate.
19 The buyer and seller shall each retain a copy. Within thirty (30)
20 days of the transaction, the seller shall submit one copy to the Tax
21 Commission or a motor license agent accompanied with a fee of Four
22 Dollars (\$4.00). One Dollar (\$1.00) shall be retained by the motor
23 license agent and Three Dollars (\$3.00) shall be deposited in the
24 Oklahoma Tax Commission Reimbursement Fund in the State Treasury.

1 Upon receipt of the certificate, the Tax Commission shall verify
2 that any perfected lien upon the vehicle has been released. If the
3 lien is not released, the Tax Commission shall mail notice of the
4 transfer to the lienholder at the lienholder's last-known address.
5 If a certificate of title has been issued, it shall be canceled and
6 the vehicle identification number shall be preserved in the computer
7 of the Tax Commission for at least five (5) years. The buyer of the
8 vehicle may not be sued and shall not be liable for monetary damages
9 to the lienholder, however, the vehicle shall be subject to a valid
10 repossession by a lienholder.

11 R. The Tax Commission shall notify the chief administrative
12 officer of the agency or department responsible for issuing motor
13 vehicle certificates of title in each state in the United States of
14 the types of motor vehicle certificate of title effective in
15 Oklahoma on and after January 1, 1989.

16 S. When registering for the first time in this state a
17 remanufactured vehicle which has not been registered in any other
18 state since its remanufacture, before issuing a certificate of
19 title, the Tax Commission shall require the applicant to deliver a
20 statement of origin from the remanufacturer.

21 T. If a vehicle is sold to a foreign buyer pursuant to the
22 provisions of the Automotive Dismantlers and Parts Recycler Act, the
23 licensed seller shall stamp the title with: "EXPORT ONLY.
24 NONTRANSFERABLE IN THE UNITED STATES." The licensed seller shall

1 supply the Tax Commission the title number, the vehicle
2 identification number and the foreign buyer's bid identification
3 number on a form prescribed by the Tax Commission. The Tax
4 Commission shall cancel the title, and the vehicle identification
5 number shall be preserved in the computer files of the Tax
6 Commission for a period of not less than five (5) years.

7 U. The Tax Commission shall not be considered a necessary party
8 to any lawsuit which is instigated for the purpose of determining
9 ownership of a vehicle, wherein the Tax Commission's only
10 involvement would be to issue title, and the court shall issue an
11 order dismissing the Tax Commission from the pending action. In the
12 event no other party or lien holder can be identified as to
13 ownership or claim, the Tax Commission shall accept an affidavit of
14 ownership from the party claiming ownership and issue proper title
15 thereon.

16 SECTION 7. AMENDATORY 47 O.S. 2001, Section 1107.2, as
17 amended by Section 3, Chapter 284, O.S.L. 2007 (47 O.S. Supp. 2007,
18 Section 1107.2), is amended to read as follows:

19 Section 1107.2 A transferor of any of the following vehicles
20 shall not be required to execute an odometer disclosure statement;

- 21 1. A vehicle having a gross vehicle weight rating of more than
22 sixteen thousand (16,000) pounds;
- 23 2. A vehicle that is not self-propelled;
- 24 3. A vehicle that is ten (10) years old or older;

- 1 4. A vehicle sold directly by the manufacturer to any agency of
- 2 the United States in conformity with contractual specifications;
- 3 5. An all-terrain vehicle;
- 4 6. A motorcycle used exclusively off-road; ~~or~~
- 5 7. A new motor vehicle prior to its transfer to the first
- 6 retail purchaser; or
- 7 8. A utility vehicle.

