

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 301

By: Bingman of the Senate  
and  
Thompson of the House

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( motor carriers - modifying participation -  
definitions -  
effective date )

AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

"An Act relating to motor carriers; amending 47 O.S.  
2001, Section 162.1, as last amended by Section 1,  
Chapter 168, O.S.L. 2008 (47 O.S. Supp. 2008,  
Section 162.1), which relates to powers and duties  
of the Corporation Commission; removing authority to  
participate in certain single-state registration  
system; removing authorization to apply certain  
rules; amending 47 O.S. 2001, Section 1120, as last  
amended by Section 2, Chapter 168, O.S.L. 2008 (47  
O.S. Supp. 2008, Section 1120), which relates to  
proportional registration; prohibiting permits for  
certain tour bus operations; amending 47 O.S. 2001,  
Section 1124, as last amended by Section 3, Chapter  
168, O.S.L. 2008 (47 O.S. Supp. 2008, Section 1124),  
which relates to commercial permits; modifying  
application for certain commercial vehicles;  
amending 47 O.S. 2001, Section 1139, as amended by  
Section 22, Chapter 522, O.S.L. 2004 (47 O.S. Supp.  
2008, Section 1139), which relates to certain bus

1 tax; modifying application for certain tour bus  
2 operations; amending 68 O.S. 2001, Section 605, as  
3 amended by Section 9, Chapter 168, O.S.L. 2008 (68  
4 O.S. Supp. 2008, Section 605), which relates to  
5 motor fuel taxes; modifying exemption for certain  
6 tour bus operations; amending 68 O.S. 2001, Section  
7 607, as last amended by Section 10, Chapter 168,  
8 O.S.L. 2008 (68 O.S. Supp. 2008, Section 607), which  
9 relates to motor fuel tax exemptions; clarifying  
10 statutory reference; amending 47 O.S. 2001, Section  
11 562, as last amended by Section 2, Chapter 315,  
12 O.S.L. 2008 (47 O.S. Supp. 2008, Section 562), which  
13 relates to regulation and licensing of  
14 manufacturers, distributors, dealers, salespersons,  
15 and others; modifying certain definition; and  
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 47 O.S. 2001, Section 162.1, as  
19 last amended by Section 1, Chapter 168, O.S.L. 2008 (47 O.S. Supp.  
20 2008, Section 162.1), is amended to read as follows:

21 Section 162.1 A. ~~The Corporation Commission is authorized to  
22 promulgate all rules and regulations necessary to enable the State  
23 of Oklahoma to participate in the single state registration system  
24 for motor carriers authorized by the Intermodal Surface  
Transportation Efficiency Act of 1991, 49 U.S.C., Section 11506  
(1991), and by applicable rules and regulations of the Interstate  
Commerce Commission.~~

B. ~~The Corporation Commission is authorized to apply rules and  
regulations to interstate motor carriers exempt from the Interstate  
Commerce Commission regulations.~~

1       ~~C.~~ The Corporation Commission is authorized to promulgate rules  
2 necessary to enable this state to participate in the Unified Carrier  
3 Registration System for interstate motor carriers, brokers,  
4 forwarders and leasing companies and interstate motor carriers  
5 holding intrastate authority as set forth in the Safe, Accountable,  
6 Flexible, Efficient Transportation Equity Act: A Legacy for Users  
7 (SAFETEA-LU), Subtitle C-Unified Carrier Registration Act of 2005.

8           SECTION 2.       AMENDATORY       47 O.S. 2001, Section 1120, as  
9 last amended by Section 2, Chapter 168, O.S.L. 2008 (47 O.S. Supp.  
10 2008, Section 1120), is amended to read as follows:

11           Section 1120. A. The Corporation Commission may, when in the  
12 interest of the State of Oklahoma and its residents, enter into the  
13 International Registration Plan or other compacts or agreements with  
14 other states to permit motor vehicle registration and license taxes  
15 on any truck, bus, or truck-tractor on a proportional basis  
16 commensurate with the use of Oklahoma highways. Proportional  
17 registration under such plans may be permitted for vehicles engaged  
18 in interstate commerce or combined interstate and intrastate  
19 commerce. Any action taken by the Oklahoma Tax Commission with  
20 respect to the International Registration Plan or other such  
21 compacts or agreements prior to ~~the effective date of this act~~ July  
22 1, 2004 shall remain in effect unless altered by the Corporation  
23 Commission pursuant to its authority to do so after the effective  
24 date of this act.

