

THE HOUSE OF REPRESENTATIVES
Thursday, April 10, 2008

ENGROSSED

Senate Bill No. 1793

ENGROSSED SENATE BILL NO. 1793 - By: BROWN of the Senate and ADKINS, CAREY AND SHANNON of the House.

An Act relating to motor vehicles; amending 42 O.S. 2001, Sections 91, as last amended by Section 1, Chapter 247, O.S.L. 2006 and Section 2, Chapter 477, O.S.L. 2005, as amended by Section 2, Chapter 247, O.S.L. 2006 (42 O.S. Supp. 2007, Sections 91 and 91A), which relate to liens on personal property; providing for application of certain provisions relating to utility vehicles under certain circumstances; amending Section 16, Chapter 418, O.S.L. 2004 and Section 1, Chapter 124, O.S.L. 2007 (47 O.S. Supp. 2007, Sections 11-1116 and 11-1117), which relate to miscellaneous motor vehicle rules; providing circumstances where operation of utility vehicles on streets and highways is permitted; 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 Commission to assign a certificate of registration and yearly decals for utility vehicles; requiring registration of utility vehicles within specified time period from purchase if purchased after specified date; permitting registration of utility vehicles purchased prior to specified date; establishing nonrecurring registration fee for utility vehicles and providing for distribution of such fee; exempting utility vehicles from certain fee; amending 68 O.S. 2001, Sections 2101, as amended by Section 8, Chapter 284, O.S.L. 2005, 2102, as amended by Section 9, Chapter 284, O.S.L. 2005 and 2103, as last amended by Section 8, Chapter 295, O.S.L. 2006 (68 O.S. Supp. 2007,

Sections 2101, 2102 and 2103), which relate to revenue and taxation; modifying term and defining term; providing for apportionment of certain revenue; providing for levy of excise tax on transfers of ownership of certain utility vehicles and providing procedures therefor; providing an effective date; and declaring an emergency.

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

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

4 Section 91. A. 1. This section applies to every vehicle, all-terrain vehicle, utility
5 vehicle, manufactured home, motorcycle, boat, outboard motor, or trailer that has a
6 certificate of title issued by the Oklahoma Tax Commission or by a federally recognized
7 Indian tribe in the State of Oklahoma, except as otherwise provided in subsection D of
8 this section. This section does not apply to farm equipment as defined in Section 91.2 of
9 this title. The items of personal property to which this section applies are collectively
10 referred to as "Section 91 Personal Property". If personal property is apparently covered
11 both by this section and by Sections 191 through 200 of this title, the procedures set out
12 in this section shall apply instead of Sections 191 through 200.

13 2. Any person who, while lawfully in possession of an article of Section 91 Personal
14 Property, renders any service to the owner thereof by furnishing storage, rental space,
15 material, labor or skill for the protection, improvement, safekeeping, towing, right to

1 occupy space, storage or carriage thereof, has a special lien thereon, dependent on
2 possession, for the compensation, if any, which is due to such person from the owner for
3 such service.

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

6 4. Any person claiming the special lien provided in paragraph 2 of this subsection
7 shall mail a notice of such lien, no later than sixty (60) days after the first services are
8 rendered, by regular, first class United States mail, and by certified mail, to all
9 interested parties who reside at separate locations. (If services provided are pursuant to
10 a contract primarily for the purpose of storage or rental of space, the beginning date of
11 the sixty-day period provided in the previous sentence shall be the first day of the first
12 period or partial period for which rental or storage charges remain unpaid.) The notice
13 shall be in writing and shall contain, but not be limited to, the following:

- 14 a. a statement that the notice is a notice of a possessory lien,
- 15 b. the complete legal name, physical and mailing address, and telephone
16 number of the claimant,
- 17 c. the complete legal name, physical and mailing address of the person
18 who requested that the claimant render service to the owner by
19 furnishing material, labor or skill, storage, or rental space, or the date
20 the property was abandoned if the claimant did not render any other
21 service,

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

- 1 d. a description of the article of personal property and the complete
2 physical and mailing address of the location of the article of personal
3 property,
4 e. an itemized statement describing the date or dates the labor or
5 services were performed and material furnished, and the amount of the
6 compensation claimed,
7 f. a statement by the claimant that the materials, labor or skill
8 furnished, or arrangement for storage or rental of space, was
9 authorized by the owner of the personal property and was in fact
10 provided or performed, or that the property was abandoned by the
11 owner if the claimant did not render any other service, and that
12 storage or rental fees will accrue as allowed by law, and
13 g. the signature of the claimant which shall be notarized and, if
14 applicable, the signature of the claimant's attorney. If the claimant is
15 a business, then the name of the contact person must be shown. In
16 place of an original signature and notary seal, a digital or electronic
17 signature or seal shall be accepted.

18 5. For services rendered or vehicles abandoned on or after November 1, 2005,
19 storage charges or charges for rental of space (unless agreed to by contract as part of an
20 overall transaction or arrangement that was primarily for the purpose of storage of the
21 Section 91 Personal Property or rental of space) may only be assessed beginning with the
22 day that the Notice of Possessory Lien is mailed as evidenced by certified mail. Provided,

1 however, in the case of contractual charges incurred for storage or rental of space in an
2 overall transaction primarily for the purpose of storage or rental, charges subject to the
3 special lien may only be assessed beginning with a date not more than sixty (60) days
4 prior to the day that the Notice of Possessory Lien is mailed, and shall accrue only at the
5 regular periodic rate for storage or rental as provided in the contract, adjusted for partial
6 periods of storage or rental. The maximum allowable compensation for storage shall not
7 exceed the fees specified pursuant to Section 953.2 of Title 47 of the Oklahoma Statutes.

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

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

1 signature and notary seal, a digital or electronic signature or seal shall
2 be accepted.

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

21 (3) the uttering of the check or other written order constituted the
22 means for inducing the person, one possessed of a special lien

1 created by subsection A of this section upon the described article
2 of personal property, to deliver up the said article of personal
3 property.