8 SECTION 8. AMENDATORY 47 O.S. 2001, Section 1113, as
9 last amended by Section 4, Chapter 284, O.S.L. 2005 (47 O.S. Supp.
10 2007, Section 1113), is amended to read as follows:

11 Section 1113. A. 1. Except for all-terrain vehicles, utility
12 vehicles and motorcycles used exclusively off roads and highways,
13 upon the filing of a registration application and the payment of the
14 fees provided for in the Oklahoma Vehicle License and Registration
15 Act, the Oklahoma Tax Commission or Corporation Commission, as
16 applicable, shall assign to the vehicle described in the application
17 a distinctive number, and issue to the owner of the vehicle a
18 certificate of registration, one license plate and a yearly decal.
19 The Oklahoma Tax Commission shall assign an all-terrain vehicle,
20 utility vehicle or motorcycle used exclusively off roads and
21 highways a distinctive number and issue to the owner a certificate
22 of registration and a decal but not a license plate. For each
23 subsequent registration year, the Tax Commission shall issue a
24 yearly decal to be affixed to the license plate, except for an all-

1 terrain vehicle, utility vehicle or motorcycle used exclusively off
2 roads and highways. The initial decal for an all-terrain vehicle,
3 utility vehicle or motorcycle shall be attached to the front of the
4 ~~all-terrain~~ vehicle and shall be in clear view. The decal shall be
5 on the front or on the front fork of the motorcycle used exclusively
6 off roads and highways and the decal shall be in clear view. The
7 yearly decal shall have an identification number and the last two
8 numbers of the registration year for which it shall expire. Except
9 as provided by Section 1113A of this title, the license plate shall
10 be affixed to the exterior of the vehicle until a replacement
11 license plate is applied for. If the owner applies for a
12 replacement license plate, the Tax Commission shall charge the fee
13 provided for in Section 1114 of this title. The yearly decal will
14 validate the license plate for each registration period other than
15 the year the license plate is issued. The license plate and decal
16 shall be of such size, color, design and numbering as the Tax
17 Commission may direct. However, yearly decals issued to the owner
18 of a vehicle who has filed an affidavit with the appropriate motor
19 license agent in accordance with Section 7-607 of this title shall
20 be a separate and distinct color from all other decals issued under
21 this section.

22 2. The license plate shall be securely attached to the rear of
23 the vehicle, except truck-tractor plates which shall be attached to
24 the front of the vehicle. The Tax Commission may, with the

1 concurrence of the Department of Public Safety, by Joint Rule,
2 change and direct the manner, place and location of display of any
3 vehicle license plate when such action is deemed in the public
4 interest. The license plate, decal and all letters and numbers
5 shall be clearly visible at all times. The operation of a vehicle
6 in this state, regardless of where such vehicle is registered, upon
7 which the license plate is covered, overlaid or otherwise screened
8 with any material, whether such material be clear, translucent,
9 tinted or opaque, shall be a violation of this paragraph.

10 3. Upon payment of the annual registration fee provided in
11 Section 1133 of this title, the Tax Commission or Corporation
12 Commission, as applicable, or a motor license agent may issue a
13 permanent nonexpiring license plate to an owner of one hundred or
14 more commercial motor vehicles and for vehicles registered under the
15 provisions of Section 1120 of this title. Upon payment of the
16 annual registration fee, the Tax Commission or Corporation
17 Commission shall issue a certificate of registration that shall be
18 carried at all times in the vehicle for which it is issued.
19 Provided, if the registrant submits its application through
20 electronic means, such qualified owners of one hundred or more
21 commercial motor vehicles, properly registered pursuant to the
22 provisions of Section 1133 of this title, may elect to receive a
23 permanent certificate of registration that shall be carried at all
24 times in the vehicle for which it is issued.

1 4. Every vehicle owned by an agency of this state shall be
2 exempt from the payment of registration fees required by this title.
3 Provided, such vehicle shall be registered and shall otherwise
4 comply with the provisions of the Oklahoma Vehicle License and
5 Registration Act.

6 B. The license plates required under the provisions of this
7 title shall conform to the requirements and specifications listed
8 hereinafter:

9 1. Each license plate shall have a space for the placement of
10 the yearly decals for each succeeding year of registration after the
11 initial issue;

12 2. The provisions of the Oklahoma Vehicle License and
13 Registration Act regarding the issuance of yearly decals shall not
14 apply to the issuance of apportioned license plates, including
15 license plates for state vehicles, and exempt plates for
16 governmental entities and fire departments organized pursuant to
17 Section 592 of Title 18 of the Oklahoma Statutes;

