

THE HOUSE OF REPRESENTATIVES
Thursday, March 27, 2008

ENGROSSED
Senate Bill No. 1998

ENGROSSED SENATE BILL NO. 1998 - By: SCHULZ of the Senate and ARMES of the House.

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 1102, as last amended by Section 1, Chapter 177, O.S.L. 2007 and 1105, as last amended by Section 1, Chapter 202, O.S.L. 2007 (47 O.S. Supp. 2007, Sections 1102 and 1105), which relate to definitions and motor vehicle registration; defining term; limiting applicability of certain registration requirements; providing for registration of imported mini-trucks; providing for certain operation of imported mini-trucks; providing for codification; and providing an effective date.

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

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

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

5 1. "All-terrain vehicle" means a motorized vehicle manufactured and used
6 exclusively for off-highway use which is forty-eight (48) inches or less in width, with an
7 unladen dry weight of eight hundred (800) pounds or less, traveling on two or more low-
8 pressure tires, and having a seat designed to be straddled by the operator and
9 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. "Imported mini-truck" means a foreign manufactured import vehicle powered
18 by an internal combustion engine with a piston or rotor displacement of six hundred
19 sixty cubic centimeters (660 cu cm) or less, which is sixty (60) inches or less in width,
20 with an unladen dry weight of one thousand six hundred (1,600) pounds or less, traveling
21 on four (4) or more tires, having a top speed of approximately fifty-five (55) miles per

1 hour, equipped with a bed or compartment for hauling, and having an enclosed
2 passenger cab;

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

6 ~~12.~~ 13. “Laden weight” means the combined weight of a vehicle when fully equipped
7 for use and the cargo or payload transported thereon; provided, that in no event shall the
8 laden weight be less than the unladen weight of the vehicle fully equipped for use, plus
9 the manufacturer’s rated carrying capacity;

10 ~~13.~~ 14. “Local authorities” means every county, municipality or local board or body
11 having authority to adopt police regulations under the Constitution and laws of this
12 state;

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

19 ~~15.~~ 16. “Manufactured home” means a residential dwelling built in accordance with
20 the National Manufactured Housing Construction and Safety Standards Act of 1974, 42
21 U.S.C., Section 5401 et seq., and rules promulgated pursuant thereto and the rules

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

3 ~~16. 17.~~ “Manufactured home dealer” means any person, firm or corporation engaged
4 in the business of selling any new and unused, or used, or both new and used
5 manufactured homes. Such information and a valid franchise letter as proof of
6 authorization to sell any such new manufactured home product line or lines shall be
7 attached to ~~said the~~ application for a dealer license to sell manufactured homes.

8 “Manufactured home dealer” shall not include any person, firm or corporation who sells
9 or contracts for the sale of the dealer’s own personally titled manufactured home or
10 homes. No person, firm or corporation shall be considered a manufactured home dealer
11 as to any manufactured home purchased or acquired by such person, firm or corporation
12 for purposes other than resale; provided, that the restriction set forth in this sentence
13 shall not prevent an otherwise qualified person, firm or corporation from utilizing a
14 single manufactured home as a sales office;

15 ~~17. 18.~~ “Motor license agent” means any person appointed, designated or
16 authorized by the Oklahoma Tax Commission to collect the fees and to enforce the
17 provisions provided for in the Oklahoma Vehicle License and Registration Act;

18 ~~18. 19.~~ “New vehicle” or “unused vehicle” means a vehicle which has been in the
19 possession of the manufacturer, distributor or wholesaler or has been sold only by the
20 manufacturer, distributor or wholesaler to a dealer;

21 ~~19. 20.~~ “Nonresident” means any person who is not a resident of this state;

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

4 ~~21.~~ 22. “Owner” means any person owning, operating or possessing any vehicle
5 herein defined;

6 ~~22.~~ 23. “Person” means any individual, copartner, joint venture, association,
7 corporation, limited liability company, estate, trust, business trust, syndicate, the State
8 of Oklahoma, or any county, city, municipality, school district or other political
9 subdivision thereof, or any group or combination acting as a unit, or any receiver
10 appointed by the state or federal court;

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

20 ~~24.~~ 25. “Remanufactured vehicle” means a vehicle which has been assembled by a
21 vehicle remanufacturer using a new body and which may include original, reconditioned,

1 or remanufactured parts, and which is not a salvage, rebuilt, or junked vehicle as defined
2 by paragraphs 1, 2, and 5, respectively, of subsection A of Section 1105 of this title;