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

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

- 14 (1) that services were rendered on or in relation to the article of
15 personal property by the person claiming such lien,
16 (2) that the property was in the possession of the person claiming
17 the lien but such property was removed without his or her
18 written consent,
19 (3) an identifying description of the article of personal property on
20 which the service was rendered, and
21 (4) that the debt for the services rendered on or in relation to the
22 article of personal property was not paid. Provided, if the

1 unpaid total amount of the debt for services rendered on or in
2 relation to the article of personal property is unknown, an
3 approximated amount of the debt due and owing shall be
4 included in the sworn statement but such approximated debt
5 may be amended within thirty (30) days of such filing to reflect
6 the actual amount of the debt due and owing.

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

11 4. If a person claiming a special lien pursuant to this section fails to substantially
12 comply with any of the requirements of this section, any interested party may proceed
13 against the person claiming such lien for all damages arising therefrom, including
14 conversion, if the article of personal property has been sold. If the notice or notices
15 required by this section shall be shown to be knowingly false or fraudulent, the
16 interested party shall be entitled to treble damages. The prevailing party shall be
17 entitled to all costs, including a reasonable attorney fee.

18 C. If the person who renders service to the owner of an article of personal property
19 to which this section applies relinquishes or loses possession of the article due to
20 circumstances described in subparagraph a of paragraph 1 or subparagraph a of
21 paragraph 2 of subsection B of this section, the person claiming the lien shall be entitled
22 to possession of the article until the amount due is paid, unless the article is possessed by

1 a person who became a bona fide purchaser. Entitlement to possession shall be in
2 accordance with the following:

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

- 7 a. in writing and separate from the written contract for services, or
8 b. printed on the written contract for services, credit agreement or other
9 document which displays the notice in bold-faced, capitalized and
10 underlined type, or is separated from surrounding written material so
11 as to be conspicuous with a separate signature line;

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

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

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

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

12 2. If personal property that otherwise would be covered by this section has been
13 registered by the Oklahoma Tax Commission or by a federally recognized Indian tribe in
14 the State of Oklahoma, and 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 section.

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

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

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

3 E. For purposes of this section:

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

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

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

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

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

15 (2) "Section 91 Personal Property" as defined in Section 91 of this
16 title.

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

21 (1) does not have a certificate of title, or

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 storage or rental as provided in the contract, adjusted for partial periods of storage or
2 rental.

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

- 5 a. the names of the owner and any other known party or parties who may
6 claim any interest in the property,
- 7 b. a description of the property to be sold,
- 8 c. the nature of the work, labor or service performed, material furnished,
9 or the storage or rental arrangement, and the date thereof,
- 10 d. the time and place of sale, and
- 11 e. the name of the party, agent or attorney foreclosing such lien. If the
12 claimant is a business, then the name of the contact person must be
13 shown. In place of an original signature and notary seal, a digital or
14 electronic signature or seal shall be accepted.

15 4. a. Such notice shall be posted in three public places in the county where
16 the property is to be sold at least ten (10) days before the time therein
17 specified for such sale, and a copy of the notice shall be mailed to the
18 owner and any other party claiming any interest in the property if
19 known, at their last-known post office address, by certified mail on the
20 day of posting. If the item of personal property is a manufactured
21 home, notice shall also be sent by certified mail to the county treasurer

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

- 1 and to the county assessor of the county where the manufactured home
2 is located.
- 3 b. In the case of any item of personal property without a certificate of
4 title and not required to be titled under Oklahoma law, a party who
5 claims any interest in the property shall include all owners of the
6 property; any secured party who has an active financing statement on
7 file with the county clerk of Oklahoma County listing one or more
8 owners of the property by legal name as debtors and indicating a
9 collateral description that would include the property; and any other
10 person having any interest in the personal property, of whom the
11 claimant has actual notice.
- 12 c. In the case of personal property subject to this section for which a
13 certificate of title has been issued by any jurisdiction, a party who
14 claims any interest in the property shall include all owners of the
15 article of personal property as indicated by the certificate of title; lien
16 debtors, if any, other than the owners; any lienholder whose lien is
17 noted on the face of the certificate of title; and any other person having
18 any interest in the article of personal property, of whom the claimant
19 has actual notice.
- 20 d. When the jurisdiction of titling for a vehicle, all-terrain vehicle,
21 motorcycle, boat, outboard motor, or trailer that is five (5) model years
22 old or newer, or a manufactured home that is fifteen (15) model years

1 old or newer, cannot be determined by ordinary means, the claimant,
2 the agent of the claimant, or the attorney of the claimant, shall
3 request, in writing, that the Oklahoma Tax Commission Motor Vehicle
4 Division ascertain the jurisdiction where the vehicle or manufactured
5 home is titled. The Oklahoma Tax Commission Motor Vehicle Division
6 shall, within fourteen (14) days from the date the request is received,
7 provide information as to the jurisdiction where the personal property
8 is titled. If the Oklahoma Tax Commission Motor Vehicle Division is
9 unable to provide the information, it shall provide notice that the
10 record is not available.

11 e. When personal property is of a type that Oklahoma law requires to be
12 titled, the owner of record of that property is unknown, and the
13 jurisdiction of titling and owner of record cannot be determined by
14 ordinary means (and also, if applicable, cannot be determined in
15 accordance with the preceding subparagraph), then the special lien
16 may be foreclosed by publication of a legal notice in a legal newspaper
17 in the county where the personal property is located, as defined in
18 Section 106 of Title 25 of the Oklahoma Statutes. Such notice shall
19 include the description of the property by year, make, vehicle
20 identification number (if available from the property), the name of the
21 individual who may be contacted for information, and the telephone
22 number of that person or the address where the vehicle is located. The

1 legal notice shall be published once per week for three (3) consecutive
2 weeks. As soon as circumstances exist as described in the first
3 sentence of this subparagraph, the first date of publication may occur.
4 The first date available for public sale of the vehicle is the day
5 following publication of the final notice. When the owner of record is
6 unknown, the Notice of Sale nevertheless must be completed and
7 mailed to any known interested party by certified mail. For purposes
8 of this paragraph, interested parties shall include all persons described
9 in subparagraph b or subparagraph c of this paragraph, whichever is
10 applicable, with the exception of any owner who is unknown. Except
11 in circumstances described in paragraph 7 of this subsection that
12 provide for a shorter time period, the Notice of Sale shall be posted in
13 three public places in the county where the property is to be sold at
14 least ten (10) days before the time therein specified for such sale, and
15 the Notice of Sale shall not be mailed until at least thirty (30) days
16 after said lien has accrued.

