

1 **THE STATE SENATE**
2 **Monday, February 18, 2008**

3 **Committee Substitute for**
4 **Senate Bill No. 1793**

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1793 - By: BROWN of the
6 Senate and ADKINS of the House.

7 An Act relating to motor vehicles; amending 42 O.S. 2001,
8 Sections 91, as last amended by Section 1, Chapter 247,
9 O.S.L. 2006 and Section 2, Chapter 477, O.S.L. 2005, as
10 amended by Section 2, Chapter 247, O.S.L. 2006 (42 O.S.
11 Supp. 2007, Sections 91 and 91A), which relate to liens on
12 personal property; providing for application of certain
13 provisions relating to utility vehicles under certain
14 circumstances; amending Section 16, Chapter 418, O.S.L. 2004
15 and Section 1, Chapter 124, O.S.L. 2007 (47 O.S. Supp. 2007,
16 Sections 11-1116 and 11-1117), which relate to miscellaneous
17 motor vehicle rules; providing circumstances where operation
18 of utility vehicles on streets and highways is permitted;
19 modifying definition; amending 47 O.S. 2001, Sections 1102,
20 as last amended by Section 1, Chapter 177, O.S.L. 2007,
21 1105, as last amended by Section 1, Chapter 202, O.S.L.
22 2007, 1107.2, as amended by Section 3, Chapter 284, O.S.L.
23 2007, 1113, as last amended by Section 4, Chapter 284,
24 O.S.L. 2005, Section 5, Chapter 284, O.S.L. 2005 and 1132,
25 as amended by Section 6, Chapter 284, O.S.L. 2005 (47 O.S.
26 Supp. 2007, Sections 1102, 1105, 1107.2, 1113, 1115.3 and
27 1132), which relate to the Oklahoma Vehicle License and
28 Registration Act; modifying definition and defining term;
29 requiring a certificate of title for certain utility
30 vehicles under specified circumstances; excepting utility
31 vehicles from certain inspection requirements; excepting
32 utility vehicles from requirement relating to odometer
33 disclosure statement; requiring the Oklahoma Tax Commission
34 to assign a certificate of registration and yearly decals
35 for utility vehicles; requiring registration of utility
36 vehicles within specified time period from purchase if
37 purchased after specified date; permitting registration of
38 utility vehicles purchased prior to specified date;
39 establishing nonrecurring registration fee for utility
40 vehicles and providing for distribution of such fee;
41 exempting utility vehicles from certain fee; amending 68

1 O.S. 2001, Sections 2101, as last amended by Section 8,
2 Chapter 284, O.S.L. 2005, 2102, as amended by Section 9,
3 Chapter 284, O.S.L. 2005 and 2103, as last amended by
4 Section 8, Chapter 295, O.S.L. 2006 (68 O.S. Supp. 2007,
5 Sections 2101, 2102 and 2103), which relate to revenue and
6 taxation; modifying term and defining term; providing for
7 apportionment of certain revenue; providing for levy of
8 excise tax on transfers of ownership of certain utility
9 vehicles and providing procedures therefor; providing an
10 effective date; and declaring an emergency.

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

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

15 Section 91. A. 1. This section applies to every vehicle, all-
16 terrain vehicle, utility vehicle, manufactured home, motorcycle,
17 boat, outboard motor, or trailer that has a certificate of title
18 issued by the Oklahoma Tax Commission or by a federally recognized
19 Indian tribe in the State of Oklahoma, except as otherwise provided
20 in subsection D of this section. This section does not apply to
21 farm equipment as defined in Section 91.2 of this title. The items
22 of personal property to which this section applies are collectively
23 referred to as "Section 91 Personal Property". If personal property
24 is apparently covered both by this section and by Sections 191
25 through 200 of this title, the procedures set out in this section
26 shall apply instead of Sections 191 through 200.

27 2. Any person who, while lawfully in possession of an article
28 of Section 91 Personal Property, renders any service to the owner

1 thereof by furnishing storage, rental space, material, labor or
2 skill for the protection, improvement, safekeeping, towing, right to
3 occupy space, storage or carriage thereof, has a special lien
4 thereon, dependent on possession, for the compensation, if any,
5 which is due to such person from the owner for such service.

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

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

- 20 a. a statement that the notice is a notice of a
21 possessory lien,
- 22 b. the complete legal name, physical and mailing address,
23 and telephone number of the claimant,

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

1 name of the contact person must be shown. In place of
2 an original signature and notary seal, a digital or
3 electronic signature or seal shall be accepted.

4 5. For services rendered or vehicles abandoned on or after
5 November 1, 2005, storage charges or charges for rental of space
6 (unless agreed to by contract as part of an overall transaction or
7 arrangement that was primarily for the purpose of storage of the
8 Section 91 Personal Property or rental of space) may only be
9 assessed beginning with the day that the Notice of Possessory Lien
10 is mailed as evidenced by certified mail. Provided, however, in the
11 case of contractual charges incurred for storage or rental of space
12 in an overall transaction primarily for the purpose of storage or
13 rental, charges subject to the special lien may only be assessed
14 beginning with a date not more than sixty (60) days prior to the day
15 that the Notice of Possessory Lien is mailed, and shall accrue only
16 at the regular periodic rate for storage or rental as provided in
17 the contract, adjusted for partial periods of storage or rental.
18 The maximum allowable compensation for storage shall not exceed the
19 fees specified pursuant to Section 953.2 of Title 47 of the Oklahoma
20 Statutes.

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

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

20 7. Such notice of sale shall be posted in three public places
21 in the county where the property is to be sold at least ten (10)
22 days before the time therein specified for such sale, and a copy of
23 the notice shall be mailed to all interested parties at their last-

1 known post office address, by regular, first class United States
2 mail and by certified mail on the day of posting. If the item of
3 personal property is a manufactured home, notice shall also be sent
4 by certified mail to the county treasurer and to the county assessor
5 of the county where the manufactured home is located.

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

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

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

21 11. Proceedings for foreclosure under this act shall be
22 commenced within thirty (30) days after the Notice of Possessory
23 Lien has been mailed as evidenced by certified mail. The date

1 actually sold shall be within sixty (60) days from the date of the
2 Notice of Sale as evidenced by certified mail.

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

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

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

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

1 (3) the uttering of the check or other written order
2 constituted the means for inducing the person,
3 one possessed of a special lien created by
4 subsection A of this section upon the described
5 article of personal property, to deliver up the
6 said article of personal property.