1           B. The Corporation Commission shall require that such  
2 proportional registration be based on the percentage of miles  
3 actually operated by such vehicles or fleets of vehicles in the  
4 State of Oklahoma in the reporting period in proportion to the total  
5 fleet miles operated both within and without Oklahoma. If the  
6 registrant did not incur mileage for at least ninety (90) days of  
7 the reporting period, the Corporation Commission may accept the  
8 mileage from the preceding mileage reporting period. If the  
9 registrant did not incur mileage during the preceding reporting  
10 period, the registrant shall estimate its future operations in  
11 accordance with the International Registration Plan. Such  
12 percentage figure, so determined by the Corporation Commission,  
13 shall be the Oklahoma mileage factor. In computing the taxes under  
14 the foregoing formula, the Corporation Commission shall first  
15 compute the license fees for the entire fleet and then multiply the  
16 amount by the Oklahoma mileage factor on a dollar basis.

17           C. Upon receipt of the Oklahoma license and registration tax,  
18 which shall be paid by cash and/or certified funds, as computed  
19 under the provisions of the Oklahoma Vehicle License and  
20 Registration Act, the Corporation Commission shall register all such  
21 fleet vehicles, and shall issue a license plate, cab card or decal  
22 for each of such vehicles identifying it as part of an interstate  
23 fleet. The Corporation Commission may, upon satisfactory review of  
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1 the payment history of an applicant, waive the requirement for  
2 payment in cash or certified funds.

3 D. Vehicles so registered on a prorated basis shall be  
4 considered fully licensed in Oklahoma and shall be exempt from all  
5 further registration or license fees under the provisions of the  
6 Oklahoma Vehicle License and Registration Act; provided that such  
7 fleet vehicles are proportionally licensed in some other state,  
8 territory or possession of the United States or some foreign  
9 province, state or country with which the Corporation Commission has  
10 entered into a prorating compact or agreement.

11 If a vehicle is permanently withdrawn from a proportionally  
12 registered fleet and a replacement vehicle is added to the fleet in  
13 the same calendar month, the replacement vehicle shall be considered  
14 fully registered as provided in Section 1133 of this title and  
15 Section 14-109 of this title, if the replacement vehicle is  
16 registered for a weight equal to or less than the vehicle  
17 permanently withdrawn, or if additional registration fees are paid  
18 when the replacement vehicle is registered for a weight greater than  
19 the vehicle withdrawn. If a vehicle is permanently withdrawn from a  
20 proportionally registered fleet and is not replaced by another  
21 vehicle in the same calendar month, credit shall be allowed as  
22 otherwise provided in this section.

23 E. Vehicles subsequently added to a proportionally registered  
24 fleet after commencement of the registration year shall be

1 proportionally registered by applying the mileage percentage used in  
2 the original application for such fleet for such registration period  
3 to the regular registration fees due with respect to such vehicle  
4 for the remainder of the registration year.

5 F. If a vehicle is permanently withdrawn from a proportionally  
6 registered fleet because it has been destroyed, sold or otherwise  
7 completely removed from service, credit shall be allowed. Such  
8 credit shall be a sum equal to the amount paid with respect to such  
9 vehicle when it was first proportionally registered in the  
10 registration year, reduced by those months elapsing since the  
11 beginning of the registration year. The credit may be applied  
12 against subsequent additions to the fleet to be prorated or for  
13 other additional registration fees assessed. In no event shall  
14 credit be allowed for fees beyond such registration year, nor shall  
15 any such amount be subject to refund. Provided, further, that  
16 vehicles removed from a prorated fleet or sold to a nonprorated  
17 fleet for operation in Oklahoma shall be registered in Oklahoma for  
18 the remaining portion of the year.

