

1 ENGROSSED SENATE
2 BILL NO. 1998

By: Schulz of the Senate

and

Armes of the House

3
4
5
6 An Act relating to motor vehicles; amending 47 O.S.
7 2001, Sections 1102, as last amended by Section 1,
8 Chapter 177, O.S.L. 2007 and 1105, as last amended by
9 Section 1, Chapter 202, O.S.L. 2007 (47 O.S. Supp.
10 2007, Sections 1102 and 1105), which relate to
11 definitions and motor vehicle registration; defining
12 term; limiting applicability of certain registration
13 requirements; providing for registration of imported
14 mini-trucks; providing for certain operation of
15 imported mini-trucks; providing for codification; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1102, as
19 last amended by Section 1, Chapter 177, O.S.L. 2007 (47 O.S. Supp.
20 2007, Section 1102), is amended to read as follows:

21 Section 1102. As used in the Oklahoma Vehicle License and
22 Registration Act:

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

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. "Imported mini-truck" means a foreign manufactured import
4 vehicle powered by an internal combustion engine with a piston or
5 rotor displacement of six hundred sixty cubic centimeters (660 cu
6 cm) or less, which is sixty (60) inches or less in width, with an
7 unladen dry weight of one thousand six hundred (1,600) pounds or
8 less, traveling on four (4) or more tires, having a top speed of
9 approximately fifty-five (55) miles per hour, equipped with a bed or
10 compartment for hauling, and having an enclosed passenger cab;

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

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

19 ~~13.~~ 14. "Local authorities" means every county, municipality or
20 local board or body having authority to adopt police regulations
21 under the Constitution and laws of this state;

22 ~~14.~~ 15. "Low-speed electrical vehicle" means any four-wheeled
23 electrical vehicle that is powered by an electric motor that draws
24 current from rechargeable storage batteries or other sources of

1 electrical current and whose top speed is greater than twenty (20)
2 miles per hour but not greater than twenty-five (25) miles per hour
3 and is manufactured in compliance with the National Highway Traffic
4 Safety Administration standards for low-speed vehicles in 49 C.F.R.
5 571.500;

6 ~~15.~~ 16. "Manufactured home" means a residential dwelling built
7 in accordance with the National Manufactured Housing Construction
8 and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.,
9 and rules promulgated pursuant thereto and the rules promulgated by
10 the Oklahoma Used Motor Vehicle and Parts Commission pursuant to
11 Section 582 of this title;

12 ~~16.~~ 17. "Manufactured home 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 manufactured homes. Such information
15 and a valid franchise letter as proof of authorization to sell any
16 such new manufactured home product line or lines shall be attached
17 to ~~said~~ the application for a dealer license to sell manufactured
18 homes. "Manufactured home dealer" shall not include any person, firm
19 or corporation who sells or contracts for the sale of the dealer's
20 own personally titled manufactured home or homes. No person, firm
21 or corporation shall be considered a manufactured home dealer as to
22 any manufactured home purchased or acquired by such person, firm or
23 corporation for purposes other than resale; provided, that the
24 restriction set forth in this sentence shall not prevent an

1 otherwise qualified person, firm or corporation from utilizing a
2 single manufactured home as a sales office;

3 ~~17.~~ 18. "Motor license agent" means any person appointed,
4 designated or authorized by the Oklahoma Tax Commission to collect
5 the fees and to enforce the provisions provided for in the Oklahoma
6 Vehicle License and Registration Act;

7 ~~18.~~ 19. "New vehicle" or "unused vehicle" means a vehicle which
8 has been in the possession of the manufacturer, distributor or
9 wholesaler or has been sold only by the manufacturer, distributor or
10 wholesaler to a dealer;

11 ~~19.~~ 20. "Nonresident" means any person who is not a resident of
12 this state;

13 ~~20.~~ 21. "Off-road motorcycle" means any motorcycle, as defined
14 in Section 1-135 of this title, when such motorcycle has been
15 manufactured for and used exclusively off roads, highways and any
16 other paved surfaces;

17 ~~21.~~ 22. "Owner" means any person owning, operating or
18 possessing any vehicle herein defined;

