

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3374

By: Thomsen

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 1120, as amended by Section 15, Chapter
9 522, O.S.L. 2004 (47 O.S. Supp. 2007, Section 1120),
10 which relates to proportional registration; expanding
11 accepted payment methods; allowing registration at
tag agencies; directing Corporation Commission to
develop certain system to allow registration at tag
agencies; allowing Corporation Commission to
promulgate rules; and providing an effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1120, as
16 amended by Section 15, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2007,
17 Section 1120), is amended to read as follows:

18 Section 1120. A. The Corporation Commission may, when in the
19 interest of the State of Oklahoma and its residents, enter into the
20 International Registration Plan or other compacts or agreements with
21 other states to permit motor vehicle registration and license taxes
22 on any truck, bus, or truck-tractor on a proportional basis
23 commensurate with the use of Oklahoma highways. Proportional
24 registration under such plans may be permitted for vehicles engaged

1 in interstate commerce or combined interstate and intrastate
2 commerce. Any action taken by the Oklahoma Tax Commission with
3 respect to the International Registration Plan or other such
4 compacts or agreements prior to the effective date of this act shall
5 remain in effect unless altered by the Corporation Commission
6 pursuant to its authority to do so after the effective date of this
7 act.

8 B. The Corporation Commission shall require that such
9 proportional registration be based on the percentage of miles
10 actually operated by such vehicles or fleets of vehicles in the
11 State of Oklahoma in the preceding year in proportion to the total
12 fleet miles operated both within and without Oklahoma. If mileage
13 data is not available for the preceding fiscal year, the Corporation
14 Commission may accept the latest twelve-month period available.
15 Such percentage figure, so determined by the Corporation Commission,
16 shall be the Oklahoma mileage factor. In computing the taxes under
17 the foregoing formula, the Corporation Commission shall first
18 compute the license fees for the entire fleet and then multiply the
19 amount by the Oklahoma mileage factor on a dollar basis.

20 C. Upon receipt of the Oklahoma license and registration tax,
21 which shall be paid by cash ~~and/or~~, certified funds, or cashier's
22 check as computed under the provisions of the Oklahoma Vehicle
23 License and Registration Act, the Corporation Commission shall
24 register all such fleet vehicles, and shall issue a license plate or

1 decal for each of such vehicles identifying it as part of an
2 interstate fleet. The Corporation Commission may, upon satisfactory
3 review of the payment history of an applicant, waive the requirement
4 for payment in cash or certified funds.

5 D. Registration under this section shall be allowed at tag
6 agencies in this state. The Corporation Commission shall develop a
7 system to allow registration under this section at tag agencies in
8 this state. The Corporation Commission is authorized to promulgate
9 rules in order to implement this system.

10 E. Vehicles so registered on a prorated basis shall be
11 considered fully licensed in Oklahoma and shall be exempt from all
12 further registration or license fees under the provisions of the
13 Oklahoma Vehicle License and Registration Act; provided that such
14 fleet vehicles are proportionally licensed in some other state,
15 territory or possession of the United States or some foreign
16 province, state or country with which the Corporation Commission has
17 entered into a prorating compact or agreement.

18 If a vehicle is permanently withdrawn from a proportionally
19 registered fleet and a replacement vehicle is added to the fleet in
20 the same calendar quarter, the replacement vehicle shall be
21 considered fully registered as provided in Section 1133 of this
22 title and Section 14-109 of this title, if the replacement vehicle
23 is registered for a weight equal to or less than the vehicle
24 permanently withdrawn, or if additional registration fees are paid

1 when the replacement vehicle is registered for a weight greater than
2 the vehicle withdrawn. If a vehicle is permanently withdrawn from a
3 proportionally registered fleet and is not replaced by another
4 vehicle in the same calendar quarter, credit shall be allowed as
5 otherwise provided in this section.

6 ~~F.~~ F. Vehicles subsequently added to a proportionally
7 registered fleet after commencement of the registration year shall
8 be proportionally registered by applying the mileage percentage used
9 in the original application for such fleet for such registration
10 period to the regular registration fees due with respect to such
11 vehicle for the remainder of the registration year.

