

1 THE STATE SENATE
2 Monday, February 25, 2008

3 Senate Bill No. 1998

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

6 An Act relating to motor vehicles; amending 47 O.S. 2001,
7 Sections 1102, as last amended by Section 1, Chapter 177,
8 O.S.L. 2007 and 1105, as last amended by Section 1, Chapter
9 202, O.S.L. 2007 (47 O.S. Supp. 2007, Sections 1102 and
10 1105), which relate to definitions and motor vehicle
11 registration; defining term; limiting applicability of
12 certain registration requirements; providing for
13 registration of imported mini-trucks; providing for certain
14 operation of imported mini-trucks; providing for
15 codification; and providing an effective date.

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

17 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1102, as
18 last amended by Section 1, Chapter 177, O.S.L. 2007 (47 O.S. Supp.
19 2007, Section 1102), is amended to read as follows:

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

22 1. "All-terrain vehicle" means a motorized vehicle manufactured
23 and used exclusively for off-highway use which is forty-eight (48)
24 inches or less in width, with an unladen dry weight of eight hundred
25 (800) pounds or less, traveling on two or more low-pressure tires,
26 and having a seat designed to be straddled by the operator and
27 handlebars for steering;

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

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

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

20 5. "Combined laden weight" means the weight of a truck or
21 station wagon and its cargo or payload transported thereon, or the
22 weight of a truck or truck-tractor plus the weight of any trailers

1 or semitrailers together with the cargo or payload transported
2 thereon;

3 6. "Commercial trailer" means any trailer, as defined in
4 Section 1-180 of this title, or semitrailer, as defined in Section
5 1-162 of this title, when such trailer or semitrailer is used
6 primarily for business or commercial purposes;

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

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

21 9. "Commission" or "Tax Commission" means the Oklahoma Tax
22 Commission;

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

6 11. "Imported mini-truck" means a foreign manufactured import
7 vehicle powered by an internal combustion engine with a piston or
8 rotor displacement of six hundred sixty cubic centimeters (660 cu
9 cm) or less, which is sixty (60) inches or less in width, with an
10 unladen dry weight of one thousand six hundred (1,600) pounds or
11 less, traveling on four (4) or more tires, having a top speed of
12 approximately fifty-five (55) miles per hour, equipped with a bed or
13 compartment for hauling, and having an enclosed passenger cab;

14 12. "Interstate commerce" means any commerce moving between any
15 place in a state and any place in another state or between places in
16 the same state through another state;

17 ~~12.~~ 13. "Laden weight" means the combined weight of a vehicle
18 when fully equipped for use and the cargo or payload transported
19 thereon; provided, that in no event shall the laden weight be less
20 than the unladen weight of the vehicle fully equipped for use, plus
21 the manufacturer's rated carrying capacity;

1 ~~13.~~ 14. "Local authorities" means every county, municipality or
2 local board or body having authority to adopt police regulations
3 under the Constitution and laws of this state;

4 ~~14.~~ 15. "Low-speed electrical vehicle" means any four-wheeled
5 electrical vehicle that is powered by an electric motor that draws
6 current from rechargeable storage batteries or other sources of
7 electrical current and whose top speed is greater than twenty (20)
8 miles per hour but not greater than twenty-five (25) miles per hour
9 and is manufactured in compliance with the National Highway Traffic
10 Safety Administration standards for low-speed vehicles in 49 C.F.R.
11 571.500;

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

18 ~~16.~~ 17. "Manufactured home dealer" means any person, firm or
19 corporation engaged in the business of selling any new and unused,
20 or used, or both new and used manufactured homes. Such information
21 and a valid franchise letter as proof of authorization to sell any
22 such new manufactured home product line or lines shall be attached
23 to ~~said~~ the application for a dealer license to sell manufactured

1 homes. "Manufactured home dealer" shall not include any person, firm
2 or corporation who sells or contracts for the sale of the dealer's
3 own personally titled manufactured home or homes. No person, firm
4 or corporation shall be considered a manufactured home dealer as to
5 any manufactured home purchased or acquired by such person, firm or
6 corporation for purposes other than resale; provided, that the
7 restriction set forth in this sentence shall not prevent an
8 otherwise qualified person, firm or corporation from utilizing a
9 single manufactured home as a sales office;