19 G. Mileage proportions for interstate fleets not operated in  
20 this state during the preceding year will be determined by the  
21 Corporation Commission on the basis of the operations of the fleet  
22 the preceding year in other states plus the estimated operation in  
23 Oklahoma, or, if no operations were conducted the previous year, a  
24 full statement of the proposed method of operation. In the absence

1 of a full statement of the proposed method of operation, the  
2 Corporation Commission shall require the applicant to utilize an  
3 estimated mileage chart provided by the Corporation Commission.

4 H. The records of total mileage operated in all states upon  
5 which the application is made for a period of three (3) years  
6 following the year upon which the application is based shall be  
7 preserved. Upon request of the Corporation Commission, such records  
8 shall be made available for audit as to accuracy of computation and  
9 payments. The Corporation Commission may enter into agreements with  
10 agencies of other states administering motor vehicle registration  
11 laws for joint audits of any such records.

12 I. The Corporation Commission may enter into compacts or  
13 agreements with other states or other countries or subdivisions of  
14 such countries allowing reciprocal privileges to vehicles based in  
15 such other states and operating in interstate commerce if the  
16 vehicles are properly registered therein.

17 J. Interchanged vehicles properly registered in another state  
18 may be granted reciprocal privileges when engaged in a continuous  
19 movement in interstate commerce, but must register in this state if  
20 used in intrastate commerce.

21 K. In addition to those taxes or fees imposed by the Oklahoma  
22 Vehicle License and Registration Act, the same or substantially the  
23 same type or category of tax or fee may be imposed upon an out-of-  
24 state resident as is imposed upon residents of Oklahoma for the same

1 or substantially similar use of a vehicle in such other state in the  
2 amount, or approximate total amount, of any fee or tax, including  
3 property, motor fuel, excise, sales, use or mileage tax required by  
4 the laws of such other state to be paid by a resident of this state  
5 making the same or similar use of a like vehicle in such state.

6 The Corporation Commission shall have the authority to  
7 promulgate rules which provide procedures for implementation of  
8 comparable regulatory fees and taxes for vehicles used in this state  
9 by residents of other states.

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

12 It is the intention of the Legislature that the motor vehicle  
13 registration and licensing fees assessed against residents of other  
14 states operating similar vehicles in Oklahoma be comparably the same  
15 as the motor vehicle registration and licensing fees assessed  
16 against residents of Oklahoma operating a similar vehicle for a  
17 similar purpose in such other state; and that the Corporation  
18 Commission diligently monitor the motor vehicle registration and  
19 licensing fees assessed against residents of Oklahoma by other  
20 states and to provide for uniform treatment of Oklahoma residents  
21 operating vehicles in other states and for residents of other states  
22 operating vehicles in Oklahoma.

23 L. ~~The provisions of this section shall not apply to tour bus~~  
24 ~~operations issued permits pursuant to Section 1171 of this title.~~

1       ~~M-~~ The Corporation Commission shall assess a fee of Three  
2 Dollars (\$3.00) to process an amended registration filed under the  
3 International Registration Plan to add a jurisdiction to an existing  
4 registration under the plan. The collection and payment of the fee  
5 shall be a prerequisite to amending the registration. All revenue  
6 derived pursuant to the provisions of this subsection shall be  
7 apportioned and distributed as provided for in Section 1104 of this  
8 title.

9       SECTION 3.       AMENDATORY       47 O.S. 2001, Section 1124, as  
10 last amended by Section 3, Chapter 168, O.S.L. 2008 (47 O.S. Supp.  
11 2008, Section 1124), is amended to read as follows:

12       Section 1124. A. Any person, firm or corporation owning or  
13 possessing a commercial vehicle who:

14       1. Is a resident of the United States;  
15       2. Is required to register the vehicle under the laws of this  
16 state;

17       3. Is not authorized to drive the vehicle on the public roads  
18 of this state for lack of registration or reciprocity of this  
19 state's laws with the laws of the state in which the vehicle is  
20 registered; and

21       4. Operates the vehicle for commercial purposes;  
22 may receive a temporary permit from the Corporation Commission. The  
23 permit shall be recognized in lieu of registration in this state.  
24 The permit shall indicate the time and date of its issuance and

1 shall be valid for a period not to exceed seventy-two (72) hours  
2 from such indicated time.