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

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

20 (1) that services were rendered on or in relation to
21 the article of personal property by the person
22 claiming such lien,

- 1 (2) that the property was in the possession of the
2 person claiming the lien but such property was
3 removed without his or her written consent,
4 (3) an identifying description of the article of
5 personal property on which the service was
6 rendered, and
7 (4) that the debt for the services rendered on or in
8 relation to the article of personal property was
9 not paid. Provided, if the unpaid total amount
10 of the debt for services rendered on or in
11 relation to the article of personal property is
12 unknown, an approximated amount of the debt due
13 and owing shall be included in the sworn
14 statement but such approximated debt may be
15 amended within thirty (30) days of such filing to
16 reflect the actual amount of the debt due and
17 owing.

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

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

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

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

1 a. in writing and separate from the written contract for
2 services, or

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

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

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

22 4. An article that is repossessed pursuant to this subsection
23 shall be promptly delivered to the location where the services were

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

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

14 2. If personal property that otherwise would be covered by this
15 section has been registered by the Oklahoma Tax Commission or by a
16 federally recognized Indian tribe in the State of Oklahoma, and
17 there is a lien of record but no certificate of title has been
18 issued, Section 91A of this title will apply instead of this
19 section.

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

1 4. Salvage pools as defined in Section 591.2 of Title 47 of the
2 Oklahoma Statutes and class AA licensed wrecker operators in their
3 capacity as wrecker operators shall not be subject to the provisions
4 of this section. Salvage pools as defined in Section 591.2 of Title
5 47 of the Oklahoma Statutes and class AA licensed wrecker operators
6 shall be subject to Section 91A of this title.

7 E. For purposes of this section:

8 1. "Possession" includes actual possession and constructive
9 possession; and

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

15 SECTION 2. AMENDATORY Section 2, Chapter 477, O.S.L.
16 2005, as amended by Section 2, Chapter 247, O.S.L. 2006 (42 O.S.
17 Supp. 2007, Section 91A), is amended to read as follows:

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

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

22 (2) "Section 91 Personal Property" as defined in
23 Section 91 of this title.

1 b. This section applies to any vehicle, all-terrain
2 vehicle, utility vehicle, manufactured home,
3 motorcycle, boat, outboard motor, or trailer that is
4 excluded from coverage under subsection A of Section
5 91 of this title because the personal property:
6 (1) does not have a certificate of title, or
7 (2) has a certificate of title but does not have an
8 active lien recorded on the certificate of title,
9 or
10 (3) has a certificate of title that is not issued by
11 the Oklahoma Tax Commission or by a federally
12 recognized Indian tribe in the State of Oklahoma,
13 or
14 (4) is otherwise excluded by subsection D of Section
15 91 of this title.

16 c. If personal property has a certificate of title, or
17 would be required to have a certificate of title under
18 Oklahoma law, and is apparently covered both by this
19 section and by Sections 191 through 200 of this title,
20 the procedures set out in this section shall apply
21 instead of Sections 191 through 200 of this title. If
22 personal property without a certificate of title and
23 not required to be titled under Oklahoma law is

1 covered both by this section and Sections 191 through
2 200 of this title, the procedures set out in Sections
3 191 through 200 of this title shall apply instead of
4 this section.

5 2. Any person who, while lawfully in possession of an article
6 of personal property to which this section applies, renders any
7 service to the owner thereof by furnishing storage, rental space,
8 material, labor or skill for the protection, improvement,
9 safekeeping, towing, right to occupy space, storage or carriage
10 thereof, has a special lien thereon, dependent on possession, for
11 the compensation, if any, which is due to such person from the owner
12 for such service. Charges owed under a contract primarily for the
13 purpose of storage or rental of space shall be accrued only at the
14 regular periodic rate for storage or rental as provided in the
15 contract, adjusted for partial periods of storage or rental.

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

- 19 a. the names of the owner and any other known party or
20 parties who may claim any interest in the property,
21 b. a description of the property to be sold,

- 1 c. the nature of the work, labor or service performed,
2 material furnished, or the storage or rental
3 arrangement, and the date thereof,
4 d. the time and place of sale, and
5 e. the name of the party, agent or attorney foreclosing
6 such lien. If the claimant is a business, then the
7 name of the contact person must be shown. In place of
8 an original signature and notary seal, a digital or
9 electronic signature or seal shall be accepted.
- 10 4. a. Such notice shall be posted in three public places in
11 the county where the property is to be sold at least
12 ten (10) days before the time therein specified for
13 such sale, and a copy of the notice shall be mailed to
14 the owner and any other party claiming any interest in
15 the property if known, at their last-known post office
16 address, by certified mail on the day of posting. If
17 the item of personal property is a manufactured home,
18 notice shall also be sent by certified mail to the
19 county treasurer and to the county assessor of the
20 county where the manufactured home is located.
- 21 b. In the case of any item of personal property without a
22 certificate of title and not required to be titled
23 under Oklahoma law, a party who claims any interest in

1 the property shall include all owners of the property;
2 any secured party who has an active financing
3 statement on file with the county clerk of Oklahoma
4 County listing one or more owners of the property by
5 legal name as debtors and indicating a collateral
6 description that would include the property; and any
7 other person having any interest in the personal
8 property, of whom the claimant has actual notice.

9 c. In the case of personal property subject to this
10 section for which a certificate of title has been
11 issued by any jurisdiction, a party who claims any
12 interest in the property shall include all owners of
13 the article of personal property as indicated by the
14 certificate of title; lien debtors, if any, other than
15 the owners; any lienholder whose lien is noted on the
16 face of the certificate of title; and any other person
17 having any interest in the article of personal
18 property, of whom the claimant has actual notice.