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

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

21 7. Notwithstanding any other provision of law, proceedings for foreclosures for the
22 storage of junk vehicles towed and stored pursuant to Section 955 of Title 47 of the

1 Oklahoma Statutes by Class AA wreckers listed with the Motor Vehicle Division of the
2 Department of Public Safety, may be commenced five (5) days after the lien has accrued.
3 For purposes of this paragraph, “junk vehicles” means any vehicle that is more than ten
4 (10) years old if 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 Automobile Dealers
6 Association Official Used Car Guide or latest monthly edition of any other nationally
7 recognized published guidebook, adjusting to the condition of the vehicle.

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

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

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

- 1 (2) the check or other written order was not paid, and
- 2 (3) the uttering of the check or other written order constituted the
- 3 means for inducing the person, one possessed of a special lien
- 4 created by subsection A of this section upon the described article
- 5 of personal property, to deliver up the said article of personal
- 6 property.
- 7 2. a. Any person who renders service to the owner of an article of personal
- 8 property by furnishing storage, rental space, material, labor, or skill
- 9 for the protection, improvement, safekeeping, towing, right to occupy
- 10 space, storage, or carriage thereof shall have a special lien on such
- 11 property pursuant to this section if such property is removed from the
- 12 person's possession, without such person's written consent or without
- 13 payment for such service.
- 14 b. The person claiming such lien shall, within five (5) days of such
- 15 nonauthorized removal, file in the office of the county clerk of the
- 16 county in which the property is located, a sworn statement including:
- 17 (1) that services were rendered on or in relation to the article of
- 18 personal property by the person claiming such lien,
- 19 (2) that the property was in the possession of the person claiming
- 20 the lien but such property was removed without his written
- 21 consent,

- 1 (3) an identifying description of the article of personal property on
2 or in relation to which the service was rendered, and
3 (4) that the debt for the services rendered on or in relation to the
4 article of personal property was not paid. Provided, if the
5 unpaid total amount of the debt for services rendered on or in
6 relation to the article of personal property is unknown, an
7 approximated amount of the debt due and owing shall be
8 included in the sworn statement but such approximated debt
9 may be amended within thirty (30) days of such filing to reflect
10 the actual amount of the debt due and owing.

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

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

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

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

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

13 3. The claimant shall not transfer to a third party or to a person who performs
14 repossession services, a check, money order, or credit card transaction that is received as
15 payment for services with respect to an article and that is returned to the claimant
16 because of insufficient funds or no funds, because the person writing the check, issuing
17 the money order, or credit cardholder has no account or because the check, money order,
18 or credit card account 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 shall be promptly
21 delivered to the location where the services were performed. The article shall remain at

1 the services location at all times until the article is lawfully returned to the record owner
2 or a lienholder or is disposed of pursuant to this section.

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

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

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

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

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

1 6. This section applies to a vehicle, all-terrain vehicle, utility vehicle, manufactured
2 home, motorcycle, boat, outboard motor, or trailer for which ownership cannot be
3 determined by ordinary means or by the Oklahoma Tax Commission Motor Vehicle
4 Division, as provided in subparagraphs d and e of paragraph 4 of subsection A of this
5 section, as applicable.

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

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

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

13 10. For a vehicle abandoned at a salvage pool, if the cost of repairing the vehicle for
14 safe operation on the highway does not exceed sixty percent (60%) of the fair market
15 value of the vehicle 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 possession; and

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

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

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

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

9 1. When used in a parade; or

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

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

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

20 1. Golf carts owned by the Oklahoma Tourism and Recreation Department, and
21 operated by employees or agents of the Department or employees of independent
22 management companies working on behalf of the Department, may be operated on the

1 streets and highways of this state during daylight hours or under rules developed by the
2 Oklahoma Tourism and Recreation Commission, when the streets and highways are
3 located within the boundaries of a state park. The Department shall have warning signs
4 placed at the entrance and other locations at those state parks allowing golf carts to be
5 operated on the streets and highways of this state located within the boundaries of those
6 state parks. The warning signs shall state that golf carts may be operating on streets
7 and highways and that motor vehicle operators shall take special precautions to be alert
8 for the presence of golf carts on the streets and highways;

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

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

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

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

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

19 c. appropriate signage, cautioning motorists of the possibility of golf cart
20 traffic, is erected by the board of county commissioners.

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

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

3 2. On public streets and highways if:

- 4 a. the vehicle needs to make a direct crossing of the street or highway
5 while the vehicle is traveling upon a regularly traveled trail and needs
6 to continue travel from one area of the trail to another and, if the
7 vehicle comes to a complete stop, yields the right-of-way to all
8 oncoming traffic that constitutes an immediate hazard, and crosses the
9 street or highway at an angle of approximately ninety (90) degrees to
10 the direction of the street or highway. This exception shall not apply
11 to divided highways or streets or highways with a posted speed limit of
12 more than thirty-five (35) miles per hour in the area of the crossing,
- 13 b. the vehicle needs to travel on a public street or highway in order to
14 cross a railroad track. In that event, the all-terrain vehicle or utility
15 vehicle may travel for not more than three hundred (300) feet on a
16 public street or highway to cross a railroad track,
- 17 c. the operator of the all-terrain vehicle or utility vehicle making the
18 crossing at a street or highway has a valid driver license, and
- 19 d. the operator of the vehicle makes a crossing on a street or highway
20 during daylight hours only;

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

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

4 b. operation occurs during daylight hours only.

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

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

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

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

20 D. Any parent, legal guardian or person having actual responsibility for a person
21 under eighteen (18) years of age, or who is the owner of the all-terrain vehicle operated
22 by a person under eighteen (18) years of age, who knows, or should have known, that the

1 person operating the all-terrain vehicle is not in compliance with the provisions of this
2 section, shall be punishable according to the provisions of subsection C of this section.