18 3. Within the limits herein prescribed the Tax Commission shall
19 redesign the official vehicle license plates which currently bear
20 the legend "Oklahoma OK" or "Oklahoma is OK!" and substitute
21 therefor the legend "Oklahoma Native America" as further described
22 in this paragraph. Except for personalized license plates and
23 license plates issued for motorcycles and mopeds, the emblem on the
24 state flag of Oklahoma as provided for in Section 91 of Title 25 of

1 the Oklahoma Statutes shall be a part of all license plates issued
2 after December 31, 1988. The Tax Commission may continue to issue
3 license plates with the legend "Oklahoma is OK!" or "Oklahoma OK"
4 until any inventory of such license plates is depleted but the Tax
5 Commission shall not produce or cause to be produced any additional
6 license plates with these legends. Except for personalized license
7 plates, license plates issued for commercial vehicles, and license
8 plates issued for motorcycles and mopeds, the "Oklahoma Native
9 America" emblem shall be a part of all license plates issued after
10 December 31, 1993. The specifications for lettering style and
11 appearance for the legend "Oklahoma Native America" shall be
12 provided to the Tax Commission by the Oklahoma Tourism and
13 Recreation Department. The license plates shall be issued with the
14 letters and numerals in the colors of green and white. All license
15 plates and decals shall be made with reflectorized material as a
16 background to the letters, numbers and characters displayed thereon.
17 The reflectorized material shall be of such a nature as to provide
18 effective and dependable brightness during the service period for
19 which the license plate or decal is issued;

20 4. Except as otherwise provided in this subsection, the Tax
21 Commission shall design appropriate official license plates for all
22 state vehicles. Such license plates shall be permanent in nature
23 and designed in such manner as to remain with the vehicle for the
24

1 duration of the vehicle's life span or until the title is
2 transferred to a nongovernmental owner;

3 5. Within the limits prescribed in this section, the Tax
4 Commission shall design appropriate official license plates for
5 vehicles of the Oklahoma Highway Patrol. The license plates shall
6 have the legend "Oklahoma OK" and shall contain the letters "OHP"
7 followed by the state seal and the badge number of the Highway
8 Patrol officer to whom the vehicle is assigned. The words "Oklahoma
9 Highway Patrol" shall also be included on such license plates; and

10 6. Within the limits prescribed in this section, the Tax
11 Commission shall design appropriate official license plates for
12 vehicles of the Oklahoma Military Department. Such license plates
13 shall have the legend "Oklahoma OK" and shall contain the letters
14 "OMD" followed by the state seal and three numbers or letters as
15 designated by the Adjutant General. The words "Oklahoma Military
16 Department" shall also be included on such license plates.

17 C. Where the applicant has satisfactorily shown that the
18 applicant owns the vehicle sought to be registered but is unable to
19 produce documentary evidence of the ownership, a license plate may
20 be issued upon approval by the Tax Commission or Corporation
21 Commission, as applicable. In such instances the reason for not
22 issuing a certificate of title shall be indicated on the receipt
23 given to the applicant. It shall still be the duty of the applicant
24 to immediately take all necessary steps to obtain the Oklahoma

1 certificate of title and it shall be unlawful for the applicant to
2 sell the vehicle until the certificate has been obtained in the
3 applicant's name.

4 D. The certificate of registration provided for in this section
5 shall be in convenient form, and the certificate of registration, or
6 a certified copy or photostatic copy thereof, duly authenticated by
7 the Tax Commission or Corporation Commission, as applicable, shall
8 be carried at all times in or upon commercial vehicles so
9 registered, in such manner as to permit a ready examination thereof
10 upon demand by any peace officer of the state or duly authorized
11 employee of the Department of Public Safety. Any such officer or
12 agent may seize and hold such commercial vehicle when the operator
13 of the same does not have the registration certificate in the
14 operator's possession or when any such officer or agent determines
15 that the registration certificate has been obtained by
16 misrepresentation of any essential or material fact or when any
17 number or identifying information appearing on such certificate has
18 been changed, altered, obliterated or concealed in any way, until
19 the proper registration or identification of such vehicle has been
20 made or produced by the owner thereof.