19 d. When the jurisdiction of titling for a vehicle, all-
20 terrain vehicle, motorcycle, boat, outboard motor, or
21 trailer that is five (5) model years old or newer, or
22 a manufactured home that is fifteen (15) model years
23 old or newer, cannot be determined by ordinary means,

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

13 e. When personal property is of a type that Oklahoma law
14 requires to be titled, the owner of record of that
15 property is unknown, and the jurisdiction of titling
16 and owner of record cannot be determined by ordinary
17 means (and also, if applicable, cannot be determined
18 in accordance with the preceding subparagraph), then
19 the special lien may be foreclosed by publication of a
20 legal notice in a legal newspaper in the county where
21 the personal property is located, as defined in
22 Section 106 of Title 25 of the Oklahoma Statutes.
23 Such notice shall include the description of the

1 property by year, make, vehicle identification number
2 (if available from the property), the name of the
3 individual who may be contacted for information, and
4 the telephone number of that person or the address
5 where the vehicle is located. The legal notice shall
6 be published once per week for three (3) consecutive
7 weeks. As soon as circumstances exist as described in
8 the first sentence of this subparagraph, the first
9 date of publication may occur. The first date
10 available for public sale of the vehicle is the day
11 following publication of the final notice. When the
12 owner of record is unknown, the Notice of Sale
13 nevertheless must be completed and mailed to any known
14 interested party by certified mail. For purposes of
15 this paragraph, interested parties shall include all
16 persons described in subparagraph b or subparagraph c
17 of this paragraph, whichever is applicable, with the
18 exception of any owner who is unknown. Except in
19 circumstances described in paragraph 7 of this
20 subsection that provide for a shorter time period, the
21 Notice of Sale shall be posted in three public places
22 in the county where the property is to be sold at
23 least ten (10) days before the time therein specified

1 for such sale, and the Notice of Sale shall not be
2 mailed until at least thirty (30) days after said lien
3 has accrued.

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

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

9 7. Notwithstanding any other provision of law, proceedings for
10 foreclosures for the storage of junk vehicles towed and stored
11 pursuant to Section 955 of Title 47 of the Oklahoma Statutes by
12 Class AA wreckers listed with the Motor Vehicle Division of the
13 Department of Public Safety, may be commenced five (5) days after
14 the lien has accrued. For purposes of this paragraph, "junk
15 vehicles" means any vehicle that is more than ten (10) years old if
16 the cost of a comparable vehicle would be less than Three Hundred
17 Dollars (\$300.00) as quoted in the latest edition of the National
18 Automobile Dealers Association Official Used Car Guide or latest
19 monthly edition of any other nationally recognized published
20 guidebook, adjusting to the condition of the vehicle.

21 B. 1. a. Any person who is induced by means of a check or other
22 form of written order for immediate payment of money
23 to deliver up possession of an article of personal

1 property on which the person has a special lien
2 created by subsection A of this section, which check
3 or other written order is dishonored, or is not paid
4 when presented, shall have a lien for the amount
5 thereof upon the personal property.

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

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

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

19 (3) the uttering of the check or other written order
20 constituted the means for inducing the person,
21 one possessed of a special lien created by
22 subsection A of this section upon the described

1 article of personal property, to deliver up the
2 said article of personal property.

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

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

16 (1) that services were rendered on or in relation to
17 the article of personal property by the person
18 claiming such lien,

19 (2) that the property was in the possession of the
20 person claiming the lien but such property was
21 removed without his written consent,

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

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

20 C. If the person who renders service to the owner of an article
21 of personal property to which this section applies relinquishes or
22 loses possession of the article due to circumstances described in
23 subparagraph a of paragraph 1 or subparagraph a of paragraph 2 of

1 subsection B of this section, the person claiming the lien shall be
2 entitled to possession of the article until the amount due is paid,
3 unless the article is possessed by a person who became a bona fide
4 purchaser. Entitlement to possession shall be in accordance with
5 the following:

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

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

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

1 3. The claimant shall not transfer to a third party or to a
2 person who performs repossession services, a check, money order, or
3 credit card transaction that is received as payment for services
4 with respect to an article and that is returned to the claimant
5 because of insufficient funds or no funds, because the person
6 writing the check, issuing the money order, or credit cardholder has
7 no account or because the check, money order, or credit card account
8 has been closed. A person violating this paragraph shall be guilty
9 of a misdemeanor; and

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

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

20 2. This section applies if a vehicle, all-terrain vehicle,
21 utility vehicle, motorcycle, boat, outboard motor or trailer has a
22 certificate of title issued by the Oklahoma Tax Commission or by a
23 federally recognized Indian tribe in Oklahoma, and there is an

1 active lien recorded on the certificate of title, but the lien is
2 over fifteen (15) years old.

3 3. This section applies if personal property to which Section
4 91 of this title otherwise would apply has been registered by the
5 Oklahoma Tax Commission or by a federally recognized Indian tribe in
6 the State of Oklahoma, and there is a lien of record but no
7 certificate of title has been issued.

8 4. This section applies if personal property to which Section
9 91 of this title otherwise would apply has not been registered by
10 either the Oklahoma Tax Commission or a federally recognized Indian
11 tribe in the State of Oklahoma, and no certificate of title has been
12 issued, but there is a lien of record.

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

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

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

4 8. This section applies to salvage pools as defined in Section
5 591.2 of Title 47 of the Oklahoma Statutes.

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

10 10. For a vehicle abandoned at a salvage pool, if the cost of
11 repairing the vehicle for safe operation on the highway does not
12 exceed sixty percent (60%) of the fair market value of the vehicle
13 as defined in Section 1111 of Title 47 of the Oklahoma Statutes, a
14 salvage title shall not be required.

15 E. For purposes of this section:

16 1. "Possession" includes actual possession and constructive
17 possession; and

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

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

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

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

12 1. When used in a parade; or

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

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

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

3 1. Golf carts owned by the Oklahoma Tourism and Recreation
4 Department, and operated by employees or agents of the Department or
5 employees of independent management companies working on behalf of
6 the Department, may be operated on the streets and highways of this
7 state during daylight hours or under rules developed by the Oklahoma
8 Tourism and Recreation Commission, when the streets and highways are
9 located within the boundaries of a state park. The Department shall
10 have warning signs placed at the entrance and other locations at
11 those state parks allowing golf carts to be operated on the streets
12 and highways of this state located within the boundaries of those
13 state parks. The warning signs shall state that golf carts may be
14 operating on streets and highways and that motor vehicle operators
15 shall take special precautions to be alert for the presence of golf
16 carts on the streets and highways;

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

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

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

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

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

7 c. appropriate signage, cautioning motorists of the
8 possibility of golf cart traffic, is erected by the
9 board of county commissioners.