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

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

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

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

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

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

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

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

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

15 5. “Combined laden weight” means the weight of a truck or station wagon and its
16 cargo or payload transported thereon, or the weight of a truck or truck-tractor plus the
17 weight of any trailers or semitrailers together with the cargo or payload transported
18 thereon;

19 6. “Commercial trailer” means any trailer, as defined in Section 1-180 of this title,
20 or semitrailer, as defined in Section 1-162 of this title, when such trailer or semitrailer is
21 used primarily for business or commercial purposes;

1 7. “Commercial trailer dealer” means any person, firm or corporation engaged in
2 the business of selling any new and unused, or used, or both new and used commercial
3 trailers;

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

12 9. “Commission” or “Tax Commission” means the Oklahoma Tax Commission;

13 10. “Dealer” means any person, firm, association, corporation or trust who sells,
14 solicits or advertises the sale of new and unused motor vehicles and holds a bona fide
15 contract or franchise in effect with a manufacturer or distributor of a particular make of
16 new or unused motor vehicle or vehicles for the sale of same;

17 11. “Interstate commerce” means any commerce moving between any place in a
18 state and any place in another state or between places in the same state through another
19 state;

20 12. “Laden weight” means the combined weight of a vehicle when fully equipped for
21 use and the cargo or payload transported thereon; provided that in no event shall the

1 laden weight be less than the unladen weight of the vehicle fully equipped for use, plus
2 the manufacturer's rated carrying capacity;

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

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

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

17 16. "Manufactured home dealer" means any person, firm or corporation engaged in
18 the business of selling any new and unused, or used, or both new and used manufactured
19 homes. Such information and a valid franchise letter as proof of authorization to sell any
20 such new manufactured home product line or lines shall be attached to said application
21 for a dealer license to sell manufactured homes. "Manufactured home dealer" shall not
22 include any person, firm or corporation who sells or contracts for the sale of the dealer's

1 own personally titled manufactured home or homes. No person, firm or corporation shall
2 be considered a manufactured home dealer as to any manufactured home purchased or
3 acquired by such person, firm or corporation for purposes other than resale; provided,
4 that the restriction set forth in this sentence shall not prevent an otherwise qualified
5 person, firm or corporation from utilizing a single manufactured home as a sales office;

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

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

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

19 26. “Special mobilized machinery” means special purpose machines or devices,
20 either self-propelled or drawn as trailers or semitrailers, which derive no revenue from
21 the transportation of persons or property, whose use of the highway is only incidental,

1 and whose useful revenue producing service is performed at destinations in an area away
2 from the traveled surface of an established open highway;

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

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

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

12 30. "Travel trailer dealer" means any person, firm or corporation engaged in the
13 business of selling any new and unused, or used, or both new and used travel trailers.
14 Such information and a valid franchise letter as proof of authorization to sell any such
15 new travel trailer product line or lines shall be attached to said application for a dealer
16 license to sell travel trailers. "Travel trailer dealer" shall not include any person, firm or
17 corporation who sells or contracts for the sale of his or her own personally titled travel
18 trailer or trailers. No person, firm or corporation shall be considered as a travel trailer
19 dealer as to any travel trailer purchased or acquired by such person, firm or corporation
20 for purposes other than resale;

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

1 32. “Used vehicle” means any vehicle which has been sold, bargained, exchanged or
2 given away, or used to the extent that it has become what is commonly known, and
3 generally recognized, as a “secondhand” vehicle. This shall also include any vehicle other
4 than a remanufactured vehicle, regardless of age, owned by any person who is not a
5 dealer;

6 33. “Utility vehicle” means a vehicle powered by an internal combustion engine,
7 manufactured and used exclusively for off-highway use, equipped with seating for two or
8 more people and a steering wheel, traveling on four or more wheels;

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

18 ~~34.~~ 35. “Vehicle remanufacturer” means a commercial entity which assembles
19 remanufactured vehicles.

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

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

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

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

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

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

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

19 B. The owner of every vehicle in this state shall possess a certificate of title as proof
20 of ownership of such vehicle, except those vehicles registered pursuant to Section 1120 of
21 this title and trailers registered pursuant to Section 1133 of this title, previously titled by
22 anyone in another state and engaged in interstate commerce, and except as provided in

1 subsection M of this section. Except for owners that possess an agricultural exemption
2 permit pursuant to Section 1358.1 of Title 68 of the Oklahoma Statutes, the owner of an
3 all-terrain vehicle or a motorcycle used exclusively off roads or highways in this state
4 which is purchased or the ownership of which is transferred on or after July 1, 2005 and
5 the owner of a utility vehicle used exclusively off roads and highways in this state which
6 is purchased or the ownership of which is transferred on or after July 1, 2008, shall
7 possess a certificate of title as proof of ownership. Any person possessing an agricultural
8 exemption permit and owning an all-terrain vehicle or a motorcycle used exclusively off
9 roads or highways in this state which is purchased or the ownership of which is
10 transferred on or after July 1, 2008, shall possess a certificate of title as proof of
11 ownership. Upon receipt of proper application information by such owner, the Tax
12 Commission shall issue an original or transfer certificate of title. Until July 1, 2008, any
13 security interest in an all-terrain vehicle that attached and was perfected before July 1,
14 2005, and that has not otherwise terminated shall remain perfected, and shall take
15 priority over any subsequently perfected security interest in the same all-terrain vehicle,
16 notwithstanding that a certificate of title may have been issued with respect to the same
17 all-terrain vehicle on or after July 1, 2005, and that a lien may have been recorded on
18 said certificate of title. There shall be six types of certificates of title:

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

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

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

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

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

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

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

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

22 a. a full description of the vehicle,

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

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

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

19 The declaration shall be based upon the best information and knowledge of the
20 owner and shall be in addition to the requirements specified in paragraph 1 of this
21 subsection. The Tax Commission shall not issue a certificate of title for a vehicle which
22 is subject to the provisions of this paragraph without the required declaration, completed

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

- 9 a. intaglio printing or security thread, with or without watermark,
- 10 b. latent images,
- 11 c. fluorescent inks,
- 12 d. micro print,
- 13 e. void background, and
- 14 f. color coding.