21 E. The purchaser of a new or used manufactured home shall,
22 within thirty (30) days of the date of purchase, register the home
23 with the Tax Commission or a motor license agent pursuant to the
24 provisions of Section 1117 of this title. For a new manufactured

1 home, it shall be the responsibility of the dealer selling the home
2 to place a temporary license plate on the home in the same manner as
3 provided in Section 1128 of this title for other new motor vehicles.
4 For the first year that any manufactured home is registered in this
5 state, the Tax Commission shall issue a metal license plate which
6 shall be affixed to the manufactured home. The temporary dealer
7 license plate or the metal license plate shall be displayed on the
8 manufactured home at all times when upon a public roadway; provided,
9 a repossession affidavit issued pursuant to Sections 1110 and 1126
10 of this title shall be permissible in lieu of a current license
11 plate and decal for the purposes of removing a repossessed
12 manufactured home to a secure location. Manufactured homes
13 previously registered and subject to ad valorem taxation as provided
14 by law shall have a decal affixed at the time ad valorem taxes are
15 paid for such manufactured home; provided, for a manufactured home
16 permanently affixed to real estate, no decal or license plate shall
17 be required to be affixed and the owner thereof shall be given a
18 receipt upon payment of ad valorem taxes due on the home. The Tax
19 Commission shall make sufficient plates and decals available to the
20 various motor license agents of the state in order for an owner of a
21 manufactured home to acquire the plate or decal. A One Dollar
22 (\$1.00) fee shall be charged for issuance of any plate or decal.
23 The fee shall be apportioned each month to the General Revenue Fund
24 of the State Treasury.

1 F. The manufactured home license plate shall be designed so
2 that it is easily visible for purposes of verification by a county
3 assessor that the manufactured home is properly assessed for ad
4 valorem taxation. The plate shall be designed for a yearly decal.
5 In the first year of registration, a decal shall be issued for
6 placement on the license plate indicating payment of applicable
7 registration fees and excise taxes. In the second and all
8 subsequent years for which the manufactured home is subject to ad
9 valorem taxation, an annual decal shall be affixed to the license
10 plate as evidence of payment of ad valorem taxes. The Tax
11 Commission shall issue decals to the various county treasurers of
12 the state in order for a manufactured home owner to obtain such
13 decal each year. Upon presentation of a valid ad valorem tax
14 receipt, the manufactured home owner shall be issued the annual
15 decal.

16 G. Upon the registration of a manufactured home in this state
17 for the first time or upon discovery of a manufactured home
18 previously registered within this state for which the information
19 required by this subsection is not known, the Tax Commission shall
20 obtain:

- 21 1. The name of the owner of the manufactured home;
- 22 2. The serial number or identification number of the
23 manufactured home;
- 24 3. A legal description or address of the location for the home;

1 4. The actual retail selling price of the manufactured home
2 excluding Oklahoma taxes;

3 5. The certificate of title number for the home; and

4 6. Any other information which the Tax Commission deems to be
5 necessary.

6 The application for registration shall also include the school
7 district in which the manufactured home is located or is to be
8 located. The information shall be entered into a computer data
9 system which shall be used by the Tax Commission to provide
10 information to county assessors upon request by the assessor. The
11 assessor may request any information from the system in order to
12 properly assess a manufactured home for ad valorem taxation.

13 SECTION 9. AMENDATORY Section 5, Chapter 284, O.S.L.
14 2005 (47 O.S. Supp. 2007, Section 1115.3), is amended to read as
15 follows:

16 Section 1115.3 A. Except as otherwise provided by this
17 section, all-terrain vehicles, utility vehicles and motorcycles used
18 exclusively off roads or highways shall be registered once with the
19 Oklahoma Tax Commission within thirty (30) days after purchase.

20 B. For all-terrain vehicles or motorcycles used exclusively off
21 roads or highways purchased prior to July 1, 2005, registration, as
22 otherwise required by Section 1115 of ~~Title 47 of the Oklahoma~~
23 ~~Statutes~~ this title, shall not be required, but shall be allowed at

24

1 the option of the owner of the all-terrain vehicle or motorcycle
2 used exclusively off roads or highways.

3 C. For utility vehicles used exclusively off roads or highways
4 purchased prior to July 1, 2008, registration, as otherwise required
5 by Section 1115 of this title, shall not be required but shall be
6 allowed at the option of the owner of the utility vehicle used
7 exclusively off roads or highways.

