

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2034

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Sections 1121 and 1128, which relate to the
9 Oklahoma Vehicle License and Registration Act;
10 clarifying limit on liability of certain purchaser of
11 vehicle; specifying entities authorized to provide
12 certain certificate; permitting owners of specified
13 trailer types to register with Oklahoma Tax
14 Commission and providing fee therefore; 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 1121, is
18 amended to read as follows:

19 Section 1121. A. When, at the time of registration of any
20 vehicle, payment is made by check for fees and taxes, and the check
21 is not paid by the bank on which drawn for any reason, after ~~said~~
22 the check has been presented for payment a second time, such
23 certificate of registration and other such instruments issued at the
24 time of registration of such vehicle shall be invalid. The motor
license agent shall transmit all documents and the dishonored check
to the Oklahoma Tax Commission for credit to the motor license
agent's account. The Tax Commission may enter into a contract for

1 the collection of dishonored checks and canceled instruments. In
2 all such cases, such vehicles shall be subject to the license fees
3 and penalties provided in this act as though no attempt to register
4 the vehicle had been made, and the motor license agent shall charge
5 the person issuing the check a fee of Twenty-five Dollars (\$25.00)
6 for each check to cover the costs of processing each returned check.
7 An individual who subsequently purchases any such vehicle shall not
8 be required, as a condition for registration of the vehicle, to pay
9 any ~~penalties imposed by this section~~ tax, fee or penalty due
10 resulting from the dishonored check.

11 A mortgagee who repossesses any such vehicle shall not be
12 required, as a condition for registration of ~~said~~ the vehicle, to
13 pay the dishonored check penalties which had accrued as of the date
14 of such repossession.

15 B. Whenever payment is made by check for any Oklahoma ~~driver's~~
16 driver license, and the check is not paid by the bank on which drawn
17 for any reason, after ~~said~~ the check has been presented for payment
18 a second time, such ~~driver's~~ driver license shall be invalid, and
19 all driving privileges of the holder of the ~~driver's~~ driver license
20 shall be canceled. The motor license agent shall transmit the
21 dishonored check to the ~~Oklahoma~~ Tax Commission for credit to the
22 motor license agents account. The Tax Commission may enter into a
23 contract for the collection of dishonored checks. The motor license
24 agent shall charge the person issuing the check a fee of Twenty-five

1 Dollars (\$25.00) for each check to cover the cost of processing each
2 returned check. The motor license agent shall transmit a copy of
3 all documents associated with the application and issuance of the
4 ~~driver's~~ driver license and a copy of the dishonored check to the
5 Department of Public Safety.

6 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1128, is
7 amended to read as follows:

8 Section 1128. A. Every person manufacturing or having a
9 contract to sell new vehicles in this state shall file a verified
10 application for a general distinctive number for all new vehicles
11 owned or controlled by the manufacturer or dealer; provided, the
12 Oklahoma Tax Commission shall issue a license to sell such new motor
13 vehicles only for those types of new vehicles for which the
14 applicant has a sales contract or franchise; provided, further, that
15 no license shall be issued to any applicant that has not complied
16 with the provisions of Sections 561 through 568 of this title and
17 does not hold a current license issued by the Oklahoma Motor Vehicle
18 Commission pursuant thereto. A separate manufacturer's or dealer's
19 license shall be required for each separate county within which such
20 manufacturer or dealer has an established place of business, and,
21 upon payment of a license fee of Ten Dollars (\$10.00), there shall
22 be assigned and issued to such manufacturer or dealer a Certificate
23 of Registration and one license plate which shall be displayed upon
24 each vehicle of such manufacturer or dealer when same is operated,

1 driven, or displayed on any street, road, or highway, in the same
2 manner as hereinbefore provided for vehicles owned by other persons.
3 Such a manufacturer or dealer in new vehicles may obtain as many
4 additional license plates as may be desired, upon the payment of the
5 sum of Ten Dollars (\$10.00) for each additional plate; provided that
6 no such license plate issued to any manufacturer or dealer shall be
7 used or displayed upon any secondhand or used vehicle, or upon any
8 new vehicle which is used for a service car, or private use, or for
9 hire. Any person, with consent of the dealer, may operate a motor
10 vehicle, with the dealer's tag affixed, while contemplating
11 purchase, so long as this intent is limited to a consecutive
12 seventy-two-hour period, or a weekend. An individual holding a
13 valid salesman's license issued by the Oklahoma Motor Vehicle
14 Commission shall not be subject to this limitation. If such person
15 also buys and sells used vehicles, he or she shall, after obtaining
16 his or her new motor vehicle dealer's license from the Oklahoma
17 Motor Vehicle Commission, also obtain a used motor vehicle dealer's
18 license⁷ from the Used Motor Vehicle and Parts Commission, the cost
19 of which shall be as prescribed in Section 1101 et seq. of this
20 title.