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

17 5. The certificate of title shall be of such size and design and color as the Tax
18 Commission may direct pursuant to the provisions of this section. The title shall be on
19 colored paper or other material as designated by the Tax Commission and be of such
20 intensity or hue as will allow easy identification as to whether the title is an original
21 title, a salvage title, a rebuilt title, remanufactured title, or a junked title. The type of
22 title shall be identified on the front of the certificate of title. The original title, rebuilt

1 title, remanufactured title, or classic title shall be identified by the word “Original”,
2 “Rebuilt”, “Remanufactured” or “Classic” printed in the upper right quadrant of the
3 certificate of title, in the space which is currently captioned “type of title”.

4 D. 1. To obtain an original certificate of title for a vehicle that is being registered
5 for the first time in this state which has not been previously registered in any other
6 state, the applicant shall be required to deliver, as evidence of ownership, a
7 manufacturer’s certificate of origin properly assigned by the manufacturer, distributor,
8 or dealer licensed in this or any other state shown thereon to be the last transferee to the
9 applicant upon a form to be prescribed and approved by the Tax Commission. A
10 manufacturer’s certificate of origin shall contain:

- 11 a. the manufacturer’s serial or other identification number,
- 12 b. date on which first sold by the manufacturer to the dealer,
- 13 c. any distinguishing marks including model and the year same was
14 made,
- 15 d. a statement of any security interests upon the vehicle, and
- 16 e. such other information as the Tax Commission may require.

17 2. The manufacturer’s certificate of origin shall have the following security
18 features:

- 19 a. intaglio printing or security thread, with or without watermark,
- 20 b. latent images,
- 21 c. fluorescent inks,
- 22 d. micro print, and

1 e. void background.

2 E. In the absence of a dealer's or manufacturer's number, the Tax Commission may
3 assign such identifying number to the vehicle, which shall be permanently stamped,
4 burned or pressed or attached into the vehicle, and a certificate of title shall be delivered
5 to the applicant upon payment of all fees and taxes, and the remaining copies shall be
6 permanently filed and indexed by the Tax Commission. The Tax Commission shall
7 assign an identifying number to any rebuilt vehicle if the vehicle identification number
8 displayed on the rebuilt vehicle does not accurately describe the vehicle as rebuilt. The
9 motor license agent, at the time of inspection of the rebuilt vehicle pursuant to Section
10 1111 of this title, shall identify the make, model, and year for the body to accurately
11 describe the rebuilt vehicle. At the time of the inspection, an appropriate identifying
12 number shall be permanently stamped, burned, pressed, or attached on the rebuilt
13 vehicle. The assigned identifying number shall be recorded on the certificate of title for
14 the rebuilt vehicle. The dealer's or manufacturer's vehicle identification number on the
15 rebuilt vehicle shall be preserved in the computer files of the Tax Commission for at least
16 five (5) years.

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

20 1. As evidence of ownership, if the vehicle has not previously been titled in the
21 United States, the documents constituting valid proof of ownership in the country in

1 which the vehicle was originally purchased, together with a notarized translation of any
2 such documents; and

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

20 I. The vehicle identification number of a junked vehicle shall be preserved in the
21 computer files of the Tax Commission for a period of not less than five (5) years. The
22 charge of junked titles as defined in paragraph 4 of subsection B of this section shall be

1 Four Dollars (\$4.00). The fee remitted to the Tax Commission shall be deposited in the
2 Oklahoma Tax Commission Reimbursement Fund.

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

7 K. If a vehicle is stolen, the owner shall immediately notify the appropriate law
8 enforcement agency. Immediately after receiving such notification, the law enforcement
9 agency shall notify the Tax Commission.

10 L. Except for all-terrain vehicles, utility vehicles and motorcycles used exclusively
11 for off-road use, no title for an out-of-state vehicle, except any commercial truck or truck-
12 tractor registered pursuant to Section 1120 of this title which is engaged in interstate
13 commerce or any trailer or semitrailer registered pursuant to Section 1133 of this title
14 which is engaged in interstate commerce, shall be issued without an inspection of such
15 vehicle and payment of a fee of Four Dollars (\$4.00) for such inspection; provided, the
16 Tax Commission may enter into reciprocal agreements with other states for such
17 inspections to be performed at locations outside the boundaries of this state for vehicles
18 which:

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

1 The inspection shall include a comparison of the vehicle identification number on the
2 vehicle with the number recorded on the ownership records and the recording of the
3 actual odometer reading on the vehicle. The four-dollar fee shall be collected by the
4 motor license agent or Tax Commission when the title is issued. The motor license agent
5 shall retain Two Dollars (\$2.00). The remaining Two Dollars (\$2.00) shall be deposited in
6 the Oklahoma Tax Commission Reimbursement Fund.

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

9 M. No title for any out-of-state vehicle offered for sale at salvage pools, salvage
10 disposal sales, or an auction, or by a dealer or a licensed automotive dismantler and
11 parts recycler, shall be issued without an inspection to compare the vehicle identification
12 number on the vehicle with the number recorded on the ownership record and to record
13 the actual odometer reading on the vehicle. Upon request of the seller, person or entity
14 conducting an auction, dealer or licensed dismantler, the inspection shall be conducted at
15 the location or place of business of the sale, auction, dealer, or the dismantler. The
16 inspection shall be conducted by any motor license agent or a duly authorized employee
17 thereof; provided, if the vehicle identification number on the vehicle offered for sale at
18 salvage pools, salvage disposal sales or a classic or antique auction does not match the
19 number recorded on the ownership record, the inspection may be conducted at the
20 location of or place of business of such sale or auction by any state, county or city law
21 enforcement officer. The Tax Commission may enter into reciprocal agreements with

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 other states for such inspections to be performed at locations outside the boundaries of
2 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 ownership of a licensed
5 motor vehicle dealer or a person engaged in the business of renting motor vehicles; or

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

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

1 inspected, unless the vehicle is purchased by an Oklahoma dealer. Any person licensed
2 in another state to sell new or used motor vehicles, who offers a motor vehicle for sale
3 within this state at a motor vehicle auction which is limited to dealer-to-dealer
4 transactions, shall not be within the definition of “owner” in Section 1102 of this title, for
5 purposes of Section 1101 et seq. of this title.

