

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2575

By: Hickman

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 1113, as last amended by Section 4,
9 Chapter 284, O.S.L. 2005 (47 O.S. Supp. 2007, Section
10 1113), which relates to license plates; directing
11 Oklahoma Tax Commission to include county
12 abbreviation in certain decals; requiring
13 abbreviation to be visible; directing creation of
14 abbreviations; and providing an effective date.

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

16 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1113, as
17 last amended by Section 4, Chapter 284, O.S.L. 2005 (47 O.S. Supp.
18 2007, Section 1113), is amended to read as follows:

19 Section 1113. A. 1. Except for all-terrain vehicles and
20 motorcycles used exclusively off roads and highways, upon the filing
21 of a registration application and the payment of the fees provided
22 for in the Oklahoma Vehicle License and Registration Act, the
23 Oklahoma Tax Commission or Corporation Commission, as applicable,
24 shall assign to the vehicle described in the application a
distinctive number, and issue to the owner of the vehicle a

1 certificate of registration, one license plate and a yearly decal.
2 The Oklahoma Tax Commission shall assign an all-terrain vehicle or
3 motorcycle used exclusively off roads and highways a distinctive
4 number and issue to the owner a certificate of registration and a
5 decal but not a license plate. For each subsequent registration
6 year, the Tax Commission shall issue a yearly decal to be affixed to
7 the license plate, except for an all-terrain vehicle or motorcycle
8 used exclusively off roads and highways. The initial decal for an
9 all-terrain vehicle or motorcycle shall be attached to the front of
10 the all-terrain vehicle and shall be in clear view. The decal shall
11 be on the front or on the front fork of the motorcycle used
12 exclusively off roads and highways and the decal shall be in clear
13 view. The yearly decal shall have an identification number and the
14 last two numbers of the registration year for which it shall expire
15 and include a two-letter abbreviation corresponding to the county in
16 which the vehicle is registered. The Tax Commission is hereby
17 directed to develop the decal design to incorporate these
18 requirements in a manner that will permit county abbreviation to be
19 readily identified. The Tax Commission shall develop a unique two-
20 letter abbreviation for each county to be used on the decals.
21 Except as provided by Section 1113A of this title, the license plate
22 shall be affixed to the exterior of the vehicle until a replacement
23 license plate is applied for. If the owner applies for a
24 replacement license plate, the Tax Commission shall charge the fee

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

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

22 3. Upon payment of the annual registration fee provided in
23 Section 1133 of this title, the Tax Commission or Corporation
24 Commission, as applicable, or a motor license agent may issue a

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

13 4. Every vehicle owned by an agency of this state shall be
14 exempt from the payment of registration fees required by this title.
15 Provided, such vehicle shall be registered and shall otherwise
16 comply with the provisions of the Oklahoma Vehicle License and
17 Registration Act.

18 B. The license plates required under the provisions of this
19 title shall conform to the requirements and specifications listed
20 hereinafter:

21 1. Each license plate shall have a space for the placement of
22 the yearly decals for each succeeding year of registration after the
23 initial issue;

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

7 3. Within the limits herein prescribed the Tax Commission shall
8 redesign the official vehicle license plates which currently bear
9 the legend "Oklahoma OK" or "Oklahoma is OK!" and substitute
10 therefor the legend "Oklahoma Native America" as further described
11 in this paragraph. Except for personalized license plates and
12 license plates issued for motorcycles and mopeds, the emblem on the
13 state flag of Oklahoma as provided for in Section 91 of Title 25 of
14 the Oklahoma Statutes shall be a part of all license plates issued
15 after December 31, 1988. The Tax Commission may continue to issue
16 license plates with the legend "Oklahoma is OK!" or "Oklahoma OK"
17 until any inventory of such license plates is depleted but the Tax
18 Commission shall not produce or cause to be produced any additional
19 license plates with these legends. Except for personalized license
20 plates, license plates issued for commercial vehicles, and license
21 plates issued for motorcycles and mopeds, the "Oklahoma Native
22 America" emblem shall be a part of all license plates issued after
23 December 31, 1993. The specifications for lettering style and
24 appearance for the legend "Oklahoma Native America" shall be

1 provided to the Tax Commission by the Oklahoma Tourism and
2 Recreation Department. The license plates shall be issued with the
3 letters and numerals in the colors of green and white. All license
4 plates and decals shall be made with reflectorized material as a
5 background to the letters, numbers and characters displayed thereon.
6 The reflectorized material shall be of such a nature as to provide
7 effective and dependable brightness during the service period for
8 which the license plate or decal is issued;

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

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

22 6. Within the limits prescribed in this section, the Tax
23 Commission shall design appropriate official license plates for
24 vehicles of the Oklahoma Military Department. Such license plates

1 shall have the legend "Oklahoma OK" and shall contain the letters
2 "OMD" followed by the state seal and three numbers or letters as
3 designated by the Adjutant General. The words "Oklahoma Military
4 Department" shall also be included on such license plates.

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

16 D. The certificate of registration provided for in this section
17 shall be in convenient form, and the certificate of registration, or
18 a certified copy or photostatic copy thereof, duly authenticated by
19 the Tax Commission or Corporation Commission, as applicable, shall
20 be carried at all times in or upon commercial vehicles so
21 registered, in such manner as to permit a ready examination thereof
22 upon demand by any peace officer of the state or duly authorized
23 employee of the Department of Public Safety. Any such officer or
24 agent may seize and hold such commercial vehicle when the operator

1 of the same does not have the registration certificate in the
2 operator's possession or when any such officer or agent determines
3 that the registration certificate has been obtained by
4 misrepresentation of any essential or material fact or when any
5 number or identifying information appearing on such certificate has
6 been changed, altered, obliterated or concealed in any way, until
7 the proper registration or identification of such vehicle has been
8 made or produced by the owner thereof.

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

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

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

1 decal each year. Upon presentation of a valid ad valorem tax
2 receipt, the manufactured home owner shall be issued the annual
3 decal.

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

- 9 1. The name of the owner of the manufactured home;
- 10 2. The serial number or identification number of the
11 manufactured home;
- 12 3. A legal description or address of the location for the home;
- 13 4. The actual retail selling price of the manufactured home
14 excluding Oklahoma taxes;
- 15 5. The certificate of title number for the home; and
- 16 6. Any other information which the Tax Commission deems to be
17 necessary.

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

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SECTION 2. This act shall become effective January 1, 2009.

51-2-9587 CJB 01/12/08