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

1 ~~23.~~ 24. "Recreational vehicle" means every vehicle which is
2 built on or permanently attached to a self-propelled motor chassis
3 or chassis cab which becomes an integral part of the completed
4 vehicle and is capable of being operated on the highways. In order
5 to qualify as a recreational vehicle pursuant to this paragraph such
6 vehicle shall be permanently constructed and equipped for human
7 habitation, having its own sleeping and kitchen facilities,
8 including permanently affixed cooking facilities, water tanks and
9 holding tank with permanent toilet facilities. Recreational vehicle
10 shall not include manufactured homes or any vehicle with portable
11 sleeping, toilet and kitchen facilities which are designed to be
12 removed from such vehicle;

13 ~~24.~~ 25. "Remanufactured vehicle" means a vehicle which has been
14 assembled by a vehicle remanufacturer using a new body and which may
15 include original, reconditioned, or remanufactured parts, and which
16 is not a salvage, rebuilt, or junked vehicle as defined by
17 paragraphs 1, 2, and 5, respectively, of subsection A of Section
18 1105 of this title;

19 ~~25.~~ 26. "Rental trailer" means all small or utility trailers or
20 semitrailers constructed and suitable for towing by a passenger
21 automobile and designed only for carrying property, when ~~said~~ the
22 trailers or semitrailers are owned by, or are in the possession of,
23 any person engaged in renting or leasing such trailers or
24

1 semitrailers for intrastate or interstate use or combined intrastate
2 and interstate use;

3 ~~26.~~ 27. "Special mobilized machinery" means special purpose
4 machines or devices, either self-propelled or drawn as trailers or
5 semitrailers, which derive no revenue from the transportation of
6 persons or property, whose use of the highway is only incidental,
7 and whose useful revenue producing service is performed at
8 destinations in an area away from the traveled surface of an
9 established open highway;

10 ~~27.~~ 28. "State" means the State of Oklahoma;

11 ~~28.~~ 29. "Station wagon" means any passenger vehicle which does
12 not have a separate luggage compartment or trunk and which does not
13 have open beds, and has one or more rear seats readily lifted out or
14 folded, whether same is called a station wagon or ranch wagon;

15 ~~29.~~ 30. "Travel trailer" means any vehicular portable structure
16 built on a chassis, used as a temporary dwelling for travel,
17 recreational or vacation use, and, when factory-equipped for the
18 road, it shall have a body width not exceeding eight (8) feet and an
19 overall length not exceeding forty (40) feet, including the hitch or
20 coupling;

21 ~~30.~~ 31. "Travel trailer dealer" means any person, firm or
22 corporation engaged in the business of selling any new and unused,
23 or used, or both new and used travel trailers. Such information and
24 a valid franchise letter as proof of authorization to sell any such

1 new travel trailer product line or lines shall be attached to ~~said~~
2 the application for a dealer license to sell travel trailers.

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

9 ~~31.~~ 32. "Used motor vehicle dealer" means "used motor vehicle
10 dealer" as defined in Section 581 of this title;

11 ~~32.~~ 33. "Used vehicle" means any vehicle which has been sold,
12 bargained, exchanged or given away, or used to the extent that it
13 has become what is commonly known, and generally recognized, as a
14 "secondhand" vehicle. This shall also include any vehicle other
15 than a remanufactured vehicle, regardless of age, owned by any
16 person who is not a dealer;

17 ~~33.~~ 34. "Vehicle" means any type of conveyance or device in,
18 upon or by which a person or property is or may be transported from
19 one location to another upon the avenues of public access within the
20 state. "Vehicle" does not include bicycles, trailers except travel
21 trailers and rental trailers, or implements of husbandry as defined
22 in Section 1-125 of this title. All implements of husbandry used as
23 conveyances shall be required to display the owner's ~~driver's~~ driver
24 license number or license plate number of any vehicle owned by the

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

5 ~~34.~~ 35. "Vehicle remanufacturer" means a commercial entity
6 which assembles remanufactured vehicles.

7 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1105, as
8 last amended by Section 1, Chapter 202, O.S.L. 2007 (47 O.S. Supp.
9 2007, Section 1105), is amended to read as follows:

10 Section 1105. A. As used in the Oklahoma Vehicle License and
11 Registration Act:

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

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

23 3. "Flood-damaged vehicle" means a salvage or rebuilt vehicle
24 which was damaged by flooding or a vehicle which was submerged at a

1 level to or above the dashboard of the vehicle and on which an
2 amount of loss was paid by the insurer;

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

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

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

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

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

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

18 3. Rebuilt title for any motor vehicle which is a rebuilt
19 vehicle;

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

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

1 6. Remanufactured title for any vehicle which is a
2 remanufactured vehicle.