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

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

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

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

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

18 Upon receipt of the certificate, the Tax Commission shall verify that any perfected
19 lien upon the vehicle has been released. If the lien is not released, the Tax Commission
20 shall mail notice of the transfer to the lienholder at the lienholder's last-known address.
21 If a certificate of title has been issued, it shall be canceled and the vehicle identification
22 number shall be preserved in the computer of the Tax Commission for at least five (5)

1 years. The buyer of the vehicle may not be sued and shall not be liable for monetary
2 damages to the lienholder, however, the vehicle shall be subject to a valid repossession by
3 a lienholder.

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

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

12 T. If a vehicle is sold to a foreign buyer pursuant to the provisions of the
13 Automotive Dismantlers and Parts Recycler Act, the licensed seller shall stamp the title
14 with: "EXPORT ONLY. NONTRANSFERABLE IN THE UNITED STATES." The
15 licensed seller shall supply the Tax Commission the title number, the vehicle
16 identification number and the foreign buyer's bid identification number on a form
17 prescribed by the Tax Commission. The Tax Commission shall cancel the title, and the
18 vehicle identification number shall be preserved in the computer files of the Tax
19 Commission for a period of not less than five (5) years.

20 U. The Tax Commission shall not be considered a necessary party to any lawsuit
21 which is instigated for the purpose of determining ownership of a vehicle, wherein the
22 Tax Commission's only involvement would be to issue title, and the court shall issue an

1 order dismissing the Tax Commission from the pending action. In the event no other
2 party or lien holder can be identified as to ownership or claim, the Tax Commission shall
3 accept an affidavit of ownership from the party claiming ownership and issue proper title
4 thereon.

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

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

- 10 1. A vehicle having a gross vehicle weight rating of more than sixteen thousand
11 (16,000) pounds;
- 12 2. A vehicle that is not self-propelled;
- 13 3. A vehicle that is ten (10) years old or older;
- 14 4. A vehicle sold directly by the manufacturer to any agency of the United States in
15 conformity with contractual specifications;
- 16 5. An all-terrain vehicle;
- 17 6. A motorcycle used exclusively off-road; ~~or~~
- 18 7. A new motor vehicle prior to its transfer to the first retail purchaser; or
- 19 8. A utility vehicle.

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Section 1113. A. 1. Except for all-terrain vehicles, utility vehicles and motorcycles
2 used exclusively off roads and highways, upon the filing of a registration application and
3 the payment of the fees provided for in the Oklahoma Vehicle License and Registration
4 Act, the Oklahoma Tax Commission or Corporation Commission, as applicable, shall
5 assign to the vehicle described in the application a distinctive number, and issue to the
6 owner of the vehicle a certificate of registration, one license plate and a yearly decal. The
7 Oklahoma Tax Commission shall assign an all-terrain vehicle, utility vehicle or
8 motorcycle used exclusively off roads and highways a distinctive number and issue to the
9 owner a certificate of registration and a decal but not a license plate. For each
10 subsequent registration year, the Tax Commission shall issue a yearly decal to be affixed
11 to the license plate, except for an all-terrain vehicle, utility vehicle or motorcycle used
12 exclusively off roads and highways. The initial decal for an all-terrain vehicle, utility
13 vehicle or motorcycle shall be attached to the front of the ~~all-terrain~~ vehicle and shall be
14 in clear view. The decal shall be on the front or on the front fork of the motorcycle used
15 exclusively off roads and highways and the decal shall be in clear view. The yearly decal
16 shall have an identification number and the last two numbers of the registration year for
17 which it shall expire. Except as provided by Section 1113A of this title, the license plate
18 shall be affixed to the exterior of the vehicle until a replacement license plate is applied
19 for. If the owner applies for a replacement license plate, the Tax Commission shall
20 charge the fee provided for in Section 1114 of this title. The yearly decal will validate the
21 license plate for each registration period other than the year the license plate is issued.
22 The license plate and decal shall be of such size, color, design and numbering as the Tax

1 Commission may direct. However, yearly decals issued to the owner of a vehicle who has
2 filed an affidavit with the appropriate motor license agent in accordance with Section 7-
3 607 of this title shall be a separate and distinct color from all other decals issued under
4 this section.

5 2. The license plate shall be securely attached to the rear of the vehicle, except
6 truck-tractor plates which shall be attached to the front of the vehicle. The Tax
7 Commission may, with the concurrence of the Department of Public Safety, by Joint
8 Rule, change and direct the manner, place and location of display of any vehicle license
9 plate when such action is deemed in the public interest. The license plate, decal and all
10 letters and numbers shall be clearly visible at all times. The operation of a vehicle in
11 this state, regardless of where such vehicle is registered, upon which the license plate is
12 covered, overlaid or otherwise screened with any material, whether such material be
13 clear, translucent, tinted or opaque, shall be a violation of this paragraph.

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Section 1133 of this title, may elect to receive a permanent certificate of registration that
2 shall be carried at all times in the vehicle for which it is issued.