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

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

15 2. On public streets and highways if:

16 a. the vehicle needs to make a direct crossing of the
17 street or highway while the vehicle is traveling upon
18 a regularly traveled trail and needs to continue
19 travel from one area of the trail to another and, if
20 the vehicle comes to a complete stop, yields the
21 right-of-way to all oncoming traffic that constitutes
22 an immediate hazard, and crosses the street or highway
23 at an angle of approximately ninety (90) degrees to

- 1 the direction of the street or highway. This
2 exception shall not apply to divided highways or
3 streets or highways with a posted speed limit of more
4 than thirty-five (35) miles per hour in the area of
5 the crossing,
- 6 b. the vehicle needs to travel on a public street or
7 highway in order to cross a railroad track. In that
8 event, the all-terrain vehicle or utility vehicle may
9 travel for not more than three hundred (300) feet on a
10 public street or highway to cross a railroad track,
- 11 c. the operator of the all-terrain vehicle or utility
12 vehicle making the crossing at a street or highway has
13 a valid driver license, and
- 14 d. the operator of the vehicle makes a crossing on a
15 street or highway during daylight hours only;
- 16 3. All-terrain vehicles or utility vehicles may be operated on
17 city streets if:
- 18 a. the municipal governing body has adopted an ordinance
19 governing the operation of golf carts ~~or~~, utility
20 vehicles or all-terrain vehicles on city streets, and
21 b. operation occurs during daylight hours only.

1 SECTION 4. AMENDATORY Section 1, Chapter 124, O.S.L.
2 2007 (47 O.S. Supp. 2007, Section 11-1117), is amended to read as
3 follows:

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

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

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

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

1 eighteen (18) years of age, who knows, or should have known, that
2 the person operating the all-terrain vehicle is not in compliance
3 with the provisions of this section, shall be punishable according
4 to the provisions of subsection C of this section.

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

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

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

16 SECTION 5. AMENDATORY 47 O.S. 2001, Section 1102, as
17 last amended by Section 1, Chapter 177, O.S.L. 2007 (47 O.S. Supp.
18 2007, Section 1102), is amended to read as follows:

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

21 1. "All-terrain vehicle" means a ~~motorized~~ vehicle powered by
22 an internal combustion engine manufactured and used exclusively for
23 off-highway use ~~which is forty eight (48) inches or less in width,~~

1 ~~with an unladen dry weight of eight hundred (800) pounds or less,~~
2 traveling on ~~two~~ four or more low-pressure tires, and having a seat
3 designed to be straddled by the operator and handlebars for
4 steering;

5 2. "Carrying capacity" means the carrying capacity of a vehicle
6 as determined or declared in tons of cargo or payload by the owner;
7 provided, that such declared capacity shall not be less than the
8 minimum tonnage capacity fixed, listed or advertised by the
9 manufacturer of any vehicle;

10 3. "Certificate of title" means a document which is proof of
11 legal ownership of a motor vehicle as described and provided for in
12 Section 1105 of this title;

13 4. "Chips and oil" or the term "road oil and crushed rock"
14 means, with respect to materials authorized for use in the surfacing
15 of roads or highways in this title or in any equivalent statute
16 pertaining to road or highway surfacing in the State of Oklahoma,
17 any asphaltic materials. Wherever chips and oil or road oil and
18 crushed rock are authorized for use in the surfacing of roads or
19 highways in this state, whether by the Department of Transportation,
20 or by the county commissioners, or other road building authority
21 subject to the Oklahoma Vehicle License and Registration Act,
22 asphaltic materials are also authorized for use in such surfacing
23 and construction;

1 5. "Combined laden weight" means the weight of a truck or
2 station wagon and its cargo or payload transported thereon, or the
3 weight of a truck or truck-tractor plus the weight of any trailers
4 or semitrailers together with the cargo or payload transported
5 thereon;

6 6. "Commercial trailer" means any trailer, as defined in
7 Section 1-180 of this title, or semitrailer, as defined in Section
8 1-162 of this title, when such trailer or semitrailer is used
9 primarily for business or commercial purposes;

10 7. "Commercial trailer dealer" means any person, firm or
11 corporation engaged in the business of selling any new and unused,
12 or used, or both new and used commercial trailers;

13 8. "Commercial vehicle" means any vehicle over eight thousand
14 (8,000) pounds combined laden weight used primarily for business or
15 commercial purposes. Each motor vehicle being registered pursuant
16 to the provisions of this section shall have the name of the
17 commercial establishment or the words "Commercial Vehicle"
18 permanently and prominently displayed upon the outside of the
19 vehicle in letters not less than two (2) inches high. Such letters
20 shall be in sharp contrast to the background and shall be of
21 sufficient shape and color as to be readily legible during daylight
22 hours, from a distance of fifty (50) feet while the vehicle is not
23 in motion;

1 9. "Commission" or "Tax Commission" means the Oklahoma Tax
2 Commission;

3 10. "Dealer" means any person, firm, association, corporation
4 or trust who sells, solicits or advertises the sale of new and
5 unused motor vehicles and holds a bona fide contract or franchise in
6 effect with a manufacturer or distributor of a particular make of
7 new or unused motor vehicle or vehicles for the sale of same;

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

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

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

19 14. "Low-speed electrical vehicle" means any four-wheeled
20 electrical vehicle that is powered by an electric motor that draws
21 current from rechargeable storage batteries or other sources of
22 electrical current and whose top speed is greater than twenty (20)
23 miles per hour but not greater than twenty-five (25) miles per hour

1 and is manufactured in compliance with the National Highway Traffic
2 Safety Administration standards for low-speed vehicles in 49 C.F.R.
3 571.500;

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

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

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

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

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

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

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

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

19 22. "Person" means any individual, copartner, joint venture,
20 association, corporation, limited liability company, estate, trust,
21 business trust, syndicate, the State of Oklahoma, or any county,
22 city, municipality, school district or other political subdivision

1 thereof, or any group or combination acting as a unit, or any
2 receiver appointed by the state or federal court;

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

15 24. "Remanufactured vehicle" means a vehicle which has been
16 assembled by a vehicle remanufacturer using a new body and which may
17 include original, reconditioned, or remanufactured parts, and which
18 is not a salvage, rebuilt, or junked vehicle as defined by
19 paragraphs 1, 2, and 5, respectively, of subsection A of Section
20 1105 of this title;

21 25. "Rental trailer" means all small or utility trailers or
22 semitrailers constructed and suitable for towing by a passenger
23 automobile and designed only for carrying property, when said

1 trailers or semitrailers are owned by, or are in the possession of,
2 any person engaged in renting or leasing such trailers or
3 semitrailers for intrastate or interstate use or combined intrastate
4 and interstate use;

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

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

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

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

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

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

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

21 33. "Utility vehicle" means a vehicle powered by an internal
22 combustion engine, manufactured and used exclusively for off-highway

1 use, equipped with seating for two or more people and a steering
2 wheel, traveling on four or more wheels;

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

15 ~~34.~~ 35. "Vehicle remanufacturer" means a commercial entity
16 which assembles remanufactured vehicles.

