

SB 1876

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THE STATE SENATE
Monday, February 25, 2008

Senate Bill No. 1876
As Amended

SENATE BILL NO. 1876 - By: JOLLEY of the Senate and MILLER of the House.

[motor vehicles - requiring license plate redesign - effective date]

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 1113, as last amended by Section 4, Chapter 284, O.S.L. 2005 (47 O.S. Supp. 2007, Section 1113), is amended to read as follows:

Section 1113. A. 1. Except for all-terrain vehicles and motorcycles used exclusively off roads and highways, upon the filing of a registration application and the payment of the fees provided for in the Oklahoma Vehicle License and Registration Act, the Oklahoma Tax Commission or Corporation Commission, as applicable, shall assign to the vehicle described in the application a distinctive number, and issue to the owner of the vehicle a certificate of registration, one license plate and a yearly decal. The Oklahoma Tax Commission shall assign an all-terrain vehicle or motorcycle used exclusively off roads and highways a distinctive number and issue to the owner a certificate of registration and a decal but not a license plate. For each subsequent registration

1 year, the Tax Commission shall issue a yearly decal to be affixed to
2 the license plate, except for an all-terrain vehicle or motorcycle
3 used exclusively off roads and highways. The initial decal for an
4 all-terrain vehicle or motorcycle shall be attached to the front of
5 the all-terrain vehicle and shall be in clear view. The decal shall
6 be on the front or on the front fork of the motorcycle used
7 exclusively off roads and highways and the decal shall be in clear
8 view. The yearly decal shall have an identification number and the
9 last two numbers of the registration year for which it shall expire.
10 Except as provided by Section 1113A of this title, the license plate
11 shall be affixed to the exterior of the vehicle until a replacement
12 license plate is applied for. If the owner applies for a
13 replacement license plate, the Tax Commission shall charge the fee
14 provided for in Section 1114 of this title. The yearly decal will
15 validate the license plate for each registration period other than
16 the year the license plate is issued. The license plate and decal
17 shall be of such size, color, design and numbering as the Tax
18 Commission may direct. However, yearly decals issued to the owner
19 of a vehicle who has filed an affidavit with the appropriate motor
20 license agent in accordance with Section 7-607 of this title shall
21 be a separate and distinct color from all other decals issued under
22 this section.

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

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

1 commercial motor vehicles, properly registered pursuant to the
2 provisions of Section 1133 of this title, may elect to receive a
3 permanent certificate of registration that shall be carried at all
4 times in the vehicle for which it is issued.

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

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

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

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

22 3. Within the limits herein prescribed the Tax Commission shall
23 redesign the official vehicle license plates ~~which currently bear~~

1 ~~the legend "Oklahoma OK" or "Oklahoma is OK!" and substitute~~
2 ~~therefor the legend "Oklahoma Native America" as further described~~
3 ~~in this paragraph. Except for personalized license plates and~~
4 ~~license plates issued for motorcycles and mopeds, the emblem on the~~
5 ~~state flag of Oklahoma as provided for in Section 91 of Title 25 of~~
6 ~~the Oklahoma Statutes shall be a part of all license plates issued~~
7 ~~after December 31, 1988. The Tax Commission may continue to issue~~
8 ~~license plates with the legend "Oklahoma is OK!" or "Oklahoma OK"~~
9 ~~until any inventory of such license plates is depleted but the Tax~~
10 ~~Commission shall not produce or cause to be produced any additional~~
11 ~~license plates with these legends design chosen as the result of the~~
12 ~~work of the Oklahoma License Plate Design Task Force pursuant to~~
13 ~~Section 1113.3 of this title. Except for personalized license~~
14 ~~plates, license plates issued for commercial vehicles, and license~~
15 ~~plates issued for motorcycles and mopeds, the "Oklahoma Native~~
16 ~~America" emblem shall be a part of all license plates issued after~~
17 ~~December 31, 1993. The specifications for lettering style and~~
18 ~~appearance for the legend "Oklahoma Native America" shall be~~
19 ~~provided to the Tax Commission by the Oklahoma Tourism and~~
20 ~~Recreation Department. ~~The license plates shall be issued with the~~~~
21 ~~letters and numerals in the colors of green and white. All license~~
22 ~~plates and decals shall be made with reflectorized material as a~~
23 ~~background to the letters, numbers and characters displayed thereon.~~