8 D. All-terrain vehicles, utility vehicles or motorcycles used
9 exclusively off roads or highways owned or purchased by a person
10 that possesses an agricultural exemption pursuant to Section 1358.1
11 of Title 68 of the Oklahoma Statutes may be registered as provided
12 by this section, but shall not require registration.

13 SECTION 10. AMENDATORY 47 O.S. 2001, Section 1132, as
14 amended by Section 6, Chapter 284, O.S.L. 2005 (47 O.S. Supp. 2007,
15 Section 1132), is amended to read as follows:

16 Section 1132. A. For all vehicles, unless otherwise
17 specifically provided by the Oklahoma Vehicle License and
18 Registration Act, a registration fee shall be assessed at the time
19 of initial registration by the owner and annually thereafter, for
20 the use of the avenues of public access within this state in the
21 following amounts:

22 1. For the first through the fourth year of registration in
23 this state or any other state, Eighty-five Dollars (\$85.00);

24

1 2. For the fifth through the eighth year of registration in
2 this state or any other state, Seventy-five Dollars (\$75.00);

3 3. For the ninth through the twelfth year of registration in
4 this state or any other state, Fifty-five Dollars (\$55.00);

5 4. For the thirteenth through the sixteenth year of
6 registration in this state or any other state, Thirty-five Dollars
7 (\$35.00); and

8 5. For the seventeenth and any following year of registration
9 in this state or any other state, Fifteen Dollars (\$15.00).

10 The registration fee provided for in this subsection shall be in
11 lieu of all other taxes, general or local, unless otherwise
12 specifically provided.

13 B. For all-terrain vehicles and motorcycles used exclusively
14 for use off roads or highways purchased on or after July 1, 2005,
15 and for all-terrain vehicles and motorcycles used exclusively for
16 use off roads or highways purchased prior to July 1, 2005, which the
17 owner chooses to register pursuant to the provisions of Section ~~5~~
18 1115.3 of this ~~act~~ title, an initial and nonrecurring registration
19 fee of Eleven Dollars (\$11.00) shall be assessed at the time of
20 initial registration by the owner. Nine Dollars (\$9.00) of the
21 registration fee shall be deposited in the Oklahoma Tax Commission
22 Reimbursement Fund. Two Dollars (\$2.00) of the registration fee
23 shall be retained by the motor license agent. The fees required by
24

1 subsection A of this section shall not be required for all-terrain
2 vehicles or motorcycles used exclusively off roads and highways.

3 C. For utility vehicles used exclusively for use off roads or
4 highways purchased on or after July 1, 2008, and for utility
5 vehicles used exclusively for use off roads or highways purchased
6 prior to July 1, 2008, which the owner chooses to register pursuant
7 to the provisions of Section 1115.3 of this title, an initial and
8 nonrecurring registration fee of Eleven Dollars (\$11.00) shall be
9 assessed at the time of initial registration by the owner. Nine
10 Dollars (\$9.00) of the registration fee shall be deposited in the
11 Oklahoma Tax Commission Reimbursement Fund. Two Dollars (\$2.00) of
12 the registration fee shall be retained by the motor license agent.
13 The fees required by subsection A of this section shall not be
14 required for utility vehicles used exclusively off roads and
15 highways.

16 D. There shall be a credit allowed with respect to the fee for
17 registration of a new vehicle which is a replacement for:

18 1. A new original vehicle which is stolen from the
19 purchaser/registrant within ninety (90) days of the date of purchase
20 of the original vehicle as certified by a police report or other
21 documentation as required by the Oklahoma Tax Commission; or

22 2. A defective new original vehicle returned by the
23 purchaser/registrant to the seller within six (6) months of the date
24

1 of purchase of the defective new original vehicle as certified by
2 the manufacturer.

3 The credit shall be in the amount of the fee for registration which
4 was paid for the new original vehicle and shall be applied to the
5 registration fee for the replacement vehicle. In no event will the
6 credit be refunded.