3 B. A fee of Twelve Dollars (\$12.00) shall be charged for the  
4 issuance of the temporary permit which shall be apportioned in the  
5 same manner as other vehicle license fees are apportioned under the  
6 terms of the motor vehicle license and registration laws of this  
7 state.

8 C. The temporary permit shall not be issued to any person, firm  
9 or corporation owning or possessing a commercial vehicle, truck,  
10 truck-tractor, trailer, semitrailer or motor bus, who has been  
11 apprehended for violating the registration laws of this state. If  
12 apprehended, the vehicle shall be immediately subject to such  
13 registration laws. Possession of the temporary permit shall not  
14 affect any liability or duty which the owner or operator of a  
15 vehicle might otherwise have by law. An operator of a vehicle  
16 possessing an expired, altered or undated temporary permit shall be  
17 deemed to be operating an unregistered motor vehicle and shall be  
18 subject to registration and penalties therefor as provided by law.

19 D. The Corporation Commission may enter into an agreement with  
20 any person or corporation located within or without the state for  
21 transmission of temporary permits for a commercial vehicle by way of  
22 a facsimile machine or other device when the Corporation Commission  
23 determines that such agreement is in the best interests of the  
24 state.

1 E. The Corporation Commission may enter into an agreement with  
2 any state for transmission of that state's temporary permits for a  
3 commercial vehicle by way of a facsimile machine or other device  
4 when the Corporation Commission determines that such agreement is in  
5 the best interests of the state.

6 F. Any provision of this act providing for proportional  
7 registration under reciprocal agreements and the International  
8 Registration Plan that relate to the promulgation of rules shall not  
9 be subject to the provisions of Section 1151 of this title. The  
10 Corporation Commission may promulgate such rules as it deems  
11 necessary to administer the provisions of this section. The  
12 Corporation Commission may prescribe an application form for the  
13 temporary permit and such other forms as it deems appropriate.

14 G. The provisions of this section shall not apply to ~~tour bus~~  
15 ~~operations issued permits pursuant to Section 1171 of this title, or~~  
16 ~~to~~ vehicles entering this state for the express purpose of  
17 transporting the resources and equipment necessary to support  
18 production activities of the motion picture, television and video  
19 film industries operating within the state. Any such vehicle  
20 properly registered under the laws of another state or not  
21 registered with this state pursuant to the provisions of the  
22 International Registration Plan and used for the above-stated  
23 purpose shall not be subject to the registration requirements as set  
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1 | forth in Section 1101 et seq. of this title while conducting said  
2 | business.

3 | SECTION 4. AMENDATORY 47 O.S. 2001, Section 1139, as  
4 | amended by Section 22, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2008,  
5 | Section 1139), is amended to read as follows:

6 | Section 1139. A. In addition to vehicle license fees or taxes  
7 | imposed upon vehicles in this state, every person operating any  
8 | intercity motor bus upon, over, along or across any public highway  
9 | of this state shall, in order to reimburse the state for the  
10 | maintenance and upkeep of public highways of the state and for the  
11 | administration and enforcement of the provisions of this act, pay to  
12 | the Corporation Commission the following taxes or fees:

13 | A tax of one-half (1/2) mill for each mile each passenger is  
14 | transported over the public highways of this state. The tax levied  
15 | by this section shall apply to those motor vehicles designed,  
16 | constructed and used primarily for the purpose of transportation of  
17 | persons.

18 | B. Every person as defined by this section shall keep an  
19 | accurate permanent record in this state, for a period of three (3)  
20 | years, of all trips made by the person's respective vehicles, which  
21 | record shall show the dates, origin, routes, destination and current  
22 | vehicle license numbers, and shall make and file with the  
23 | Corporation Commission monthly reports upon or before the fifteenth  
24 | day of each month covering operations for the preceding calendar

1 month in such detail as may be required by the Corporation  
2 Commission, to be accompanied by a certified check, bank draft or  
3 money order in the amount of the mileage taxes and fees shown to be  
4 due.