1 The reflectorized material shall be of such a nature as to provide
2 effective and dependable brightness during the service period for
3 which the license plate or decal is issued;

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

10 5. Within the limits prescribed in this section, the Tax
11 Commission shall design appropriate official license plates for
12 vehicles of the Oklahoma Highway Patrol. The license plates shall
13 have the legend "Oklahoma OK" and shall contain the letters "OHP"
14 followed by the state seal and the badge number of the Highway
15 Patrol officer to whom the vehicle is assigned. The words "Oklahoma
16 Highway Patrol" shall also be included on such license plates; and

17 6. Within the limits prescribed in this section, the Tax
18 Commission shall design appropriate official license plates for
19 vehicles of the Oklahoma Military Department. Such license plates
20 shall have the legend "Oklahoma OK" and shall contain the letters
21 "OMD" followed by the state seal and three numbers or letters as
22 designated by the Adjutant General. The words "Oklahoma Military
23 Department" shall also be included on such license plates.

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

12 D. The certificate of registration provided for in this section
13 shall be in convenient form, and the certificate of registration, or
14 a certified copy or photostatic copy thereof, duly authenticated by
15 the Tax Commission or Corporation Commission, as applicable, shall
16 be carried at all times in or upon commercial vehicles so
17 registered, in such manner as to permit a ready examination thereof
18 upon demand by any peace officer of the state or duly authorized
19 employee of the Department of Public Safety. Any such officer or
20 agent may seize and hold such commercial vehicle when the operator
21 of the same does not have the registration certificate in the
22 operator's possession or when any such officer or agent determines
23 that the registration certificate has been obtained by

1 misrepresentation of any essential or material fact or when any
2 number or identifying information appearing on such certificate has
3 been changed, altered, obliterated or concealed in any way, until
4 the proper registration or identification of such vehicle has been
5 made or produced by the owner thereof.

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

1 paid for such manufactured home; provided, for a manufactured home
2 permanently affixed to real estate, no decal or license plate shall
3 be required to be affixed and the owner thereof shall be given a
4 receipt upon payment of ad valorem taxes due on the home. The Tax
5 Commission shall make sufficient plates and decals available to the
6 various motor license agents of the state in order for an owner of a
7 manufactured home to acquire the plate or decal. A One Dollar
8 (\$1.00) fee shall be charged for issuance of any plate or decal.
9 The fee shall be apportioned each month to the General Revenue Fund
10 of the State Treasury.

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

1 receipt, the manufactured home owner shall be issued the annual
2 decal.

3 G. Upon the registration of a manufactured home in this state
4 for the first time or upon discovery of a manufactured home
5 previously registered within this state for which the information
6 required by this subsection is not known, the Tax Commission shall
7 obtain:

8 1. The name of the owner of the manufactured home;

9 2. The serial number or identification number of the
10 manufactured home;

11 3. A legal description or address of the location for the home;

12 4. The actual retail selling price of the manufactured home
13 excluding Oklahoma taxes;

14 5. The certificate of title number for the home; and

15 6. Any other information which the Tax Commission deems to be
16 necessary.

17 The application for registration shall also include the school
18 district in which the manufactured home is located or is to be
19 located. The information shall be entered into a computer data
20 system which shall be used by the Tax Commission to provide
21 information to county assessors upon request by the assessor. The
22 assessor may request any information from the system in order to
23 properly assess a manufactured home for ad valorem taxation.

1 SECTION 2. This act shall become effective November 1, 2008.
2 COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 2-19-08 - DO PASS,
3 As Amended and Coauthored.