7 ~~D.~~ E. Upon every transfer or change of ownership of a vehicle,
8 the new owner shall obtain title for and, except in the case of
9 salvage vehicles and manufactured homes, register the vehicle within
10 thirty (30) days of change of ownership and pay a transfer fee of
11 Fifteen Dollars (\$15.00) in addition to any other fees provided for
12 in this act. No new decal shall be issued to the registrant.
13 Thereafter, the owner shall register the vehicle annually on the
14 anniversary date of its initial registration in this state and shall
15 pay the fees provided in subsection A of this section and receive a
16 decal evidencing such payment. Provided, used motor vehicle dealers
17 shall be exempt from the provisions of this section.

18 ~~E.~~ F. In the event the vehicle is not registered, titled and
19 tagged within thirty (30) days from the date of transfer of
20 ownership, the penalty for the failure of the owner of the vehicle
21 to register the vehicle within thirty (30) days shall be twenty-five
22 cents (\$0.25) per day, provided that in no event shall the penalty
23 exceed Twenty-five Dollars (\$25.00).

24

1 SECTION 11. AMENDATORY 68 O.S. 2001, Section 2101, as
2 last amended by Section 8, Chapter 284, O.S.L. 2005 (68 O.S. Supp.
3 2007, Section 2101), is amended to read as follows:

4 Section 2101. For the purpose of this article:

5 1. The term "motor vehicle" means and includes every
6 automobile, truck, truck-tractor, all-terrain vehicle, utility
7 vehicle or any motor bus or any self-propelled vehicle not operated
8 or driven upon fixed rails or tracks or in the air or on water;

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

13 3. The term "low-speed electrical vehicle" means and includes
14 any four-wheeled electrical vehicle that is powered by an electric
15 motor that draws current from rechargeable storage batteries or
16 other sources of electrical current and whose top speed is greater
17 than twenty (20) miles per hour but not greater than twenty-five
18 (25) miles per hour and is manufactured in compliance with the
19 National Highway Traffic Safety Administration standards for low-
20 speed vehicles in 49 C.F.R. 571.500;

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

24

1 5. The term "motorcycle" means and includes every motor vehicle
2 designed to travel on not more than three wheels other than an all-
3 terrain vehicle;

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

8 7. The term "truck-tractor" means and includes every motor
9 vehicle of the truck type designed to draw or support the front end
10 of a semitrailer;

11 8. The term "trailer" means and includes any vehicle designed
12 to be drawn by a truck, tractor or a truck-tractor, but supported
13 upon its own wheels;

14 9. The term "semitrailer" means and includes any vehicle
15 designed to be attached to, and having its front end supported by a
16 truck, tractor, or truck-tractor;

17 10. The term "motor bus" means and includes every motor vehicle
18 constructed so as to carry persons, and which is used or rented to
19 carry persons for compensation;

20 11. The term "manufactured home" means a residential dwelling
21 built in accordance with the National Manufactured Housing
22 Construction and Safety Standards Act of 1974, 42 U.S.C., Section
23 5401 et seq., and rules promulgated pursuant thereto and the rules
24

1 promulgated by the Oklahoma Used Motor Vehicle and Parts Commission
2 pursuant to Section 582 of Title 47 of the Oklahoma Statutes;

3 12. The term "farm tractor" means and includes any vehicle of
4 tractor type owned and operated by the purchaser and used
5 exclusively for agricultural purposes;

6 13. The term "all-terrain vehicle" means and includes every
7 vehicle defined as an all-terrain vehicle in Section 1102 of Title
8 47 of the Oklahoma Statutes;

9 14. The terms "legal ownership" and "legally owned" mean the
10 right to possession, whether acquired by purchase, barter, exchange,
11 assignment, gift, operation of law, or in any other manner;

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

20 16. The term "Tax Commission" means the Oklahoma Tax
21 Commission; and

22 17. The term "utility vehicle" means every vehicle defined as a
23 utility vehicle in Section 1102 of Title 47 of the Oklahoma
24 Statutes.

1 SECTION 12. AMENDATORY 68 O.S. 2001, Section 2102, as
2 amended by Section 9, Chapter 284, O.S.L. 2005 (68 O.S. Supp. 2007,
3 Section 2102), is amended to read as follows:

4 Section 2102. A. It is hereby declared to be the purpose of
5 this article to provide funds for general governmental functions of
6 state government.