5 C. Any taxes or fees provided for in this section, if not paid  
6 when due, shall then be delinquent and bear penalty at the rate of  
7 twelve percent (12%) per annum, when such taxes have been reported  
8 by the taxpayer, and at the rate of twenty-four percent (24%) per  
9 annum upon all taxes not reported within thirty (30) days after the  
10 date herein fixed for the filing of monthly reports.

11 ~~D. The provisions of this section shall not apply to tour bus~~  
12 ~~operations issued permits pursuant to Section 1171 of this title.~~

13 SECTION 5. AMENDATORY 68 O.S. 2001, Section 605, as  
14 amended by Section 9, Chapter 168, O.S.L. 2008 (68 O.S. Supp. 2008,  
15 Section 605), is amended to read as follows:

16 Section 605. The tax levied by this article shall not apply to  
17 motor fuel or diesel fuel imported into and used on the highways of  
18 this state by:

19 1. Persons operating motor vehicles commonly designated as  
20 automobiles or recreational vehicles which are constructed for and  
21 being used solely for the transportation of persons for purposes  
22 other than for hire or compensation;

23 2. Any person operating a motor vehicle or combination of  
24 vehicles used, designed, or maintained for transportation of persons

1 or property, and a gross vehicle weight of less than twenty-six  
2 thousand (26,000) pounds;

3 3. Persons importing livestock and farm products in the raw  
4 state, including cotton, whether in the seed or ginned, and  
5 including cottonseed and baled hay, when such commodities are moved  
6 from farm to market, or from market to farm on a vehicle or on  
7 vehicles owned and operated by a bona fide farmer not engaged in  
8 motor vehicle transportation on a commercial scale;

9 ~~4. Four buses operated to transport passengers by charter or~~  
10 ~~special service as defined by the Interstate Commerce Commission;~~

11 ~~5.~~ Motor fuel or diesel fuel used in vehicles owned by the  
12 United States of America; and

13 ~~6.~~ 5. Persons importing motor fuel/diesel fuel for use into  
14 this state having applied for and received a temporary fuel permit  
15 from the Corporation Commission.

16 No exemption from the tax levied by Section 603 of this title  
17 and as set forth in this section shall be construed as an exemption  
18 from the tax levied by the Motor Fuel Tax Code.

19 SECTION 6. AMENDATORY 68 O.S. 2001, Section 607, as last  
20 amended by Section 10, Chapter 168, O.S.L. 2008 (68 O.S. Supp. 2008,  
21 Section 607), is amended to read as follows:

22 Section 607. A. Before any person imports gasoline or diesel  
23 fuel into the state in the fuel supply tank or tanks of any motor  
24 vehicle, or in any other container for use on the highways of this

1 state, such person shall file application for and obtain a Motor  
2 Fuel/Diesel Fuel Importer for Use License. Such requirement shall  
3 be complied with notwithstanding the tax levied by the Motor Fuel  
4 Tax Code has been paid on such gasoline or diesel fuel. However,  
5 persons exempted by Section 605 of this title from the tax levied  
6 pursuant to Section 603 of this title shall not be required to  
7 obtain such license. The application required by this section shall  
8 be verified and filed on a form prescribed and furnished by the  
9 Corporation Commission showing the name and address and kind of  
10 business of the applicant, a designation of the principal place of  
11 business and such other information as the Corporation Commission  
12 may require. Such application must also contain, as a condition to  
13 the issuance of the license, an agreement by the applicant to comply  
14 with the requirements of Section 601 et seq. of this title and the  
15 rules of the Corporation Commission.