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

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

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

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

16 3. Within the limits herein prescribed the Tax Commission shall redesign the
17 official vehicle license plates which currently bear the legend "Oklahoma OK" or
18 "Oklahoma is OK!" and substitute therefor the legend "Oklahoma Native America" as
19 further described in this paragraph. Except for personalized license plates and license
20 plates issued for motorcycles and mopeds, the emblem on the state flag of Oklahoma as
21 provided for in Section 91 of Title 25 of the Oklahoma Statutes shall be a part of all
22 license plates issued after December 31, 1988. The Tax Commission may continue to

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

14 4. Except as otherwise provided in this subsection, the Tax Commission shall
15 design appropriate official license plates for all state vehicles. Such license plates shall
16 be permanent in nature and designed in such manner as to remain with the vehicle for
17 the duration of the vehicle’s life span or until the title is transferred to a
18 nongovernmental owner;

19 5. Within the limits prescribed in this section, the Tax Commission shall design
20 appropriate official license plates for vehicles of the Oklahoma Highway Patrol. The
21 license plates shall have the legend “Oklahoma OK” and shall contain the letters “OHP”
22 followed by the state seal and the badge number of the Highway Patrol officer to whom

1 the vehicle is assigned. The words “Oklahoma Highway Patrol” shall also be included on
2 such license plates; and

3 6. Within the limits prescribed in this section, the Tax Commission shall design
4 appropriate official license plates for vehicles of the Oklahoma Military Department.
5 Such license plates shall have the legend “Oklahoma OK” and shall contain the letters
6 “OMD” followed by the state seal and three numbers or letters as designated by the
7 Adjutant General. The words “Oklahoma Military Department” shall also be included on
8 such license plates.

9 C. Where the applicant has satisfactorily shown that the applicant owns the vehicle
10 sought to be registered but is unable to produce documentary evidence of the ownership,
11 a license plate may be issued upon approval by the Tax Commission or Corporation
12 Commission, as applicable. In such instances the reason for not issuing a certificate of
13 title shall be indicated on the receipt given to the applicant. It shall still be the duty of
14 the applicant to immediately take all necessary steps to obtain the Oklahoma certificate
15 of title and it shall be unlawful for the applicant to sell the vehicle until the certificate
16 has been obtained in the applicant’s name.

17 D. The certificate of registration provided for in this section shall be in convenient
18 form, and the certificate of registration, or a certified copy or photostatic copy thereof,
19 duly authenticated by the Tax Commission or Corporation Commission, as applicable,
20 shall be carried at all times in or upon commercial vehicles so registered, in such manner
21 as to permit a ready examination thereof upon demand by any peace officer of the state
22 or duly authorized employee of the Department of Public Safety. Any such officer or

1 agent may seize and hold such commercial vehicle when the operator of the same does
2 not have the registration certificate in the operator's possession or when any such officer
3 or agent determines that the registration certificate has been obtained by
4 misrepresentation of any essential or material fact or when any number or identifying
5 information appearing on such certificate has been changed, altered, obliterated or
6 concealed in any way, until the proper registration or identification of such vehicle has
7 been made or produced by the owner thereof.

8 E. The purchaser of a new or used manufactured home shall, within thirty (30)
9 days of the date of purchase, register the home with the Tax Commission or a motor
10 license agent pursuant to the provisions of Section 1117 of this title. For a new
11 manufactured home, it shall be the responsibility of the dealer selling the home to place a
12 temporary license plate on the home in the same manner as provided in Section 1128 of
13 this title for other new motor vehicles. For the first year that any manufactured home is
14 registered in this state, the Tax Commission shall issue a metal license plate which shall
15 be affixed to the manufactured home. The temporary dealer license plate or the metal
16 license plate shall be displayed on the manufactured home at all times when upon a
17 public roadway; provided, a repossession affidavit issued pursuant to Sections 1110 and
18 1126 of this title shall be permissible in lieu of a current license plate and decal for the
19 purposes of removing a repossessed manufactured home to a secure location.
20 Manufactured homes previously registered and subject to ad valorem taxation as
21 provided by law shall have a decal affixed at the time ad valorem taxes are paid for such
22 manufactured home; provided, for a manufactured home permanently affixed to real

1 estate, no decal or license plate shall be required to be affixed and the owner thereof
2 shall be given a receipt upon payment of ad valorem taxes due on the home. The Tax
3 Commission shall make sufficient plates and decals available to the various motor license
4 agents of the state in order for an owner of a manufactured home to acquire the plate or
5 decal. A One Dollar (\$1.00) fee shall be charged for issuance of any plate or decal. The
6 fee shall be apportioned each month to the General Revenue Fund of the State Treasury.

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

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

- 22 1. The name of the owner of the manufactured home;

- 1 2. The serial number or identification number of the manufactured home;
- 2 3. A legal description or address of the location for the home;
- 3 4. The actual retail selling price of the manufactured home excluding Oklahoma
- 4 taxes;
- 5 5. The certificate of title number for the home; and
- 6 6. Any other information which the Tax Commission deems to be necessary.

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

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

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

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

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

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

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

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

- 16 1. For the first through the fourth year of registration in this state or any other
17 state, Eighty-five Dollars (\$85.00);
- 18 2. For the fifth through the eighth year of registration in this state or any other
19 state, Seventy-five Dollars (\$75.00);
- 20 3. For the ninth through the twelfth year of registration in this state or any other
21 state, Fifty-five Dollars (\$55.00);

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

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

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

7 B. For all-terrain vehicles and motorcycles used exclusively for use off roads or
8 highways purchased on or after July 1, 2005, and for all-terrain vehicles and motorcycles
9 used exclusively for use off roads or highways purchased prior to July 1, 2005, which the
10 owner chooses to register pursuant to the provisions of Section ~~5~~ 1115.3 of this ~~act~~ title,
11 an initial and nonrecurring registration fee of Eleven Dollars (\$11.00) shall be assessed
12 at the time of initial registration by the owner. Nine Dollars (\$9.00) of the registration
13 fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. Two
14 Dollars (\$2.00) of the registration fee shall be retained by the motor license agent. The
15 fees required by subsection A of this section shall not be required for all-terrain vehicles
16 or motorcycles used exclusively off roads and highways.

17 C. For utility vehicles used exclusively for use off roads or highways purchased on
18 or after July 1, 2008, and for utility vehicles used exclusively for use off roads or
19 highways purchased prior to July 1, 2008, which the owner chooses to register pursuant
20 to the provisions of Section 1115.3 of this title, an initial and nonrecurring registration
21 fee of Eleven Dollars (\$11.00) shall be assessed at the time of initial registration by the
22 owner. Nine Dollars (\$9.00) of the registration fee shall be deposited in the Oklahoma

1 Tax Commission Reimbursement Fund. Two Dollars (\$2.00) of the registration fee shall
2 be retained by the motor license agent. The fees required by subsection A of this section
3 shall not be required for utility vehicles used exclusively off roads and highways.