3 ~~25.~~ 26. “Rental trailer” means all small or utility trailers or semitrailers
4 constructed and suitable for towing by a passenger automobile and designed only for
5 carrying property, when ~~said~~ the trailers or semitrailers are owned by, or are in the
6 possession of, any person engaged in renting or leasing such trailers or semitrailers for
7 intrastate or interstate use or combined intrastate and interstate use;

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

13 ~~27.~~ 28. “State” means the State of Oklahoma;

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

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

1 ~~30.~~ 31. “Travel trailer dealer” means any person, firm or corporation engaged in the
2 business of selling any new and unused, or used, or both new and used travel trailers.
3 Such information and a valid franchise letter as proof of authorization to sell any such
4 new travel trailer product line or lines shall be attached to ~~said~~ the application for a
5 dealer license to sell travel trailers. “Travel trailer dealer” shall not include any person,
6 firm or corporation who sells or contracts for the sale of his or her own personally titled
7 travel trailer or trailers. No person, firm or corporation shall be considered as a travel
8 trailer dealer as to any travel trailer purchased or acquired by such person, firm or
9 corporation for purposes other than resale;

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

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

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

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

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

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

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

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

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

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

1 4. “Recovered-theft vehicle” means a salvage or rebuilt vehicle which was recovered
2 from a theft; and

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

6 B. The owner of every vehicle in this state shall possess a certificate of title as proof
7 of ownership of such vehicle, except those vehicles registered pursuant to Section 1120 of
8 this title and trailers registered pursuant to Section 1133 of this title, previously titled by
9 anyone in another state and engaged in interstate commerce, and except as provided in
10 subsection M of this section. Except for owners that possess an agricultural exemption
11 permit pursuant to Section 1358.1 of Title 68 of the Oklahoma Statutes, the owner of an
12 all-terrain vehicle or a motorcycle used exclusively off roads or highways in this state
13 which is purchased or the ownership of which is transferred on or after July 1, 2005,
14 shall possess a certificate of title as proof of ownership. Any person possessing an
15 agricultural exemption permit and owning an all-terrain vehicle or a motorcycle used
16 exclusively off roads or highways in this state which is purchased or the ownership of
17 which is transferred on or after July 1, 2008, shall possess a certificate of title as proof of
18 ownership. Upon receipt of proper application information by such owner, the Oklahoma
19 Tax Commission shall issue an original or transfer certificate of title. Until July 1, 2008,
20 any security interest in an all-terrain vehicle that attached and was perfected before July
21 1, 2005, and that has not otherwise terminated shall remain perfected, and shall take
22 priority over any subsequently perfected security interest in the same all-terrain vehicle,

1 notwithstanding that a certificate of title may have been issued with respect to the same
2 all-terrain vehicle on or after July 1, 2005, and that a lien may have been recorded on
3 ~~said~~ the certificate of title. There shall be six types of certificates of title:

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

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

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

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

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

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

14 Application for a certificate of title, whether the initial certificate of title or a
15 duplicate, may be made to the Tax Commission or any motor license agent. When
16 application is made with a motor license agent, the application information shall be
17 transmitted either electronically or by mail to the Tax Commission by the motor license
18 agent. If the application information is transmitted electronically, the motor license
19 agent shall forward the required application along with evidence of ownership, where
20 required, by mail. Where the transmission of application information cannot be
21 performed electronically, the Tax Commission is authorized to provide postage paid
22 envelopes to motor license agents for the purpose of mailing the application along with

1 evidence of ownership, where required. The Tax Commission shall upon receipt of proper
2 application information issue an Oklahoma certificate of title. The certificates may be
3 mailed to the applicant. Upon issuance of a certificate of title, the Tax Commission shall
4 provide the appropriate motor license agent with confirmation of such issuance.

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

- 7 a. a full description of the vehicle,
- 8 b. the manufacturer's serial or other identification number,
- 9 c. the motor number and the date on which first sold by the
10 manufacturer or dealer to the owner,
- 11 d. any distinguishing marks,
- 12 e. a statement of the applicant's source of title,
- 13 f. any security interest upon the vehicle, and
- 14 g. such other information as the Tax Commission may require.

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

- 20 a. the vehicle has been damaged or stolen,
- 21 b. the owner did or did not receive any payment for the loss from an
22 insurer, or

1 c. the vehicle is titled or registered in a state that does not classify the
2 vehicle or brand the title because of damage to or loss of the vehicle
3 similar to the classifications or brands utilized by this state.