17 SECTION 6. AMENDATORY 47 O.S. 2001, Section 1105, as
18 last amended by Section 1, Chapter 202, O.S.L. 2007 (47 O.S. Supp.
19 2007, Section 1105), is amended to read as follows:

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

22 1. "Salvage vehicle" means any vehicle which is within the last
23 ten (10) model years and which has been damaged by collision or

1 other occurrence to the extent that the cost of repairing the
2 vehicle for safe operation on the highway exceeds sixty percent
3 (60%) of its fair market value, as defined by Section 1111 of this
4 title, immediately prior to the damage. For purposes of this
5 section, actual repair costs shall only include labor and parts for
6 actual damage to the suspension, motor, transmission, frame or
7 unibody and designated structural components;

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

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

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

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

20 B. The owner of every vehicle in this state shall possess a
21 certificate of title as proof of ownership of such vehicle, except
22 those vehicles registered pursuant to Section 1120 of this title and
23 trailers registered pursuant to Section 1133 of this title,

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

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

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

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

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

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

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

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

18 Application for a certificate of title, whether the initial
19 certificate of title or a duplicate, may be made to the Tax
20 Commission or any motor license agent. When application is made
21 with a motor license agent, the application information shall be
22 transmitted either electronically or by mail to the Tax Commission
23 by the motor license agent. If the application information is

1 transmitted electronically, the motor license agent shall forward
2 the required application along with evidence of ownership, where
3 required, by mail. Where the transmission of application
4 information cannot be performed electronically, the Tax Commission
5 is authorized to provide postage paid envelopes to motor license
6 agents for the purpose of mailing the application along with
7 evidence of ownership, where required. The Tax Commission shall
8 upon receipt of proper application information issue an Oklahoma
9 certificate of title. The certificates may be mailed to the
10 applicant. Upon issuance of a certificate of title, the Tax
11 Commission shall provide the appropriate motor license agent with
12 confirmation of such issuance.

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

- 15 a. a full description of the vehicle,
- 16 b. the manufacturer's serial or other identification
17 number,
- 18 c. the motor number and the date on which first sold by
19 the manufacturer or dealer to the owner,
- 20 d. any distinguishing marks,
- 21 e. a statement of the applicant's source of title,
- 22 f. any security interest upon the vehicle, and

1 g. such other information as the Tax Commission may
2 require.

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

9 a. the vehicle has been damaged or stolen,

10 b. the owner did or did not receive any payment for the
11 loss from an insurer, or

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

16 The declaration shall be based upon the best information and
17 knowledge of the owner and shall be in addition to the requirements
18 specified in paragraph 1 of this subsection. The Tax Commission
19 shall not issue a certificate of title for a vehicle which is
20 subject to the provisions of this paragraph without the required
21 declaration, completed and signed by the owner of the vehicle. Upon
22 receipt of an application without the properly completed
23 declaration, the Tax Commission shall return the application to the

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

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

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

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

19 5. The certificate of title shall be of such size and design
20 and color as the Tax Commission may direct pursuant to the
21 provisions of this section. The title shall be on colored paper or
22 other material as designated by the Tax Commission and be of such
23 intensity or hue as will allow easy identification as to whether the

1 title is an original title, a salvage title, a rebuilt title,
2 remanufactured title, or a junked title. The type of title shall be
3 identified on the front of the certificate of title. The original
4 title, rebuilt title, remanufactured title, or classic title shall
5 be identified by the word "Original", "Rebuilt", "Remanufactured" or
6 "Classic" printed in the upper right quadrant of the certificate of
7 title, in the space which is currently captioned "type of title".

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

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

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

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

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

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

1 make, model, and year for the body to accurately describe the
2 rebuilt vehicle. At the time of the inspection, an appropriate
3 identifying number shall be permanently stamped, burned, pressed, or
4 attached on the rebuilt vehicle. The assigned identifying number
5 shall be recorded on the certificate of title for the rebuilt
6 vehicle. The dealer's or manufacturer's vehicle identification
7 number on the rebuilt vehicle shall be preserved in the computer
8 files of the Tax Commission for at least five (5) years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 in another state to sell new or used motor vehicles, who offers a
2 motor vehicle for sale within this state at a motor vehicle auction
3 which is limited to dealer-to-dealer transactions, shall not be
4 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
7 Fifteen Dollars (\$15.00), may reassign an out-of-state certificate
8 of title to a used motor vehicle provided such dealer obtains the
9 appropriate inspection form required by either subsection L or M of
10 this section and attaches the form to the out-of-state certificate
11 of title. Motor license agents shall be allowed to retain Two
12 Dollars and twenty-five cents (\$2.25) of the fee plus an additional
13 Two Dollars (\$2.00) or Three Dollars (\$3.00) as provided in
14 subsections L and M of this section for performance of the
15 inspection. Two Dollars (\$2.00) of the fee shall be deposited in
16 the Tax Commission Reimbursement Fund. An out-of-state vehicle
17 which has been rebuilt shall be inspected pursuant to the provisions
18 of Section 1111 of this title. The Tax Commission shall train motor
19 license agents in interpreting vehicle identification numbers to
20 assure that it accurately describes the vehicle and to detect
21 rollback or alteration of the odometer. Failure of a motor license
22 agent to inspect the vehicle and make the required notations shall
23 be a misdemeanor punishable by a fine of not more than One Thousand

1 Dollars (\$1,000.00) for the first offense and Five Thousand Dollars
2 (\$5,000.00) for the second offense or subsequent offense, or by
3 imprisonment in the county jail for not more than six (6) months, or
4 by both such fine and imprisonment.

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

17 P. The owner of any vehicle which is incapable of operation or
18 use on the public roads and has no resale value, except as parts,
19 scrap or junk, may deliver the certificate of title to the vehicle
20 to the Tax Commission for cancellation. Upon verification that any
21 perfected lien against the vehicle has been released, the
22 certificate of title shall be canceled without any fee, charge, or
23 cost required from the owner. The vehicle identification numbers on

1 the certificates of title shall be preserved in the computer files
2 of the Tax Commission for at least five (5) years from the date of
3 cancellation of the certificate of title. The Tax Commission shall
4 prescribe and provide an affidavit form to be completed by the owner
5 of any vehicle for which the certificate of title is canceled. No
6 title or registration shall subsequently be issued for a vehicle for
7 which the certificate of title has been surrendered pursuant to this
8 subsection. The Tax Commission shall prescribe a form for the
9 transfer of ownership of a vehicle for which the certificate of
10 title has been canceled.