12 ~~F.~~ G. If a vehicle is permanently withdrawn from a
13 proportionally registered fleet because it has been destroyed, sold
14 or otherwise completely removed from service, credit shall be
15 allowed. Such credit shall be a sum equal to the amount paid with
16 respect to such vehicle when it was first proportionally registered
17 in the registration year, reduced by one-fourth (1/4) for each
18 calendar quarter or fraction thereof elapsing since the beginning of
19 the registration year. The credit may be applied against subsequent
20 additions to the fleet to be prorated or for other additional
21 registration fees assessed. In no event shall credit be allowed for
22 fees beyond such registration year, nor shall any such amount be
23 subject to refund. Provided, further, that vehicles removed from a
24 prorated fleet or sold to a nonprorated fleet for operation in

1 Oklahoma shall be registered in Oklahoma for the remaining portion
2 of the year.

3 ~~G.~~ H. Mileage proportions for interstate fleets not operated in
4 this state during the preceding year will be determined by the
5 Corporation Commission on the basis of the operations of the fleet
6 the preceding year in other states plus the estimated operation in
7 Oklahoma, or, if no operations were conducted the previous year, a
8 full statement of the proposed method of operation. In the absence
9 of a full statement of the proposed method of operation, the
10 Corporation Commission shall require the applicant to utilize an
11 estimated mileage chart provided by the Corporation Commission.

12 ~~H.~~ I. The records of total mileage operated in all states upon
13 which the application is made for a period of three (3) years
14 following the year upon which the application is based shall be
15 preserved. Upon request of the Corporation Commission, such records
16 shall be made available for audit as to accuracy of computation and
17 payments. The Corporation Commission may enter into agreements with
18 agencies of other states administering motor vehicle registration
19 laws for joint audits of any such records.

20 ~~I.~~ J. The Corporation Commission may enter into compacts or
21 agreements with other states or other countries or subdivisions of
22 such countries allowing reciprocal privileges to vehicles based in
23 such other states and operating in interstate commerce if the
24 vehicles are properly registered therein.

1 ~~J.~~ K. Interchanged vehicles properly registered in another
2 state may be granted reciprocal privileges when engaged in a
3 continuous movement in interstate commerce, but must register in
4 this state if used in intrastate commerce.

5 ~~K.~~ L. In addition to those taxes or fees imposed by the
6 Oklahoma Vehicle License and Registration Act, the same or
7 substantially the same type or category of tax or fee may be imposed
8 upon an out-of-state resident as is imposed upon residents of
9 Oklahoma for the same or substantially similar use of a vehicle in
10 such other state in the amount, or approximate total amount, of any
11 fee or tax, including property, motor fuel, excise, sales, use or
12 mileage tax required by the laws of such other state to be paid by a
13 resident of this state making the same or similar use of a like
14 vehicle in such state.

15 The Corporation Commission shall have the authority to
16 promulgate rules which provide procedures for implementation of
17 comparable regulatory fees and taxes for vehicles used in this state
18 by residents of other states.

19 Any revenue derived from this subsection shall be apportioned in
20 the same manner as provided in Section 1104 of this title.

21 It is the intention of the Legislature that the motor vehicle
22 registration and licensing fees assessed against residents of other
23 states operating similar vehicles in Oklahoma be comparably the same
24 as the motor vehicle registration and licensing fees assessed

1 against residents of Oklahoma operating a similar vehicle for a
2 similar purpose in such other state; and that the Corporation
3 Commission diligently monitor the motor vehicle registration and
4 licensing fees assessed against residents of Oklahoma by other
5 states and to provide for uniform treatment of Oklahoma residents
6 operating vehicles in other states and for residents of other states
7 operating vehicles in Oklahoma.

8 ~~L.~~ M. The provisions of this section shall not apply to tour
9 bus operations issued permits pursuant to Section 1171 of this
10 title.

11 ~~M.~~ N. Applicants registering fleet vehicles through electronic
12 means may choose their initial monthly period of registration.

13 ~~N.~~ O. The Corporation Commission shall assess a fee of Three
14 Dollars (\$3.00) to process an amended registration filed under the
15 International Registration Plan to add a jurisdiction to an existing
16 registration under the plan. The collection and payment of the fee
17 shall be a prerequisite to amending the registration. All revenue
18 derived pursuant to the provisions of this subsection shall be
19 apportioned and distributed as provided for in Section 1104 of this
20 title.

21 SECTION 2. This act shall become effective November 1, 2008.

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23 51-2-9732 CJB 01/16/08

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