

1 ENGROSSED SENATE  
2 BILL NO. 2034

By: Mazzei and Wilson of the  
Senate

3 and

4 Terrill of the House

5  
6 [ motor vehicles - specifying limit on liability -  
7 provide certificate for license plate - permitting  
8 owners of trailers to register - codification -  
9 effective date ]

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

12 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1121, is  
13 amended to read as follows:

14 Section 1121. A. When, at the time of registration of any  
15 vehicle, payment is made by check for fees and taxes, and the check  
16 is not paid by the bank on which drawn for any reason, after ~~said~~  
17 the check has been presented for payment a second time, such  
18 certificate of registration and other such instruments issued at the  
19 time of registration of such vehicle shall be invalid. The motor  
20 license agent shall transmit all documents and the dishonored check  
21 to the Oklahoma Tax Commission for credit to the motor license  
22 agent's account. The Tax Commission may enter into a contract for  
23 the collection of dishonored checks and canceled instruments. In  
24 all such cases, such vehicles shall be subject to the license fees

1 and penalties provided in this act as though no attempt to register  
2 the vehicle had been made, and the motor license agent shall charge  
3 the person issuing the check a fee of Twenty-five Dollars (\$25.00)  
4 for each check to cover the costs of processing each returned check.  
5 An individual who subsequently purchases any such vehicle shall not  
6 be required, as a condition for registration of the vehicle, to pay  
7 any ~~penalties imposed by this section~~ tax, fee or penalty due  
8 resulting from the dishonored check.

9 A mortgagee who repossesses any such vehicle shall not be  
10 required, as a condition for registration of ~~said~~ the vehicle, to  
11 pay the dishonored check penalties which had accrued as of the date  
12 of such repossession.

13 B. Whenever payment is made by check for any Oklahoma ~~driver's~~  
14 driver license, and the check is not paid by the bank on which drawn  
15 for any reason, after ~~said~~ the check has been presented for payment  
16 a second time, such ~~driver's~~ driver license shall be invalid, and  
17 all driving privileges of the holder of the ~~driver's~~ driver license  
18 shall be canceled. The motor license agent shall transmit the  
19 dishonored check to the ~~Oklahoma~~ Tax Commission for credit to the  
20 motor license agents account. The Tax Commission may enter into a  
21 contract for the collection of dishonored checks. The motor license  
22 agent shall charge the person issuing the check a fee of Twenty-five  
23 Dollars (\$25.00) for each check to cover the cost of processing each  
24 returned check. The motor license agent shall transmit a copy of

1 all documents associated with the application and issuance of the  
2 ~~driver's~~ driver license and a copy of the dishonored check to the  
3 Department of Public Safety.

4 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1128, is  
5 amended to read as follows:

6 Section 1128. A. Every person manufacturing or having a  
7 contract to sell new vehicles in this state shall file a verified  
8 application for a general distinctive number for all new vehicles  
9 owned or controlled by the manufacturer or dealer; provided, the  
10 Oklahoma Tax Commission shall issue a license to sell such new motor  
11 vehicles only for those types of new vehicles for which the  
12 applicant has a sales contract or franchise; provided, further, that  
13 no license shall be issued to any applicant that has not complied  
14 with the provisions of Sections 561 through 568 of this title and  
15 does not hold a current license issued by the Oklahoma Motor Vehicle  
16 Commission pursuant thereto. A separate manufacturer's or dealer's  
17 license shall be required for each separate county within which such  
18 manufacturer or dealer has an established place of business, and,  
19 upon payment of a license fee of Ten Dollars (\$10.00), there shall  
20 be assigned and issued to such manufacturer or dealer a Certificate  
21 of Registration and one license plate which shall be displayed upon  
22 each vehicle of such manufacturer or dealer when same is operated,  
23 driven, or displayed on any street, road, or highway, in the same  
24 manner as hereinbefore provided for vehicles owned by other persons.

1 Such a manufacturer or dealer in new vehicles may obtain as many  
2 additional license plates as may be desired, upon the payment of the  
3 sum of Ten Dollars (\$10.00) for each additional plate; provided that  
4 no such license plate issued to any manufacturer or dealer shall be  
5 used or displayed upon any secondhand or used vehicle, or upon any  
6 new vehicle which is used for a service car, or private use, or for  
7 hire. Any person, with consent of the dealer, may operate a motor  
8 vehicle, with the dealer's tag affixed, while contemplating  
9 purchase, so long as this intent is limited to a consecutive  
10 seventy-two-hour period, or a weekend. An individual holding a  
11 valid salesman's license issued by the Oklahoma Motor Vehicle  
12 Commission shall not be subject to this limitation. If such person  
13 also buys and sells used vehicles, he or she shall, after obtaining  
14 his or her new motor vehicle dealer's license from the Oklahoma  
15 Motor Vehicle Commission, also obtain a used motor vehicle dealer's  
16 license, from the Used Motor Vehicle and Parts Commission, the cost  
17 of which shall be as prescribed in Section 1101 et seq. of this  
18 title.