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

1 form shall include a signed statement, by such officer, verifying
2 the absence of the number.

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

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

20 R. The Tax Commission shall notify the chief administrative
21 officer of the agency or department responsible for issuing motor
22 vehicle certificates of title in each state in the United States of

1 the types of motor vehicle certificate of title effective in
2 Oklahoma on and after January 1, 1989.

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

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

18 U. The Tax Commission shall not be considered a necessary party
19 to any lawsuit which is instigated for the purpose of determining
20 ownership of a vehicle, wherein the Tax Commission's only
21 involvement would be to issue title, and the court shall issue an
22 order dismissing the Tax Commission from the pending action. In the
23 event no other party or lien holder can be identified as to

1 ownership or claim, the Tax Commission shall accept an affidavit of
2 ownership from the party claiming ownership and issue proper title
3 thereon.

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

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

9 1. A vehicle having a gross vehicle weight rating of more than
10 sixteen thousand (16,000) pounds;

11 2. A vehicle that is not self-propelled;

12 3. A vehicle that is ten (10) years old or older;

13 4. A vehicle sold directly by the manufacturer to any agency of
14 the United States in conformity with contractual specifications;

15 5. An all-terrain vehicle;

16 6. A motorcycle used exclusively off-road; ~~or~~

17 7. A new motor vehicle prior to its transfer to the first
18 retail purchaser; or

19 8. A utility vehicle.

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

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

1 be affixed to the exterior of the vehicle until a replacement
2 license plate is applied for. If the owner applies for a
3 replacement license plate, the Tax Commission shall charge the fee
4 provided for in Section 1114 of this title. The yearly decal will
5 validate the license plate for each registration period other than
6 the year the license plate is issued. The license plate and decal
7 shall be of such size, color, design and numbering as the Tax
8 Commission may direct. However, yearly decals issued to the owner
9 of a vehicle who has filed an affidavit with the appropriate motor
10 license agent in accordance with Section 7-607 of this title shall
11 be a separate and distinct color from all other decals issued under
12 this section.

13 2. The license plate shall be securely attached to the rear of
14 the vehicle, except truck-tractor plates which shall be attached to
15 the front of the vehicle. The Tax Commission may, with the
16 concurrence of the Department of Public Safety, by Joint Rule,
17 change and direct the manner, place and location of display of any
18 vehicle license plate when such action is deemed in the public
19 interest. The license plate, decal and all letters and numbers
20 shall be clearly visible at all times. The operation of a vehicle
21 in this state, regardless of where such vehicle is registered, upon
22 which the license plate is covered, overlaid or otherwise screened

1 with any material, whether such material be clear, translucent,
2 tinted or opaque, shall be a violation of this paragraph.

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

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

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

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

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

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

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

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

22 5. Within the limits prescribed in this section, the Tax
23 Commission shall design appropriate official license plates for

1 vehicles of the Oklahoma Highway Patrol. The license plates shall
2 have the legend "Oklahoma OK" and shall contain the letters "OHP"
3 followed by the state seal and the badge number of the Highway
4 Patrol officer to whom the vehicle is assigned. The words "Oklahoma
5 Highway Patrol" shall also be included on such license plates; and

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

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

1 D. The certificate of registration provided for in this section
2 shall be in convenient form, and the certificate of registration, or
3 a certified copy or photostatic copy thereof, duly authenticated by
4 the Tax Commission or Corporation Commission, as applicable, shall
5 be carried at all times in or upon commercial vehicles so
6 registered, in such manner as to permit a ready examination thereof
7 upon demand by any peace officer of the state or duly authorized
8 employee of the Department of Public Safety. Any such officer or
9 agent may seize and hold such commercial vehicle when the operator
10 of the same does not have the registration certificate in the
11 operator's possession or when any such officer or agent determines
12 that the registration certificate has been obtained by
13 misrepresentation of any essential or material fact or when any
14 number or identifying information appearing on such certificate has
15 been changed, altered, obliterated or concealed in any way, until
16 the proper registration or identification of such vehicle has been
17 made or produced by the owner thereof.

18 E. The purchaser of a new or used manufactured home shall,
19 within thirty (30) days of the date of purchase, register the home
20 with the Tax Commission or a motor license agent pursuant to the
21 provisions of Section 1117 of this title. For a new manufactured
22 home, it shall be the responsibility of the dealer selling the home
23 to place a temporary license plate on the home in the same manner as

1 provided in Section 1128 of this title for other new motor vehicles.
2 For the first year that any manufactured home is registered in this
3 state, the Tax Commission shall issue a metal license plate which
4 shall be affixed to the manufactured home. The temporary dealer
5 license plate or the metal license plate shall be displayed on the
6 manufactured home at all times when upon a public roadway; provided,
7 a repossession affidavit issued pursuant to Sections 1110 and 1126
8 of this title shall be permissible in lieu of a current license
9 plate and decal for the purposes of removing a repossessed
10 manufactured home to a secure location. Manufactured homes
11 previously registered and subject to ad valorem taxation as provided
12 by law shall have a decal affixed at the time ad valorem taxes are
13 paid for such manufactured home; provided, for a manufactured home
14 permanently affixed to real estate, no decal or license plate shall
15 be required to be affixed and the owner thereof shall be given a
16 receipt upon payment of ad valorem taxes due on the home. The Tax
17 Commission shall make sufficient plates and decals available to the
18 various motor license agents of the state in order for an owner of a
19 manufactured home to acquire the plate or decal. A One Dollar
20 (\$1.00) fee shall be charged for issuance of any plate or decal.
21 The fee shall be apportioned each month to the General Revenue Fund
22 of the State Treasury.

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

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

- 21 1. The name of the owner of the manufactured home;
- 22 2. The serial number or identification number of the
23 manufactured home;

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

7 The application for registration shall also include the school

8 district in which the manufactured home is located or is to be

9 located. The information shall be entered into a computer data

10 system which shall be used by the Tax Commission to provide

11 information to county assessors upon request by the assessor. The

12 assessor may request any information from the system in order to

13 properly assess a manufactured home for ad valorem taxation.