7 B. All revenue derived under this article shall be apportioned
8 and distributed by the Oklahoma Tax Commission as provided for in
9 Section 1104 of Title 47 of the Oklahoma Statutes, except all
10 revenue derived from transfers of legal ownership of all-terrain
11 vehicles or motorcycles used exclusively off roads and highways
12 which occur on or after July 1, 2005 and transfers of utility
13 vehicles used exclusively off roads and highways which occur on or
14 after July 1, 2008, shall be apportioned as provided for in Section
15 1353 of this title.

16 SECTION 13. AMENDATORY 68 O.S. 2001, Section 2103, as
17 last amended by Section 8, Chapter 295, O.S.L. 2006 (68 O.S. Supp.
18 2007, Section 2103), is amended to read as follows:

19 Section 2103. A. 1. Except as otherwise provided in Sections
20 2101 through 2108 of this title, there shall be levied an excise tax
21 upon the transfer of legal ownership of any vehicle registered in
22 this state and upon the use of any vehicle registered in this state
23 and upon the use of any vehicle registered for the first time in
24 this state. Except for persons that possess an agricultural

1 exemption pursuant to Section 1358.1 of this title, the excise tax
2 shall be levied upon transfers of legal ownership of all-terrain
3 vehicles and motorcycles used exclusively off roads and highways
4 which occur on or after July 1, 2005 and upon transfers of legal
5 ownership of utility vehicles used exclusively off roads and
6 highways which occur on or after July 1, 2008. The excise tax for
7 new and used all-terrain vehicles, utility vehicles and motorcycles
8 used exclusively off roads and highways shall be levied at four and
9 one-half percent (4 1/2%) of the actual sales price of each new and
10 used all-terrain vehicle and motorcycle used exclusively off roads
11 and highways before any discounts or credits are given for a trade-
12 in. Provided, the minimum excise tax assessment for such all-
13 terrain vehicles, utility vehicles and motorcycles used exclusively
14 off roads and highways shall be Five Dollars (\$5.00). The excise
15 tax for new vehicles shall be levied at three and one-fourth percent
16 (3 1/4%) of the value of each new vehicle. The excise tax for used
17 vehicles shall be as follows:

- 18 a. from October 1, 2000, until June 30, 2001, Twenty
19 Dollars (\$20.00) on the first One Thousand Dollars
20 (\$1,000.00) or less of value of such vehicle, and
21 three and one-fourth percent (3 1/4%) of the remaining
22 value of such vehicle,
23 b. for the year beginning July 1, 2001, and ending June
24 30, 2002, Twenty Dollars (\$20.00) on the first One

1 Thousand Two Hundred Fifty Dollars (\$1,250.00) or less
2 of value of such vehicle, and three and one-fourth
3 percent (3 1/4%) of the remaining value of such
4 vehicle, and

5 c. for the year beginning July 1, 2002, and all
6 subsequent years, Twenty Dollars (\$20.00) on the first
7 One Thousand Five Hundred Dollars (\$1,500.00) or less
8 of value of such vehicle, and three and one-fourth
9 percent (3 1/4%) of the remaining value of such
10 vehicle.

11 2. There shall be levied an excise tax of Ten Dollars (\$10.00)

12 for any:

13 a. truck or truck-tractor registered under the provisions
14 of subsection A of Section 1133 of Title 47 of the
15 Oklahoma Statutes, for a laden weight or combined
16 laden weight of fifty-four thousand one (54,001)
17 pounds or more,

18 b. trailer or semitrailer registered under subsection C
19 of Section 1133 of Title 47 of the Oklahoma Statutes,
20 which is primarily designed to transport cargo over
21 the highways of this state and generally recognized as
22 such, and

1 c. frac tank, as defined by Section 54 of Title 17 of the
2 Oklahoma Statutes, and registered under subsection C
3 of Section 1133 of Title 47 of the Oklahoma Statutes.

4 Except for frac tanks, the excise tax levied pursuant to this
5 paragraph shall not apply to special mobilized machinery, trailers,
6 or semitrailers manufactured, modified or remanufactured for the
7 purpose of providing services other than transporting cargo over the
8 highways of this state. The excise tax levied pursuant to this
9 paragraph shall also not apply to pickup trucks, vans, or sport
10 utility vehicles.