19 B. Each dealer and used motor vehicle dealer shall keep a  
20 record of the purchase and sale of each motor vehicle he or she buys  
21 or sells, which shall show the name of the seller or buyer, as the  
22 case may be, and a complete description of the vehicle purchased or  
23 sold, and such other information as the Oklahoma Motor Vehicle  
24 Commission may prescribe.

1 C. Application for manufacturer's or dealer's license must show  
2 that such dealer or manufacturer has not violated any of the  
3 provisions of this section; and such license shall be nonassignable;  
4 and any such license may be suspended temporarily or revoked by the  
5 Oklahoma Motor Vehicle Commission for violation or failure to comply  
6 with this section; provided, the holder of such license shall be  
7 given ten (10) days' notice of hearing to suspend or cancel such  
8 license. If any such person subject to any of the licenses required  
9 in this section fails to obtain it when due, a penalty of twenty-  
10 five cents (\$0.25) per day on each such license shall be charged in  
11 the same manner as is now provided on delinquent motor vehicle  
12 registrations, and after a period of thirty (30) days such penalty  
13 shall be equal to the license fee. It shall be the duty of every  
14 person licensed to sell new or used motor vehicles to advise each  
15 purchaser in writing about his or her title requirements and payment  
16 of any taxes due. Each used motor vehicle must display a proper  
17 Oklahoma license plate or a used dealer's license plate. Dealers  
18 failing to comply with provisions of this section shall be  
19 responsible for all taxes due on such sales or on such vehicles.

20 D. Every person engaged in the business of transporting and  
21 delivering new or used vehicles by driving, either singly or by  
22 towbar, saddle mount or full mount method, engaging in drive-away  
23 operations as defined in Section 3 of Title 85 of the Oklahoma  
24 Statutes, or any combination thereof, from the manufacturer or

1 shipper to the dealer or consignee and using the public highways of  
2 this state, shall file with the Oklahoma Motor Vehicle Commission a  
3 verified application for in-transit license plates to identify such  
4 vehicles. The application shall provide for a general distinctive  
5 number for all vehicles so transported. Upon payment of a license  
6 fee of Ten Dollars (\$10.00) there shall be assigned and issued to  
7 such person one in-transit plate. Such in-transit plate shall be  
8 used by such person only on vehicles when so transported. Such  
9 person may obtain as many additional in-transit plates as desired  
10 upon payment of a fee of Ten Dollars (\$10.00) for each additional  
11 plate. Provided, a used motor vehicle dealer shall use a used  
12 dealer license plate in lieu of the in-transit license plate for  
13 transporting a used motor vehicle and, in such cases, shall be  
14 exempt from making application for an in-transit license plate.  
15 Provided further, only a person who possesses a ~~certificate issued~~  
16 ~~by the Interstate Commerce Commission or the Corporation Commission~~  
17 motor carrier number issued by the Federal Motor Carrier Safety  
18 Administration or a united carrier registration issued by the  
19 Oklahoma Corporation Commission to engage in the business of  
20 transporting and delivering manufactured homes for hire may use the  
21 in-transit license plates obtained by them as herein authorized for  
22 transporting new or used manufactured homes from one location to  
23 another location within Oklahoma or from a point in another state to  
24 a point in this state. Nothing contained in this section shall

1 | relieve any person from the payment of license fees otherwise  
2 | provided by law. When the Oklahoma Motor Vehicle Commission deems  
3 | it advisable and in the public interest, it may require the holder  
4 | of any in-transit license, or any person making application  
5 | therefor, to file a proper surety bond in any amount it deems  
6 | proper, not to exceed Ten Thousand Dollars (\$10,000.00).

7 | E. The Oklahoma Tax Commission shall issue dealer licenses to  
8 | new and used manufactured home dealers, new and used travel trailer  
9 | dealers and new and used commercial trailer dealers.

10 | F. All licenses provided for in this section shall expire on  
11 | December 31 of each year.

12 | SECTION 3. NEW LAW A new section of law to be codified  
13 | in the Oklahoma Statutes as Section 1133.3 of Title 47, unless there  
14 | is created a duplication in numbering, reads as follows:

15 | At the option of the owner, the Oklahoma Tax Commission is  
16 | authorized to register boat trailers and utility-type trailers which  
17 | are not being utilized in a commercial capacity, on an annual basis  
18 | for a fee of One Dollar (\$1.00).

19 | SECTION 4. This act shall become effective November 1, 2008.  
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1 Passed the Senate the 6th day of March, 2008.

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\_\_\_\_\_  
Presiding Officer of the Senate

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5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

6 2008.

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Presiding Officer of the House  
of Representatives

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