14 SECTION 9. AMENDATORY Section 5, Chapter 284, O.S.L.

15 2005 (47 O.S. Supp. 2007, Section 1115.3), is amended to read as

16 follows:

17 Section 1115.3 A. Except as otherwise provided by this

18 section, all-terrain vehicles, utility vehicles and motorcycles used

19 exclusively off roads or highways shall be registered once with the

20 Oklahoma Tax Commission within thirty (30) days after purchase.

21 B. For all-terrain vehicles or motorcycles used exclusively off

22 roads or highways purchased prior to July 1, 2005, registration, as

23 otherwise required by Section 1115 of ~~Title 47 of the Oklahoma~~

1 ~~Statutes~~ this title, shall not be required, but shall be allowed at
2 the option of the owner of the all-terrain vehicle or motorcycle
3 used exclusively off roads or highways.

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

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

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

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

- 1 1. For the first through the fourth year of registration in
2 this state or any other state, Eighty-five Dollars (\$85.00);
- 3 2. For the fifth through the eighth year of registration in
4 this state or any other state, Seventy-five Dollars (\$75.00);
- 5 3. For the ninth through the twelfth year of registration in
6 this state or any other state, Fifty-five Dollars (\$55.00);
- 7 4. For the thirteenth through the sixteenth year of
8 registration in this state or any other state, Thirty-five Dollars
9 (\$35.00); and
- 10 5. For the seventeenth and any following year of registration
11 in this state or any other state, Fifteen Dollars (\$15.00).

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

15 B. For all-terrain vehicles and motorcycles used exclusively
16 for use off roads or highways purchased on or after July 1, 2005,
17 and for all-terrain vehicles and motorcycles used exclusively for
18 use off roads or highways purchased prior to July 1, 2005, which the
19 owner chooses to register pursuant to the provisions of Section ~~5~~
20 1115.3 of this ~~act~~ title, an initial and nonrecurring registration
21 fee of Eleven Dollars (\$11.00) shall be assessed at the time of
22 initial registration by the owner. Nine Dollars (\$9.00) of the
23 registration fee shall be deposited in the Oklahoma Tax Commission

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

5 C. For utility vehicles used exclusively for use off roads or
6 highways purchased on or after July 1, 2008, and for utility
7 vehicles used exclusively for use off roads or highways purchased
8 prior to July 1, 2008, which the owner chooses to register pursuant
9 to the provisions of Section 1115.3 of this title, an initial and
10 nonrecurring registration fee of Eleven Dollars (\$11.00) shall be
11 assessed at the time of initial registration by the owner. Nine
12 Dollars (\$9.00) of the registration fee shall be deposited in the
13 Oklahoma Tax Commission Reimbursement Fund. Two Dollars (\$2.00) of
14 the registration fee shall be retained by the motor license agent.
15 The fees required by subsection A of this section shall not be
16 required for utility vehicles used exclusively off roads and
17 highways.

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

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

1 2. A defective new original vehicle returned by the
2 purchaser/registrant to the seller within six (6) months of the date
3 of purchase of the defective new original vehicle as certified by
4 the manufacturer.

5 The credit shall be in the amount of the fee for registration which
6 was paid for the new original vehicle and shall be applied to the
7 registration fee for the replacement vehicle. In no event will the
8 credit be refunded.

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

20 ~~E.~~ F. In the event the vehicle is not registered, titled and
21 tagged within thirty (30) days from the date of transfer of
22 ownership, the penalty for the failure of the owner of the vehicle
23 to register the vehicle within thirty (30) days shall be twenty-five

1 cents (\$0.25) per day, provided that in no event shall the penalty
2 exceed Twenty-five Dollars (\$25.00).

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

6 Section 2101. For the purpose of this article:

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

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

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

1 4. The term "automobile" means and includes every motor vehicle
2 constructed and used solely for the transportation of persons for
3 purposes other than for hire or compensation;

4 5. The term "motorcycle" means and includes every motor vehicle
5 designed to travel on not more than three wheels other than an all-
6 terrain vehicle;

7 6. The term "truck" means and includes every motor vehicle
8 constructed or used for the transportation of property not falling
9 within the definition of truck-tractor, trailer or semitrailer, as
10 herein defined;

11 7. The term "truck-tractor" means and includes every motor
12 vehicle of the truck type designed to draw or support the front end
13 of a semitrailer;

14 8. The term "trailer" means and includes any vehicle designed
15 to be drawn by a truck, tractor or a truck-tractor, but supported
16 upon its own wheels;

17 9. The term "semitrailer" means and includes any vehicle
18 designed to be attached to, and having its front end supported by a
19 truck, tractor, or truck-tractor;

20 10. The term "motor bus" means and includes every motor vehicle
21 constructed so as to carry persons, and which is used or rented to
22 carry persons for compensation;

1 11. The term "manufactured home" means a residential dwelling
2 built in accordance with the National Manufactured Housing
3 Construction and Safety Standards Act of 1974, 42 U.S.C., Section
4 5401 et seq., and rules promulgated pursuant thereto and the rules
5 promulgated by the Oklahoma Used Motor Vehicle and Parts Commission
6 pursuant to Section 582 of Title 47 of the Oklahoma Statutes;

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

10 13. The term "all-terrain vehicle" means and includes every
11 vehicle defined as an all-terrain vehicle in Section 1102 of Title
12 47 of the Oklahoma Statutes;

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

16 15. The term "person" means and includes natural persons,
17 individuals, partnerships, firms, associations, limited liability
18 companies, corporations, estates, trustees, business trusts,
19 syndicates, this state, any county, city, municipality, school
20 district or other political subdivision of the state, or any
21 corporation or combination acting as a unit or any receiver
22 appointed by any state or federal court; and the use of the singular
23 number shall include the plural number; and

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

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

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

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

12 B. All revenue derived under this article shall be apportioned
13 and distributed by the Oklahoma Tax Commission as provided for in
14 Section 1104 of Title 47 of the Oklahoma Statutes, except all
15 revenue derived from transfers of legal ownership of all-terrain
16 vehicles or motorcycles used exclusively off roads and highways
17 which occur on or after July 1, 2005 and transfers of utility
18 vehicles used exclusively off roads and highways which occur on or
19 after July 1, 2008, shall be apportioned as provided for in Section
20 1353 of this title.