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

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

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

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

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

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

- 19 a. the manufacturer's serial or other identification number,
20 b. date on which first sold by the manufacturer to the dealer,
21 c. any distinguishing marks including model and the year same was
22 made,

- 1 d. a statement of any security interests upon the vehicle, and
- 2 e. such other information as the Tax Commission may require.

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

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

10 E. In the absence of a dealer's or manufacturer's number, the Tax Commission may
11 assign such identifying number to the vehicle, which shall be permanently stamped,
12 burned or pressed or attached into the vehicle, and a certificate of title shall be delivered
13 to the applicant upon payment of all fees and taxes, and the remaining copies shall be
14 permanently filed and indexed by the Tax Commission. The Tax Commission shall
15 assign an identifying number to any rebuilt vehicle if the vehicle identification number
16 displayed on the rebuilt vehicle does not accurately describe the vehicle as rebuilt. The
17 motor license agent, at the time of inspection of the rebuilt vehicle pursuant to Section
18 1111 of this title, shall identify the make, model, and year for the body to accurately
19 describe the rebuilt vehicle. At the time of the inspection, an appropriate identifying
20 number shall be permanently stamped, burned, pressed, or attached on the rebuilt
21 vehicle. The assigned identifying number shall be recorded on the certificate of title for
22 the rebuilt vehicle. The dealer's or manufacturer's vehicle identification number on the

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

1 rebuilt vehicle shall be preserved in the computer files of the Tax Commission for at least
2 five (5) years.

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

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

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

14 The Tax Commission shall not issue a certificate of title for a vehicle which is
15 subject to the provisions of this paragraph without the required documentation from
16 agencies of the United States and evidence of ownership. Upon receipt of an application
17 without the required documentation, the Tax Commission shall return the application to
18 the applicant with notice that the certificate of title may not be issued without the
19 required documentation. Nothing in this paragraph shall prohibit the Tax Commission
20 from issuing certificates of title for antique or classic vehicles not driven upon the public
21 streets, roads, or highways, or for imported mini-trucks registered pursuant to Section 3
22 of this act.

1 G. When registering in this state a vehicle which was titled in another state and
2 which title contains the name of a secured party on the face of the other state certificate
3 of title, or such state certificate is being held by the secured party in that state or any
4 other state, the Tax Commission or the motor license agent shall complete a lien entry
5 form as prescribed by the Tax Commission. The owner of such vehicle shall file an
6 affidavit with the Tax Commission or the motor license agent stating that title to the
7 vehicle is being held by a secured party has not been issued pursuant to the laws of the
8 state where titled, and that there is an existing lien or encumbrance on the vehicle. The
9 current name and address of the secured party or lienholder shall also be stated in the
10 affidavit. The form of the affidavit shall be prescribed by the Tax Commission and
11 contain any other information deemed necessary by the Tax Commission. A statement of
12 the lien or encumbrance shall be included on the Oklahoma certificate of title and the
13 lien or encumbrance shall be deemed continuously perfected as though it had been
14 perfected pursuant to Section 1110 of this title. For completing the lien entry form and
15 recording the security interest on the certificate of title, the Tax Commission or the
16 motor license agent shall collect a fee of Three Dollars (\$3.00) which shall be in addition
17 to other fees provided by the Oklahoma Vehicle License and Registration Act. The fee, if
18 collected by the motor license agent pursuant to this subsection, shall be retained by the
19 motor license agent.

20 H. The charge for each certificate of title issued, except for junked titles as defined
21 in paragraph 4 of subsection B of this section, shall be Eleven Dollars (\$11.00), which
22 charge shall be in addition to any other fees or taxes imposed by law for such vehicle.

1 One Dollar (\$1.00) of each such charge shall be deposited in the Oklahoma Tax
2 Commission Reimbursement Fund. However, the charge shall not apply to any vehicle
3 which is to be registered in this state pursuant to the provisions of Section 1120 or 1133
4 of this title and which was registered in another state at least sixty (60) days prior to the
5 time it is required to be registered in this state.