16 B. Before any such application may be approved by the  
17 Corporation Commission, the applicant must fully comply with the  
18 contribution requirements pursuant to Section 607.2 of this title.  
19 In addition, prior to the approval, the Corporation Commission may  
20 require the applicant to file a bond payable to the State of  
21 Oklahoma conditioned upon compliance with the provisions of Section  
22 601 et seq. of this title and the rules of the Corporation  
23 Commission in a sum of not more than Ten Thousand Dollars  
24 (\$10,000.00), the amount thereof to be fixed by an order of the

1 Corporation Commission. During the license year, the amount of any  
2 such bond required may be increased or reduced by the Corporation  
3 Commission at its discretion, and the Corporation Commission may in  
4 its discretion, waive the filing of a bond by any person who  
5 regularly purchases sufficient gasoline or diesel fuel on which the  
6 motor fuel or diesel fuel excise tax has been paid to this state  
7 when the tax equals or exceeds the amount of the tax levied against  
8 such person under Section 601 et seq. of this title.

9 C. Upon approval of such application and bond, the Corporation  
10 Commission shall issue to the applicant a nontransferable Motor  
11 Fuel/Diesel Fuel Importer for Use License bearing a distinctive  
12 number, at no charge to the applicant. The license shall be issued  
13 on an annual basis and shall remain in full force and effect until  
14 surrendered, suspended, or canceled in the manner provided by law.  
15 Each license shall be valid only for the operation of motor vehicles  
16 on the highways of this state by the person to whom it is issued  
17 including motor vehicles transporting persons or property in  
18 furtherance of the business of the licensee under a lease, a  
19 contract or any other arrangement, whether permanent or temporary in  
20 nature. The Corporation Commission may issue one (1) license  
21 credential to evidence the compliance of the applicant with the  
22 provisions of this section and the provisions of Section 1120 of  
23 Title 47 of the Oklahoma Statutes.

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1 D. In consideration of the use of the highways of this state,  
2 and in addition to all other taxes levied for such purposes, all  
3 persons who import motor fuel/diesel fuel into the state in the fuel  
4 supply tank or tanks of motor vehicles for use in propelling the  
5 vehicles on the highways for commercial purposes may receive a  
6 temporary motor fuel/diesel fuel permit from the Corporation  
7 Commission. This permit shall be recognized in lieu of licensing  
8 requirements in this state. The permit shall indicate the time and  
9 date of its issuance and shall be valid for a period not to exceed  
10 one hundred twenty (120) hours from such indicated time.

11 A fee of Twenty-five Dollars (\$25.00) shall be charged for the  
12 issuance of the temporary permit. Eight Dollars (\$8.00) of the fee  
13 shall be apportioned in the same manner as other motor fuel/diesel  
14 fuel revenue. Two Dollars (\$2.00) of the fee shall be retained by  
15 the Corporation Commission and apportioned as provided in Section  
16 1167 of ~~this title~~ Title 47 of the Oklahoma Statutes. Fifteen  
17 Dollars (\$15.00) of the fee shall be paid to the State Treasurer for  
18 deposit in the General Revenue Fund.

19 Any person importing motor fuel/diesel fuel into this state for  
20 use while in possession of an expired, altered or undated temporary  
21 fuel permit shall be deemed to be operating without proper licensing  
22 and shall be subject to licensing and penalties as provided for in  
23 the Motor Fuel/Diesel Fuel Importer for Use Tax Code.

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1       The Corporation Commission may prescribe an application form for  
2 the temporary permit and such other forms as it deems appropriate.  
3 The Corporation Commission, without notice, may suspend the issuance  
4 of temporary permits to any person found to be in violation of the  
5 Motor Fuel/Diesel Fuel Importer for Use Tax Code or similar laws of  
6 this state.

7       The Corporation Commission may enter into an agreement with any  
8 person or corporation located within or without the state for  
9 transmission of temporary permits by way of a facsimile machine or  
10 other device when the Corporation Commission determines that such  
11 agreement is in the best interests of the state.

12       The Corporation Commission may enter into an agreement with any  
13 state for transmission of that state's temporary permits by way of a  
14 facsimile machine or other device when the Corporation Commission  
15 determines that such agreement is in the best interests of the  
16 state.