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

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

9 2. A defective new original vehicle returned by the purchaser/registant to the
10 seller within six (6) months of the date of purchase of the defective new original vehicle
11 as certified by the manufacturer.

12 The credit shall be in the amount of the fee for registration which was paid for the new
13 original vehicle and shall be applied to the registration fee for the replacement vehicle.

14 In no event will the credit be refunded.

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

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

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

8 Section 2101. For the purpose of this article:

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

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

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

- 1 4. The term "automobile" means and includes every motor vehicle constructed and
2 used solely for the transportation of persons for purposes other than for hire or
3 compensation;
- 4 5. The term "motorcycle" means and includes every motor vehicle designed to travel
5 on not more than three wheels other than an all-terrain vehicle;
- 6 6. The term "truck" means and includes every motor vehicle constructed or used for
7 the transportation of property not falling within the definition of truck-tractor, trailer or
8 semitrailer, as herein defined;
- 9 7. The term "truck-tractor" means and includes every motor vehicle of the truck
10 type designed to draw or support the front end of a semitrailer;
- 11 8. The term "trailer" means and includes any vehicle designed to be drawn by a
12 truck, tractor or a truck-tractor, but supported upon its own wheels;
- 13 9. The term "semitrailer" means and includes any vehicle designed to be attached
14 to, and having its front end supported by a truck, tractor, or truck-tractor;
- 15 10. The term "motor bus" means and includes every motor vehicle constructed so as
16 to carry persons, and which is used or rented to carry persons for compensation;
- 17 11. The term "manufactured home" means a residential dwelling built in
18 accordance with the National Manufactured Housing Construction and Safety Standards
19 Act of 1974, 42 U.S.C., Section 5401 et seq., and rules promulgated pursuant thereto and
20 the rules promulgated by the Oklahoma Used Motor Vehicle and Parts Commission
21 pursuant to Section 582 of Title 47 of the Oklahoma Statutes;

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

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

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

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

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

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

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

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

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

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

11 Section 2103. A. 1. Except as otherwise provided in Sections 2101 through 2108 of
12 this title, there shall be levied an excise tax upon the transfer of legal ownership of any
13 vehicle registered in this state and upon the use of any vehicle registered in this state
14 and upon the use of any vehicle registered for the first time in this state. Except for
15 persons that possess an agricultural exemption pursuant to Section 1358.1 of this title,
16 the excise tax shall be levied upon transfers of legal ownership of all-terrain vehicles and
17 motorcycles used exclusively off roads and highways which occur on or after July 1, 2005
18 and upon transfers of legal ownership of utility vehicles used exclusively off roads and
19 highways which occur on or after July 1, 2008. The excise tax for new and used all-
20 terrain vehicles, utility vehicles and motorcycles used exclusively off roads and highways
21 shall be levied at four and one-half percent (4 1/2%) of the actual sales price of each new
22 and used all-terrain vehicle and motorcycle used exclusively off roads and highways

1 before any discounts or credits are given for a trade-in. Provided, the minimum excise
2 tax assessment for such all-terrain vehicles, utility vehicles and motorcycles used
3 exclusively off roads and highways shall be Five Dollars (\$5.00). The excise tax for new
4 vehicles shall be levied at three and one-fourth percent (3 1/4%) of the value of each new
5 vehicle. The excise tax for used vehicles shall be as follows:

- 6 a. from October 1, 2000, until June 30, 2001, Twenty Dollars (\$20.00) on
7 the first One Thousand Dollars (\$1,000.00) or less of value of such
8 vehicle, and three and one-fourth percent (3 1/4%) of the remaining
9 value of such vehicle,
- 10 b. for the year beginning July 1, 2001, and ending June 30, 2002, Twenty
11 Dollars (\$20.00) on the first One Thousand Two Hundred Fifty Dollars
12 (\$1,250.00) or less of value of such vehicle, and three and one-fourth
13 percent (3 1/4%) of the remaining value of such vehicle, and
- 14 c. for the year beginning July 1, 2002, and all subsequent years, Twenty
15 Dollars (\$20.00) on the first One Thousand Five Hundred Dollars
16 (\$1,500.00) or less of value of such vehicle, and three and one-fourth
17 percent (3 1/4%) of the remaining value of such vehicle.

18 2. There shall be levied an excise tax of Ten Dollars (\$10.00) for any:

- 19 a. truck or truck-tractor registered under the provisions of subsection A
20 of Section 1133 of Title 47 of the Oklahoma Statutes, for a laden
21 weight or combined laden weight of fifty-four thousand one (54,001)
22 pounds or more,

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

7 a. a new original vehicle which is stolen from the purchaser/registrant
8 within ninety (90) days of the date of purchase of the original vehicle
9 as certified by a police report or other documentation as required by
10 the Tax Commission, or

11 b. a defective new original vehicle returned by the purchaser/registrant to
12 the seller within six (6) months of the date of purchase of the defective
13 new original vehicle as certified by the manufacturer.

14 2. The credit allowed pursuant to paragraph 1 of this subsection shall be in the
15 amount of the excise tax which was paid for the new original vehicle and shall be applied
16 to the excise tax due on the replacement vehicle. In no event shall the credit be
17 refunded.

18 E. Despite any other definitions of the terms “new vehicle” and “used vehicle”, to
19 the contrary, contained in any other law, the term “new vehicle” as used in this section
20 shall also include any vehicle of the latest manufactured model which is owned or
21 acquired by a licensed used motor vehicle dealer which has not previously been
22 registered in this state and upon which the motor vehicle excise tax as set forth in this

1 section has not been paid. However, upon the sale or transfer by a licensed used motor
2 vehicle dealer located in this state of any such vehicle which is the latest manufactured
3 model, the vehicle shall be considered a used vehicle for purposes of determining excise
4 tax.

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND
10 TRANSPORTATION, dated 04-09-08 - DO PASS, As Coauthored.