11 3. The tax levied pursuant to this section shall be due at the
12 time of the transfer of legal ownership or first registration in
13 this state of such vehicle; provided, the tax shall not be due at
14 the time of the issuance of a certificate of title for an all-
15 terrain vehicle, utility vehicle or motorcycle used exclusively off
16 roads and highways which is not required to be registered but which
17 the owner chooses to register pursuant to the provisions of
18 subsection B of Section 1115.3 of Title 47 of the Oklahoma Statutes,
19 and shall be collected by the Oklahoma Tax Commission or Corporation
20 Commission, as applicable, or an appointed motor license agent, at
21 the time of the issuance of a certificate of title for any such
22 vehicle. In the event an excise tax is collected on the transfer of
23 legal ownership or use of the vehicle during any calendar year, then
24 an additional excise tax must be collected upon all subsequent

1 transfers of legal ownership. In computing the motor vehicle excise
2 tax, the amount collected shall be rounded to the nearest dollar.
3 The excise tax levied by this section shall be delinquent from and
4 after the thirtieth day after the legal ownership or possession of
5 any vehicle is obtained. Any person failing or refusing to pay the
6 tax as herein provided on or before date of delinquency shall pay in
7 addition to the tax a penalty of twenty-five cents (\$0.25) per day
8 for each day of delinquency, but such penalty shall in no event
9 exceed the amount of the tax.

10 B. The excise tax levied in subsection A of this section
11 assessed on all commercial vehicles registered pursuant to Section
12 1120 of Title 47 of the Oklahoma Statutes shall be in lieu of all
13 sales and use taxes levied pursuant to the Sales Tax Code or the Use
14 Tax Code. The transfer of legal ownership of any motor vehicle as
15 used in this section and the Sales Tax Code and the Use Tax Code
16 shall include the lease, lease purchase or lease finance agreement
17 involving any truck in excess of eight thousand (8,000) pounds
18 combined laden weight or any truck-tractor provided the vehicle is
19 registered in Oklahoma pursuant to Section 1120 of Title 47 of the
20 Oklahoma Statutes or any frac tank, trailer, semitrailer or open
21 commercial vehicle registered pursuant to Section 1133 of Title 47
22 of the Oklahoma Statutes. The excise tax levied pursuant to this
23 section shall not be subsequently collected at the end of the lease
24 period if the lessee acquires complete legal title of the vehicle.

1 C. The provisions of this section shall not apply to transfers
2 made without consideration between:

- 3 1. Husband and wife;
- 4 2. Parent and child; or
- 5 3. An individual and an express trust which that individual or
6 the spouse, child or parent of that individual has a right to
7 revoke.

8 D. 1. There shall be a credit allowed with respect to the
9 excise tax paid for a new vehicle which is a replacement for:

- 10 a. a new original vehicle which is stolen from the
11 purchaser/registrant within ninety (90) days of the
12 date of purchase of the original vehicle as certified
13 by a police report or other documentation as required
14 by the Tax Commission, or
- 15 b. a defective new original vehicle returned by the
16 purchaser/registrant to the seller within six (6)
17 months of the date of purchase of the defective new
18 original vehicle as certified by the manufacturer.

19 2. The credit allowed pursuant to paragraph 1 of this
20 subsection shall be in the amount of the excise tax which was paid
21 for the new original vehicle and shall be applied to the excise tax
22 due on the replacement vehicle. In no event shall the credit be
23 refunded.

24

1 E. Despite any other definitions of the terms "new vehicle" and
2 "used vehicle", to the contrary, contained in any other law, the
3 term "new vehicle" as used in this section shall also include any
4 vehicle of the latest manufactured model which is owned or acquired
5 by a licensed used motor vehicle dealer which has not previously
6 been registered in this state and upon which the motor vehicle
7 excise tax as set forth in this section has not been paid. However,
8 upon the sale or transfer by a licensed used motor vehicle dealer
9 located in this state of any such vehicle which is the latest
10 manufactured model, the vehicle shall be considered a used vehicle
11 for purposes of determining excise tax.

12 SECTION 14. This act shall become effective July 1, 2008.

13 SECTION 15. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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