17       E. In lieu of the requirements as provided for in Section 601  
18 et seq. of this title in respect to licensing, bonding, reporting  
19 and auditing, the Corporation Commission may, when in the best  
20 interests of this state and its residents, enter into the  
21 International Fuel Tax Agreement or other cooperative compacts or  
22 agreements with another state or other states or provinces to permit  
23 base state or base jurisdiction licensing of persons importing motor  
24 fuel or diesel fuel into this state and liable for the tax levied

1 pursuant to Section 601 et seq. of this title and provide for the  
2 cooperation and assistance among the member states and provinces in  
3 the administration and collection of motor fuels consumption and use  
4 taxes. Any action taken by the Oklahoma Tax Commission with respect  
5 to the International Fuel Tax Agreement or other such compacts or  
6 agreements prior to ~~the effective date of this act~~ June 9, 2004,  
7 shall remain in effect unless altered by the Corporation Commission  
8 pursuant to its authority to do so after the effective date of this  
9 act.

10 SECTION 7. AMENDATORY 47 O.S. 2001, Section 562, as last  
11 amended by Section 2, Chapter 315, O.S.L. 2008 (47 O.S. Supp. 2008,  
12 Section 562), is amended to read as follows:

13 Section 562. The following words, terms and phrases, when used  
14 in Sections 561 through 567, 572, 578.1, 579 and 579.1 of this  
15 title, shall have the meanings respectively ascribed to them in this  
16 section, except where the context clearly indicates a different  
17 meaning:

18 1. "Motor vehicle" means any motor-driven vehicle required to  
19 be registered under the Oklahoma Vehicle License and Registration  
20 Act except all-terrain vehicles, utility vehicles, and motorcycles  
21 used exclusively for off-road use;

22 2. "New motor vehicle dealer" means any person, firm,  
23 association, corporation or trust not excluded by this paragraph who  
24 sells, offers for sale, advertises to sell, leases or displays new

1 motor vehicles and holds a bona fide contract or franchise in effect  
2 with a manufacturer or distributor authorized by the manufacturer to  
3 make predelivery preparation of such vehicles sold to purchasers and  
4 to perform post-sale work pursuant to the manufacturer's or  
5 distributor's warranty. As used herein, "authorized predelivery  
6 preparation" means the rendition by the dealer of services and  
7 safety adjustments on each new motor vehicle in accordance with the  
8 procedure and safety standards required by the manufacturer of the  
9 vehicle to be made before its delivery to the purchaser.

10 "Performance of authorized post-sale work pursuant to the warranty",  
11 as used herein, means the rendition of services which are required  
12 by the terms of the warranty that stands extended to the vehicle at  
13 the time of its sale and are to be made in accordance with the  
14 safety standards prescribed by the manufacturer. The term includes  
15 premises or facilities at which a person engages only in the repair  
16 of motor vehicles if repairs are performed pursuant to the terms of  
17 a franchise and motor vehicle manufacturer's warranty. However, the  
18 term shall not include premises or facilities at which a new motor  
19 vehicle dealer or dealers within the area of responsibility of such  
20 dealer or dealers as defined in the manufacturer's franchise  
21 agreement of such dealer or dealers performs motor vehicle repairs  
22 pursuant to the terms of a franchise and motor vehicle  
23 manufacturer's warranty. For the purpose of Sections 561 through  
24 567, 572, 578.1, 579 and 579.1 of this title, the terms "new motor

1 vehicle dealer" and "new motor vehicle dealership" shall be  
2 synonymous. The term "new motor vehicle dealer" does not include:

- 3 a. receivers, trustees, administrators, executors,  
4 guardians or other persons appointed by or acting  
5 under judgment or order of any court,
- 6 b. public officers while performing or in operation of  
7 their duties, or
- 8 c. employees of persons, corporations or associations  
9 enumerated in subparagraph a of this paragraph when  
10 engaged in the specific performance of their duties as  
11 such employees;

12 3. "Motor vehicle salesperson" means any person who, for gain  
13 or compensation of any kind, either directly or indirectly,  
14 regularly or occasionally, by any form of agreement or arrangement,  
15 sells or negotiates for the sale of any new motor vehicle for any  
16 new motor vehicle dealer to any one or more third parties;

