

ESB 2034

THE HOUSE OF REPRESENTATIVES
Tuesday, April 15, 2008

ENGROSSED
Senate Bill No. 2034
As Amended

ENGROSSED SENATE BILL NO. 2034 - By: MAZZEI AND WILSON of the Senate and
TERRILL of the House.

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

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1121, is amended to read
2 as follows:
3 Section 1121. A. When, at the time of registration of any vehicle, payment is made
4 by check for fees and taxes, and the check is not paid by the bank on which drawn for any
5 reason, after ~~said~~ the check has been presented for payment a second time, such
6 certificate of registration and other such instruments issued at the time of registration of
7 such vehicle shall be invalid. The motor license agent shall transmit all documents and
8 the dishonored check to the Oklahoma Tax Commission for credit to the motor license
9 agent's account. The Tax Commission may enter into a contract for the collection of
10 dishonored checks and canceled instruments. In all such cases, such vehicles shall be
11 subject to the license fees and penalties provided in this act as though no attempt to
12 register the vehicle had been made, and the motor license agent shall charge the person

1 issuing the check a fee of Twenty-five Dollars (\$25.00) for each check to cover the costs of
2 processing each returned check. An individual who subsequently purchases any such
3 vehicle shall not be required, as a condition for registration of the vehicle, to pay any
4 ~~penalties imposed by this section~~ tax, fee or penalty due resulting from the dishonored
5 check.

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

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

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

1 Section 1128. A. Every person manufacturing or having a contract to sell new
2 vehicles in this state shall file a verified application for a general distinctive number for
3 all new vehicles owned or controlled by the manufacturer or dealer; provided, the
4 Oklahoma Tax Commission shall issue a license to sell such new motor vehicles only for
5 those types of new vehicles for which the applicant has a sales contract or franchise;
6 provided, further, that no license shall be issued to any applicant that has not complied
7 with the provisions of Sections 561 through 568 of this title and does not hold a current
8 license issued by the Oklahoma Motor Vehicle Commission pursuant thereto. A separate
9 manufacturer's or dealer's license shall be required for each separate county within
10 which such manufacturer or dealer has an established place of business, and, upon
11 payment of a license fee of Ten Dollars (\$10.00), there shall be assigned and issued to
12 such manufacturer or dealer a Certificate of Registration and one license plate which
13 shall be displayed upon each vehicle of such manufacturer or dealer when same is
14 operated, driven, or displayed on any street, road, or highway, in the same manner as
15 hereinbefore provided for vehicles owned by other persons. Such a manufacturer or
16 dealer in new vehicles may obtain as many additional license plates as may be desired,
17 upon the payment of the sum of Ten Dollars (\$10.00) for each additional plate; provided
18 that no such license plate issued to any manufacturer or dealer shall be used or displayed
19 upon any secondhand or used vehicle, or upon any new vehicle which is used for a service
20 car, or private use, or for hire. Any person, with consent of the dealer, may operate a
21 motor vehicle, with the dealer's tag affixed, while contemplating purchase, so long as this
22 intent is limited to a consecutive seventy-two-hour period, or a weekend. An individual

1 holding a valid salesman's license issued by the Oklahoma Motor Vehicle Commission
2 shall not be subject to this limitation. If such person also buys and sells used vehicles, he
3 or she shall, after obtaining his or her new motor vehicle dealer's license from the
4 Oklahoma Motor Vehicle Commission, also obtain a used motor vehicle dealer's license,
5 from the Used Motor Vehicle and Parts Commission, the cost of which shall be as
6 prescribed in Section 1101 et seq. of this title.

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

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

1 requirements and payment of any taxes due. Each used motor vehicle must display a
2 proper Oklahoma license plate or a used dealer's license plate. Dealers failing to comply
3 with provisions of this section shall be responsible for all taxes due on such sales or on
4 such vehicles.

5 D. Every person engaged in the business of transporting and delivering new or
6 used vehicles by driving, either singly or by towbar, saddle mount or full mount method,
7 engaging in drive-away operations as defined in Section 3 of Title 85 of the Oklahoma
8 Statutes, or any combination thereof, from the manufacturer or shipper to the dealer or
9 consignee and using the public highways of this state, shall file with the Oklahoma
10 Motor Vehicle Commission a verified application for in-transit license plates to identify
11 such vehicles. The application shall provide for a general distinctive number for all
12 vehicles so transported. Upon payment of a license fee of Ten Dollars (\$10.00) there shall
13 be assigned and issued to such person one in-transit plate. Such in-transit plate shall be
14 used by such person only on vehicles when so transported. Such person may obtain as
15 many additional in-transit plates as desired upon payment of a fee of Ten Dollars
16 (\$10.00) for each additional plate. Provided, a used motor vehicle dealer shall use a used
17 dealer license plate in lieu of the in-transit license plate for transporting a used motor
18 vehicle and, in such cases, shall be exempt from making application for an in-transit
19 license plate. Provided further, only a person who possesses a ~~certificate issued by the~~
20 ~~Interstate Commerce Commission or the Corporation Commission~~ motor carrier number
21 issued by the Federal Motor Carrier Safety Administration or a united carrier
22 registration issued by the Oklahoma Corporation Commission to engage in the business

1 of transporting and delivering manufactured homes for hire may use the in-transit
2 license plates obtained by them as herein authorized for transporting new or used
3 manufactured homes from one location to another location within Oklahoma or from a
4 point in another state to a point in this state. Nothing contained in this section shall
5 relieve any person from the payment of license fees otherwise provided by law. When the
6 Oklahoma Motor Vehicle Commission deems it advisable and in the public interest, it
7 may require the holder of any in-transit license, or any person making application
8 therefor, to file a proper surety bond in any amount it deems proper, not to exceed Ten
9 Thousand Dollars (\$10,000.00).

10 E. The Oklahoma Tax Commission shall issue dealer licenses to new and used
11 manufactured home dealers, new and used travel trailer dealers and new and used
12 commercial trailer dealers.

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

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
22 dated 04-14-08 - DO PASS, As Amended.