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

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

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

18 L. Except for all-terrain vehicles and motorcycles used exclusively for off-road use,
19 no title for an out-of-state vehicle, except any commercial truck or truck-tractor
20 registered pursuant to Section 1120 of this title which is engaged in interstate commerce
21 or any trailer or semitrailer registered pursuant to Section 1133 of this title which is
22 engaged in interstate commerce, shall be issued without an inspection of such vehicle

1 and payment of a fee of Four Dollars (\$4.00) for such inspection; provided, the Tax
2 Commission may enter into reciprocal agreements with other states for such inspections
3 to be performed at locations outside the boundaries of this state for vehicles which:

4 1. Are offered for sale at auction;

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

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

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

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

16 M. No title for any out-of-state vehicle offered for sale at salvage pools, salvage
17 disposal sales, or an auction, or by a dealer or a licensed automotive dismantler and
18 parts recycler, shall be issued without an inspection to compare the vehicle identification
19 number on the vehicle with the number recorded on the ownership record and to record
20 the actual odometer reading on the vehicle. Upon request of the seller, person or entity
21 conducting an auction, dealer or licensed dismantler, the inspection shall be conducted at
22 the location or place of business of the sale, auction, dealer, or the dismantler. The

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

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

13 The inspection shall be certified upon forms prescribed by the Tax Commission. The
14 name and other identification of the authorized person conducting the inspection shall be
15 legibly printed or typed on the form. Prior to any inspection by any employee of a motor
16 license agent, the motor license agent shall notify the Tax Commission of the name and
17 any other identification information requested by the Tax Commission of the authorized
18 person. A signature specimen of the authorized person shall be submitted to the Tax
19 Commission by the employing motor license agent. If the authorization to inspect
20 vehicles is withdrawn or the employer-employee relationship is terminated, the motor
21 license agent, immediately, shall notify the Tax Commission and return any remaining
22 inspection forms to the Tax Commission. The fee for the inspection shall be Four Dollars

1 (\$4.00). The motor license agent shall retain Three Dollars (\$3.00) of the fee. Fees
2 received by a motor license agent or an authorized employee thereof shall be handled and
3 accounted for in the manner as prescribed by law for any other fees paid to or received by
4 a motor license agent. Out-of-state vehicles brought into this state by a person licensed
5 in another state to sell new or used vehicles to be sold within this state at a motor vehicle
6 auction which is limited to dealer-to-dealer transactions shall not be required to be
7 inspected, unless the vehicle is purchased by an Oklahoma dealer. Any person licensed
8 in another state to sell new or used motor vehicles, who offers a motor vehicle for sale
9 within this state at a motor vehicle auction which is limited to dealer-to-dealer
10 transactions, shall not be within the definition of “owner” in Section 1102 of this title, for
11 purposes of Section 1101 et seq. of this title.

12 N. A licensed motor vehicle dealer, upon payment of a fee of Fifteen Dollars
13 (\$15.00), may reassign an out-of-state certificate of title to a used motor vehicle provided
14 such dealer obtains the appropriate inspection form required by either subsection L or M
15 of this section and attaches the form to the out-of-state certificate of title. Motor license
16 agents shall be allowed to retain Two Dollars and twenty-five cents (\$2.25) of the fee plus
17 an additional Two Dollars (\$2.00) or Three Dollars (\$3.00) as provided in subsections L
18 and M of this section for performance of the inspection. Two Dollars (\$2.00) of the fee
19 shall be deposited in the Tax Commission Reimbursement Fund. An out-of-state vehicle
20 which has been rebuilt shall be inspected pursuant to the provisions of Section 1111 of
21 this title. The Tax Commission shall train motor license agents in interpreting vehicle
22 identification numbers to assure that it accurately describes the vehicle and to detect

1 rollback or alteration of the odometer. Failure of a motor license agent to inspect the
2 vehicle and make the required notations shall be a misdemeanor punishable by a fine of
3 not more than One Thousand Dollars (\$1,000.00) for the first offense and Five Thousand
4 Dollars (\$5,000.00) for the second offense or subsequent offense, or by imprisonment in
5 the county jail for not more than six (6) months, or by both such fine and imprisonment.

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

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

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

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

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

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

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

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

17 T. If a vehicle is sold to a foreign buyer pursuant to the provisions of the
18 Automotive Dismantlers and Parts Recycler Act, the licensed seller shall stamp the title
19 with: “EXPORT ONLY. NONTRANSFERABLE IN THE UNITED STATES.” The
20 licensed seller shall supply the Tax Commission the title number, the vehicle
21 identification number and the foreign buyer’s bid identification number on a form
22 prescribed by the Tax Commission. The Tax Commission shall cancel the title, and the

1 vehicle identification number shall be preserved in the computer files of the Tax
2 Commission for a period of not less than five (5) years.

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

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

13 A. Imported mini-trucks shall be registered pursuant to the provisions of the
14 Oklahoma Vehicle License and Registration Act. The Oklahoma Tax Commission shall
15 promulgate rules for the titling and registration of imported mini-trucks.

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

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

1 SECTION 4. This act shall become effective November 1, 2008.
2 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND
3 TRANSPORTATION, dated 03-26-08 - DO PASS.