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

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

23 a. a full description of the vehicle,
24

- b. the manufacturer's serial or other identification number,
- 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

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

13 3. The certificate of title shall have the following security
14 features:

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

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

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

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

22 a. the manufacturer's serial or other identification
23 number,
24

- b. date on which first sold by the manufacturer to the dealer,
- 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

1 rebuilt vehicle does not accurately describe the vehicle as rebuilt.
2 The motor license agent, at the time of inspection of the rebuilt
3 vehicle pursuant to Section 1111 of this title, shall identify the
4 make, model, and year for the body to accurately describe the
5 rebuilt vehicle. At the time of the inspection, an appropriate
6 identifying number shall be permanently stamped, burned, pressed, or
7 attached on the rebuilt vehicle. The assigned identifying number
8 shall be recorded on the certificate of title for the rebuilt
9 vehicle. The dealer's or manufacturer's vehicle identification
10 number on the rebuilt vehicle shall be preserved in the computer
11 files of the Tax Commission for at least five (5) years.

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

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

21 2. As evidence of compliance with federal law, copies of the
22 bond release letters for the vehicle issued by the United States
23 Environmental Protection Agency and the United States Department of
24 Transportation, together with a receipt issued by the Internal

1 Revenue Service indicating that the applicable federal gas guzzler
2 tax has been paid.

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

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

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

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

24

1 days prior to the time it is required to be registered in this
2 state.

3 I. The vehicle identification number of a junked vehicle shall
4 be preserved in the computer files of the Tax Commission for a
5 period of not less than five (5) years. The charge of junked titles
6 as defined in paragraph 4 of subsection B of this section shall be
7 Four Dollars (\$4.00). The fee remitted to the Tax Commission shall
8 be deposited in the Oklahoma Tax Commission Reimbursement Fund.

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

15 K. If a vehicle is stolen, the owner shall immediately notify
16 the appropriate law enforcement agency. Immediately after receiving
17 such notification, the law enforcement agency shall notify the Tax
18 Commission.

19 L. Except for all-terrain vehicles and motorcycles used
20 exclusively for off-road use, no title for an out-of-state vehicle,
21 except any commercial truck or truck-tractor registered pursuant to
22 Section 1120 of this title which is engaged in interstate commerce
23 or any trailer or semitrailer registered pursuant to Section 1133 of
24 this title which is engaged in interstate commerce, shall be issued

1 without an inspection of such vehicle and payment of a fee of Four
2 Dollars (\$4.00) for such inspection; provided, the Tax Commission
3 may enter into reciprocal agreements with other states for such
4 inspections to be performed at locations outside the boundaries of
5 this state for vehicles which:

6 1. Are offered for sale at auction;

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

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

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

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

23 M. No title for any out-of-state vehicle offered for sale at
24 salvage pools, salvage disposal sales, or an auction, or by a dealer

1 or a licensed automotive dismantler and parts recycler, shall be
2 issued without an inspection to compare the vehicle identification
3 number on the vehicle with the number recorded on the ownership
4 record and to record the actual odometer reading on the vehicle.
5 Upon request of the seller, person or entity conducting an auction,
6 dealer or licensed dismantler, the inspection shall be conducted at
7 the location or place of business of the sale, auction, dealer, or
8 the dismantler. The inspection shall be conducted by any motor
9 license agent or a duly authorized employee thereof; provided, if
10 the vehicle identification number on the vehicle offered for sale at
11 salvage pools, salvage disposal sales or a classic or antique
12 auction does not match the number recorded on the ownership record,
13 the inspection may be conducted at the location of or place of
14 business of such sale or auction by any state, county or city law
15 enforcement officer. The Tax Commission may enter into reciprocal
16 agreements with other states for such inspections to be performed at
17 locations outside the boundaries of this state for vehicles which:
18 1. Are offered for sale at auction;
19 2. Have been solely used as vehicles for rent under the
20 ownership of a licensed motor vehicle dealer or a person engaged in
21 the business of renting motor vehicles; or
22 3. Have not been registered in this or any other state for more
23 than one (1) year.