21 SECTION 13. AMENDATORY 68 O.S. 2001, Section 2103, as
22 last amended by Section 8, Chapter 295, O.S.L. 2006 (68 O.S. Supp.
23 2007, Section 2103), is amended to read as follows:

1 Section 2103. A. 1. Except as otherwise provided in Sections
2 2101 through 2108 of this title, there shall be levied an excise tax
3 upon the transfer of legal ownership of any vehicle registered in
4 this state and upon the use of any vehicle registered in this state
5 and upon the use of any vehicle registered for the first time in
6 this state. Except for persons that possess an agricultural
7 exemption pursuant to Section 1358.1 of this title, the excise tax
8 shall be levied upon transfers of legal ownership of all-terrain
9 vehicles and motorcycles used exclusively off roads and highways
10 which occur on or after July 1, 2005 and upon transfers of legal
11 ownership of utility vehicles used exclusively off roads and
12 highways which occur on or after July 1, 2008. The excise tax for
13 new and used all-terrain vehicles, utility vehicles and motorcycles
14 used exclusively off roads and highways shall be levied at four and
15 one-half percent (4 1/2%) of the actual sales price of each new and
16 used all-terrain vehicle and motorcycle used exclusively off roads
17 and highways before any discounts or credits are given for a trade-
18 in. Provided, the minimum excise tax assessment for such all-
19 terrain vehicles, utility vehicles and motorcycles used exclusively
20 off roads and highways shall be Five Dollars (\$5.00). The excise
21 tax for new vehicles shall be levied at three and one-fourth percent
22 (3 1/4%) of the value of each new vehicle. The excise tax for used
23 vehicles shall be as follows:

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

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

- 20 a. truck or truck-tractor registered under the provisions
21 of subsection A of Section 1133 of Title 47 of the
22 Oklahoma Statutes, for a laden weight or combined

1 laden weight of fifty-four thousand one (54,001)
2 pounds or more,

3 b. trailer or semitrailer registered under subsection C
4 of Section 1133 of Title 47 of the Oklahoma Statutes,
5 which is primarily designed to transport cargo over
6 the highways of this state and generally recognized as
7 such, and

8 c. frac tank, as defined by Section 54 of Title 17 of the
9 Oklahoma Statutes, and registered under subsection C
10 of Section 1133 of Title 47 of the Oklahoma Statutes.

11 Except for frac tanks, the excise tax levied pursuant to this
12 paragraph shall not apply to special mobilized machinery, trailers,
13 or semitrailers manufactured, modified or remanufactured for the
14 purpose of providing services other than transporting cargo over the
15 highways of this state. The excise tax levied pursuant to this
16 paragraph shall also not apply to pickup trucks, vans, or sport
17 utility vehicles.

18 3. The tax levied pursuant to this section shall be due at the
19 time of the transfer of legal ownership or first registration in
20 this state of such vehicle; provided, the tax shall not be due at
21 the time of the issuance of a certificate of title for an all-
22 terrain vehicle, utility vehicle or motorcycle used exclusively off
23 roads and highways which is not required to be registered but which

1 the owner chooses to register pursuant to the provisions of
2 subsection B of Section 1115.3 of Title 47 of the Oklahoma Statutes,
3 and shall be collected by the Oklahoma Tax Commission or Corporation
4 Commission, as applicable, or an appointed motor license agent, at
5 the time of the issuance of a certificate of title for any such
6 vehicle. In the event an excise tax is collected on the transfer of
7 legal ownership or use of the vehicle during any calendar year, then
8 an additional excise tax must be collected upon all subsequent
9 transfers of legal ownership. In computing the motor vehicle excise
10 tax, the amount collected shall be rounded to the nearest dollar.
11 The excise tax levied by this section shall be delinquent from and
12 after the thirtieth day after the legal ownership or possession of
13 any vehicle is obtained. Any person failing or refusing to pay the
14 tax as herein provided on or before date of delinquency shall pay in
15 addition to the tax a penalty of twenty-five cents (\$0.25) per day
16 for each day of delinquency, but such penalty shall in no event
17 exceed the amount of the tax.

18 B. The excise tax levied in subsection A of this section
19 assessed on all commercial vehicles registered pursuant to Section
20 1120 of Title 47 of the Oklahoma Statutes shall be in lieu of all
21 sales and use taxes levied pursuant to the Sales Tax Code or the Use
22 Tax Code. The transfer of legal ownership of any motor vehicle as
23 used in this section and the Sales Tax Code and the Use Tax Code

1 shall include the lease, lease purchase or lease finance agreement
2 involving any truck in excess of eight thousand (8,000) pounds
3 combined laden weight or any truck-tractor provided the vehicle is
4 registered in Oklahoma pursuant to Section 1120 of Title 47 of the
5 Oklahoma Statutes or any frac tank, trailer, semitrailer or open
6 commercial vehicle registered pursuant to Section 1133 of Title 47
7 of the Oklahoma Statutes. The excise tax levied pursuant to this
8 section shall not be subsequently collected at the end of the lease
9 period if the lessee acquires complete legal title of the vehicle.

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

12 1. Husband and wife;

13 2. Parent and child; or

14 3. An individual and an express trust which that individual or
15 the spouse, child or parent of that individual has a right to
16 revoke.

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

19 a. a new original vehicle which is stolen from the
20 purchaser/registant within ninety (90) days of the
21 date of purchase of the original vehicle as certified
22 by a police report or other documentation as required
23 by the Tax Commission, or

1 b. a defective new original vehicle returned by the
2 purchaser/registrant to the seller within six (6)
3 months of the date of purchase of the defective new
4 original vehicle as certified by the manufacturer.

5 2. The credit allowed pursuant to paragraph 1 of this
6 subsection shall be in the amount of the excise tax which was paid
7 for the new original vehicle and shall be applied to the excise tax
8 due on the replacement vehicle. In no event shall the credit be
9 refunded.

10 E. Despite any other definitions of the terms "new vehicle" and
11 "used vehicle", to the contrary, contained in any other law, the
12 term "new vehicle" as used in this section shall also include any
13 vehicle of the latest manufactured model which is owned or acquired
14 by a licensed used motor vehicle dealer which has not previously
15 been registered in this state and upon which the motor vehicle
16 excise tax as set forth in this section has not been paid. However,
17 upon the sale or transfer by a licensed used motor vehicle dealer
18 located in this state of any such vehicle which is the latest
19 manufactured model, the vehicle shall be considered a used vehicle
20 for purposes of determining excise tax.

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

22 SECTION 15. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
4 dated 2-12-08 - DO PASS, As Amended and Coauthored.