21 B. Each dealer and used motor vehicle dealer shall keep a
22 record of the purchase and sale of each motor vehicle he or she buys
23 or sells, which shall show the name of the seller or buyer, as the
24 case may be, and a complete description of the vehicle purchased or

1 sold, and such other information as the Oklahoma Motor Vehicle
2 Commission may prescribe.

3 C. Application for manufacturer's or dealer's license must show
4 that such dealer or manufacturer has not violated any of the
5 provisions of this section; and such license shall be nonassignable;
6 and any such license may be suspended temporarily or revoked by the
7 Oklahoma Motor Vehicle Commission for violation or failure to comply
8 with this section, ; provided, the holder of such license shall be
9 given ten (10) days' notice of hearing to suspend or cancel such
10 license. If any such person subject to any of the licenses required
11 in this section fails to obtain it when due, a penalty of twenty-
12 five cents (\$0.25) per day on each such license shall be charged in
13 the same manner as is now provided on delinquent motor vehicle
14 registrations, and after a period of thirty (30) days such penalty
15 shall be equal to the license fee. It shall be the duty of every
16 person licensed to sell new or used motor vehicles to advise each
17 purchaser in writing about his or her title requirements and payment
18 of any taxes due. Each used motor vehicle must display a proper
19 Oklahoma license plate or a used dealer's license plate. Dealers
20 failing to comply with provisions of this section shall be
21 responsible for all taxes due on such sales or on such vehicles.

22 D. Every person engaged in the business of transporting and
23 delivering new or used vehicles by driving, either singly or by
24 towbar, saddle mount or full mount method, engaging in drive-away

1 operations as defined in Section 3 of Title 85 of the Oklahoma
2 Statutes, or any combination thereof, from the manufacturer or
3 shipper to the dealer or consignee and using the public highways of
4 this state, shall file with the Oklahoma Motor Vehicle Commission a
5 verified application for in-transit license plates to identify such
6 vehicles. The application shall provide for a general distinctive
7 number for all vehicles so transported. Upon payment of a license
8 fee of Ten Dollars (\$10.00) there shall be assigned and issued to
9 such person one in-transit plate. Such in-transit plate shall be
10 used by such person only on vehicles when so transported. Such
11 person may obtain as many additional in-transit plates as desired
12 upon payment of a fee of Ten Dollars (\$10.00) for each additional
13 plate. Provided, a used motor vehicle dealer shall use a used
14 dealer license plate in lieu of the in-transit license plate for
15 transporting a used motor vehicle and, in such cases, shall be
16 exempt from making application for an in-transit license plate.
17 Provided further, only a person who possesses a ~~certificate issued~~
18 ~~by the Interstate Commerce Commission or the Corporation Commission~~
19 motor carrier number issued by the Federal Motor Carrier Safety
20 Administration or a united carrier registration issued by the
21 Oklahoma Corporation Commission to engage in the business of
22 transporting and delivering manufactured homes for hire may use the
23 in-transit license plates obtained by them as herein authorized for
24 transporting new or used manufactured homes from one location to

1 another location within Oklahoma or from a point in another state to
2 a point in this state. Nothing contained in this section shall
3 relieve any person from the payment of license fees otherwise
4 provided by law. When the Oklahoma Motor Vehicle Commission deems
5 it advisable and in the public interest, it may require the holder
6 of any in-transit license, or any person making application
7 therefor, to file a proper surety bond in any amount it deems
8 proper, not to exceed Ten Thousand Dollars (\$10,000.00).

9 E. The Oklahoma Tax Commission shall issue dealer licenses to
10 new and used manufactured home dealers, new and used travel trailer
11 dealers and new and used commercial trailer dealers.

12 F. All licenses provided for in this section shall expire on
13 December 31 of each year.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1133.3 of Title 47, unless there
16 is created a duplication in numbering, reads as follows:

17 At the option of the owner, the Oklahoma Tax Commission is
18 authorized to register boat trailers and utility-type trailers which
19 are not being utilized in a commercial capacity, on an annual basis
20 for a fee of One Dollar (\$1.00).

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

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