24

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

1 motor vehicle for sale within this state at a motor vehicle auction
2 which is limited to dealer-to-dealer transactions, shall not be
3 within the definition of "owner" in Section 1102 of this title, for
4 purposes of Section 1101 et seq. of this title.

5 N. A licensed motor vehicle dealer, upon payment of a fee of
6 Fifteen Dollars (\$15.00), may reassign an out-of-state certificate
7 of title to a used motor vehicle provided such dealer obtains the
8 appropriate inspection form required by either subsection L or M of
9 this section and attaches the form to the out-of-state certificate
10 of title. Motor license agents shall be allowed to retain Two
11 Dollars and twenty-five cents (\$2.25) of the fee plus an additional
12 Two Dollars (\$2.00) or Three Dollars (\$3.00) as provided in
13 subsections L and M of this section for performance of the
14 inspection. Two Dollars (\$2.00) of the fee shall be deposited in
15 the Tax Commission Reimbursement Fund. An out-of-state vehicle
16 which has been rebuilt shall be inspected pursuant to the provisions
17 of Section 1111 of this title. The Tax Commission shall train motor
18 license agents in interpreting vehicle identification numbers to
19 assure that it accurately describes the vehicle and to detect
20 rollback or alteration of the odometer. Failure of a motor license
21 agent to inspect the vehicle and make the required notations shall
22 be a misdemeanor punishable by a fine of not more than One Thousand
23 Dollars (\$1,000.00) for the first offense and Five Thousand Dollars
24 (\$5,000.00) for the second offense or subsequent offense, or by

1 imprisonment in the county jail for not more than six (6) months, or
2 by both such fine and imprisonment.

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

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

1 prescribe and provide an affidavit form to be completed by the owner
2 of any vehicle for which the certificate of title is canceled. No
3 title or registration shall subsequently be issued for a vehicle for
4 which the certificate of title has been surrendered pursuant to this
5 subsection. The Tax Commission shall prescribe a form for the
6 transfer of ownership of a vehicle for which the certificate of
7 title has been canceled.

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

22 The certificate of ownership shall be completed in triplicate.
23 The buyer and seller shall each retain a copy. Within thirty (30)
24 days of the transaction, the seller shall submit one copy to the Tax

1 Commission or a motor license agent accompanied with a fee of Four
2 Dollars (\$4.00). One Dollar (\$1.00) shall be retained by the motor
3 license agent and Three Dollars (\$3.00) shall be deposited in the
4 Oklahoma Tax Commission Reimbursement Fund in the State Treasury.

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

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

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

1 T. If a vehicle is sold to a foreign buyer pursuant to the
2 provisions of the Automotive Dismantlers and Parts Recycler Act, the
3 licensed seller shall stamp the title with: "EXPORT ONLY.
4 NONTRANSFERABLE IN THE UNITED STATES." The licensed seller shall
5 supply the Tax Commission the title number, the vehicle
6 identification number and the foreign buyer's bid identification
7 number on a form prescribed by the Tax Commission. The Tax
8 Commission shall cancel the title, and the vehicle identification
9 number shall be preserved in the computer files of the Tax
10 Commission for a period of not less than five (5) years.

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

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1151.3 of Title 47, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Imported mini-trucks shall be registered pursuant to the
24 provisions of the Oklahoma Vehicle License and Registration Act.

1 The Oklahoma Tax Commission shall promulgate rules for the titling
2 and registration of imported mini-trucks.

3 B. Imported mini-trucks which have been titled and registered
4 pursuant to the provisions of the Oklahoma Vehicle License and
5 Registration Act may be operated on the roadways of this state;
6 provided, however, imported mini-trucks shall not be permitted to
7 travel upon any highway in this state which is a part of the
8 National System of Interstate and Defense Highways. Operators of
9 imported mini-trucks shall comply with all traffic regulations and
10 rules of conduct for the operation of motor vehicles on the roadways
11 of this state provided by law.

12 SECTION 4. This act shall become effective November 1, 2008.

13 Passed the Senate the 3rd day of March, 2008.

14

15 _____
Presiding Officer of the Senate

16 Passed the House of Representatives the ____ day of _____,
17 2008.

18

19 _____
Presiding Officer of the House
20 of Representatives

21

22

23

24