10 ~~17.~~ 18. "Motor license agent" means any person appointed,
11 designated or authorized by the Oklahoma Tax Commission to collect
12 the fees and to enforce the provisions provided for in the Oklahoma
13 Vehicle License and Registration Act;

14 ~~18.~~ 19. "New vehicle" or "unused vehicle" means a vehicle which
15 has been in the possession of the manufacturer, distributor or
16 wholesaler or has been sold only by the manufacturer, distributor or
17 wholesaler to a dealer;

18 ~~19.~~ 20. "Nonresident" means any person who is not a resident of
19 this state;

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

1 ~~21.~~ 22. "Owner" means any person owning, operating or
2 possessing any vehicle herein defined;

3 ~~22.~~ 23. "Person" means any individual, copartner, joint
4 venture, association, corporation, limited liability company,
5 estate, trust, business trust, syndicate, the State of Oklahoma, or
6 any county, city, municipality, school district or other political
7 subdivision thereof, or any group or combination acting as a unit,
8 or any receiver appointed by the state or federal court;

9 ~~23.~~ 24. "Recreational vehicle" means every vehicle which is
10 built on or permanently attached to a self-propelled motor chassis
11 or chassis cab which becomes an integral part of the completed
12 vehicle and is capable of being operated on the highways. In order
13 to qualify as a recreational vehicle pursuant to this paragraph such
14 vehicle shall be permanently constructed and equipped for human
15 habitation, having its own sleeping and kitchen facilities,
16 including permanently affixed cooking facilities, water tanks and
17 holding tank with permanent toilet facilities. Recreational vehicle
18 shall not include manufactured homes or any vehicle with portable
19 sleeping, toilet and kitchen facilities which are designed to be
20 removed from such vehicle;

21 ~~24.~~ 25. "Remanufactured vehicle" means a vehicle which has been
22 assembled by a vehicle remanufacturer using a new body and which may
23 include original, reconditioned, or remanufactured parts, and which

1 is not a salvage, rebuilt, or junked vehicle as defined by
2 paragraphs 1, 2, and 5, respectively, of subsection A of Section
3 1105 of this title;

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

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

18 ~~27.~~ 28. "State" means the State of Oklahoma;

19 ~~28.~~ 29. "Station wagon" means any passenger vehicle which does
20 not have a separate luggage compartment or trunk and which does not
21 have open beds, and has one or more rear seats readily lifted out or
22 folded, whether same is called a station wagon or ranch wagon;

1 ~~29.~~ 30. "Travel trailer" means any vehicular portable structure
2 built on a chassis, used as a temporary dwelling for travel,
3 recreational or vacational use, and, when factory-equipped for the
4 road, it shall have a body width not exceeding eight (8) feet and an
5 overall length not exceeding forty (40) feet, including the hitch or
6 coupling;

7 ~~30.~~ 31. "Travel trailer dealer" means any person, firm or
8 corporation engaged in the business of selling any new and unused,
9 or used, or both new and used travel trailers. Such information and
10 a valid franchise letter as proof of authorization to sell any such
11 new travel trailer product line or lines shall be attached to ~~said~~
12 the application for a dealer license to sell travel trailers.

13 "Travel trailer dealer" shall not include any person, firm or
14 corporation who sells or contracts for the sale of his or her own
15 personally titled travel trailer or trailers. No person, firm or
16 corporation shall be considered as a travel trailer dealer as to any
17 travel trailer purchased or acquired by such person, firm or
18 corporation for purposes other than resale;

19 ~~31.~~ 32. "Used motor vehicle dealer" means "used motor vehicle
20 dealer" as defined in Section 581 of this title;

21 ~~32.~~ 33. "Used vehicle" means any vehicle which has been sold,
22 bargained, exchanged or given away, or used to the extent that it
23 has become what is commonly known, and generally recognized, as a

1 "secondhand" vehicle. This shall also include any vehicle other
2 than a remanufactured vehicle, regardless of age, owned by any
3 person who is not a dealer;

4 ~~33.~~ 34. "Vehicle" means any type of conveyance or device in,
5 upon or by which a person or property is or may be transported from
6 one location to another upon the avenues of public access within the
7 state. "Vehicle" does not include bicycles, trailers except travel
8 trailers and rental trailers, or implements of husbandry as defined
9 in Section 1-125 of this title. All implements of husbandry used as
10 conveyances shall be required to display the owner's ~~driver's~~ driver
11 license number or license plate number of any vehicle owned by the
12 owner of the implement of husbandry on the rear of the implement in
13 numbers not less than two (2) inches in height. The use of the
14 owner's social security number on the rear of the implement of
15 husbandry shall not be required; and