17 4. "Commission" means the Oklahoma Motor Vehicle Commission;

18 5. "Manufacturer" means any person, firm, association,  
19 corporation or trust, resident or nonresident, who manufactures or  
20 assembles new and unused motor vehicles or who engages in the  
21 fabrication or assembly of motorized vehicles of a type required to  
22 be registered in the State of Oklahoma;

23 6. "Distributor" means any person, firm, association,  
24 corporation or trust, resident or nonresident, who, being authorized

1 by the original manufacturer, in whole or in part sells or  
2 distributes new and unused motor vehicles to motor vehicle dealers,  
3 or who maintains distributor representatives;

4 7. "Factory branch" means any branch office maintained by a  
5 person, firm, association, corporation or trust who manufactures or  
6 assembles motor vehicles for the sale of motor vehicles to  
7 distributors, or for the sale of motor vehicles to motor vehicle  
8 dealers, or for directing or supervising, in whole or in part, its  
9 representatives;

10 8. "Distributor branch" means any branch office similarly  
11 maintained by a distributor for the same purposes a factory branch  
12 is maintained;

13 9. "Factory representative" means any officer or agent engaged  
14 as a representative of a manufacturer of motor vehicles or by a  
15 factory branch, for the purpose of making or promoting the sale of  
16 its motor vehicles, or for supervising or contacting its dealers or  
17 prospective dealers;

18 10. "Distributor representative" means any person, firm,  
19 association, corporation or trust and each officer and employee  
20 thereof engaged as a representative of a distributor or distributor  
21 branch of motor vehicles, for the purpose of making or promoting the  
22 sale of its motor vehicles, or for supervising or contacting its  
23 dealers or prospective dealers;

24

1        11. "Franchise" means any contract or agreement between a motor  
2 vehicle dealer and a manufacturer of a new motor vehicle or its  
3 distributor or factory branch by which the dealer is authorized to  
4 engage in the business of selling any specified make or makes of new  
5 motor vehicles;

6        12. "New or unused motor vehicle" means a vehicle which is in  
7 the possession of the manufacturer or distributor or has been sold  
8 only to the holder of a valid selling agreement, franchise or  
9 contract, granted by the manufacturer or distributor for the sale of  
10 that make of new vehicle so long as the manufacturer's statement of  
11 origin has not been assigned to anyone other than a licensed  
12 franchised new motor vehicle dealer of the same line-make;

13        13. "Area of responsibility" means the geographical area, as  
14 designated by the manufacturer, factory branch, factory  
15 representative, distributor, distributor branch or distributor  
16 representative, in which the new motor vehicle dealer is held  
17 responsible for the promotion and development of sales and rendering  
18 of service for the make of motor vehicle for which the motor vehicle  
19 dealer holds a franchise or selling agreement;

20        14. "Off premises" means at a location other than the address  
21 designated on the new motor vehicle dealer's license;

22        15. "Sponsoring entity" means any person, firm, association,  
23 corporation or trust which has control, either permanently or  
24

1 temporarily, over the real property upon which the off-premise sale  
2 or display is conducted;

3 16. "Product" means new motor vehicles and new motor vehicle  
4 parts;

5 17. "Service" means motor vehicle warranty repairs including  
6 both parts and labor;

7 18. "Lead" means a consumer contact in response to a factory  
8 program designed to generate interest in purchasing or leasing a new  
9 motor vehicle;

10 19. "Sell or sale" means to sell or lease; and

11 20. "Factory" means a manufacturer, distributor, factory  
12 branch, distributor branch, factory representative or distributor  
13 representative, which manufactures or distributes vehicle products.

14 SECTION 7. This act shall become effective November 1, 2009."

15 Passed the House of Representatives the 8th day of April, 2009.

16

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18 \_\_\_\_\_  
Presiding Officer of the House of  
Representatives

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20 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

21

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23 \_\_\_\_\_  
Presiding Officer of the Senate

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