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

18 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1105, as
19 last amended by Section 1, Chapter 202, O.S.L. 2007 (47 O.S. Supp.
20 2007, Section 1105), is amended to read as follows:

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

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

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

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

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

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

22 B. The owner of every vehicle in this state shall possess a
23 certificate of title as proof of ownership of such vehicle, except

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

1 1, 2005, and that a lien may have been recorded on ~~said~~ the
2 certificate of title. There shall be six types of certificates of
3 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, or for imported mini-
11 trucks registered pursuant to Section 3 of this act.

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

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

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

1 days prior to the time it is required to be registered in this
2 state.

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

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

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

19 L. Except for all-terrain vehicles and motorcycles used
20 exclusively for off-road use, no title for an out-of-state vehicle,
21 except any commercial truck or truck-tractor registered pursuant to
22 Section 1120 of this title which is engaged in interstate commerce
23 or any trailer or semitrailer registered pursuant to Section 1133 of

1 this title which is engaged in interstate commerce, shall be issued
2 without an inspection of such vehicle and payment of a fee of Four
3 Dollars (\$4.00) for such inspection; provided, the Tax Commission
4 may enter into reciprocal agreements with other states for such
5 inspections to be performed at locations outside the boundaries of
6 this state for vehicles which:

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

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

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

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

- 20 1. Are offered for sale at auction;
- 21 2. Have been solely used as vehicles for rent under the
22 ownership of a licensed motor vehicle dealer or a person engaged in
23 the business of renting motor vehicles; or

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

3 The inspection shall be certified upon forms prescribed by the Tax
4 Commission. The name and other identification of the authorized
5 person conducting the inspection shall be legibly printed or typed
6 on the form. Prior to any inspection by any employee of a motor
7 license agent, the motor license agent shall notify the Tax
8 Commission of the name and any other identification information
9 requested by the Tax Commission of the authorized person. A
10 signature specimen of the authorized person shall be submitted to
11 the Tax Commission by the employing motor license agent. If the
12 authorization to inspect vehicles is withdrawn or the employer-
13 employee relationship is terminated, the motor license agent,
14 immediately, shall notify the Tax Commission and return any
15 remaining inspection forms to the Tax Commission. The fee for the
16 inspection shall be Four Dollars (\$4.00). The motor license agent
17 shall retain Three Dollars (\$3.00) of the fee. Fees received by a
18 motor license agent or an authorized employee thereof shall be
19 handled and accounted for in the manner as prescribed by law for any
20 other fees paid to or received by a motor license agent. Out-of-
21 state vehicles brought into this state by a person licensed in
22 another state to sell new or used vehicles to be sold within this
23 state at a motor vehicle auction which is limited to dealertou

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

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

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

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

19 P. The owner of any vehicle which is incapable of operation or
20 use on the public roads and has no resale value, except as parts,
21 scrap or junk, may deliver the certificate of title to the vehicle
22 to the Tax Commission for cancellation. Upon verification that any
23 perfected lien against the vehicle has been released, the

1 certificate of title shall be canceled without any fee, charge, or
2 cost required from the owner. The vehicle identification numbers on
3 the certificates of title shall be preserved in the computer files
4 of the Tax Commission for at least five (5) years from the date of
5 cancellation of the certificate of title. The Tax Commission shall
6 prescribe and provide an affidavit form to be completed by the owner
7 of any vehicle for which the certificate of title is canceled. No
8 title or registration shall subsequently be issued for a vehicle for
9 which the certificate of title has been surrendered pursuant to this
10 subsection. The Tax Commission shall prescribe a form for the
11 transfer of ownership of a vehicle for which the certificate of
12 title has been canceled.

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

1 absence of the number on the vehicle and the prescribed ownership
2 form shall include a signed statement, by such officer, verifying
3 the absence of the number.

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

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

21 R. The Tax Commission shall notify the chief administrative
22 officer of the agency or department responsible for issuing motor
23 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~~ lienholder can be identified as

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

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

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
22 dated 2-19-08 - DO PASS, As Coauthored.