

THE HOUSE OF REPRESENTATIVES
Monday, February 15, 2010

House Bill No. 2883

HOUSE BILL NO. 2883 - By: LUTTRELL of the House and BINGMAN of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 1102, as last amended by Section 6, Chapter 302, O.S.L. 2008 (47 O.S. Supp. 2009, Section 1102), which relates to the Oklahoma Vehicle License and Registration Act; defining terms; and providing an effective date.

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

- 1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1102, as last amended by
2 Section 6, Chapter 302, O.S.L. 2008 (47 O.S. Supp. 2009, Section 1102), is amended to
3 read as follows:
- 4 Section 1102. As used in the Oklahoma Vehicle License and Registration Act:
- 5 1. "All-terrain vehicle" means a vehicle powered by an internal combustion engine
6 manufactured and used exclusively for off-highway use traveling on four or more low-
7 pressure tires, and having a seat designed to be straddled by the operator and
8 handlebars for steering;
- 9 2. "Carrying capacity" means the carrying capacity of a vehicle as determined or
10 declared in tons of cargo or payload by the owner; provided, that such declared capacity
11 shall not be less than the minimum tonnage capacity fixed, listed or advertised by the
12 manufacturer of any vehicle;

1 3. “Certificate of title” means a document which is proof of legal ownership of a
2 motor vehicle as described and provided for in Section 1105 of this title;

3 4. “Chips and oil” or the term “road oil and crushed rock” means, with respect to
4 materials authorized for use in the surfacing of roads or highways in this title or in any
5 equivalent statute pertaining to road or highway surfacing in the State of Oklahoma, any
6 asphaltic materials. Wherever chips and oil or road oil and crushed rock are authorized
7 for use in the surfacing of roads or highways in this state, whether by the Department of
8 Transportation, or by the county commissioners, or other road building authority subject
9 to the Oklahoma Vehicle License and Registration Act, asphaltic materials are also
10 authorized for use in such surfacing and construction;

11 5. “Combined laden weight” means the weight of a truck or station wagon and its
12 cargo or payload transported thereon, or the weight of a truck or truck-tractor plus the
13 weight of any trailers or semitrailers together with the cargo or payload transported
14 thereon;

15 6. “Commercial trailer” means any trailer, as defined in Section 1-180 of this title,
16 or semitrailer, as defined in Section 1-162 of this title, when such trailer or semitrailer is
17 used primarily for business or commercial purposes;

18 7. “Commercial trailer dealer” means any person, firm or corporation engaged in
19 the business of selling any new and unused, or used, or both new and used commercial
20 trailers;

21 8. “Commercial vehicle” means any vehicle over eight thousand (8,000) pounds
22 combined laden weight used primarily for business or commercial purposes. Each motor

1 vehicle being registered pursuant to the provisions of this section shall have the name of
2 the commercial establishment or the words "Commercial Vehicle" permanently and
3 prominently displayed upon the outside of the vehicle in letters not less than two (2)
4 inches high. Such letters shall be in sharp contrast to the background and shall be of
5 sufficient shape and color as to be readily legible during daylight hours, from a distance
6 of fifty (50) feet while the vehicle is not in motion;

7 9. "Commission" or "Tax Commission" means the Oklahoma Tax Commission;

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

12 11. "Mini-truck" means a foreign-manufactured import or domestic-manufactured
13 vehicle powered by an internal combustion engine with a piston or rotor displacement of
14 one thousand cubic centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches or
15 less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds
16 or less, traveling on four or more tires, having a top speed of approximately fifty-five (55)
17 miles per hour, equipped with a bed or compartment for hauling, and having an enclosed
18 passenger cab;

19 12. "Interstate commerce" means any commerce moving between any place in a
20 state and any place in another state or between places in the same state through another
21 state;

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 13. “Laden weight” means the combined weight of a vehicle when fully equipped for
2 use and the cargo or payload transported thereon; provided, that in no event shall the
3 laden weight be less than the unladen weight of the vehicle fully equipped for use, plus
4 the manufacturer’s rated carrying capacity;

5 14. “Local authorities” means every county, municipality or local board or body
6 having authority to adopt police regulations under the Constitution and laws of this
7 state;

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

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

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

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

8 18. "Medium-speed electrical vehicle" means any self-propelled, electrically
9 powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body
10 design, whose speed attainable in one (1) mile is more than thirty (30) miles per hour but
11 not greater than thirty-five (35) miles per hour;

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

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

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

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

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

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

8 25. "Powersports vehicle" means motorcycles, scooters, mopeds, all-terrain vehicles,
9 and utility vehicles;

10 26. "Powersports vehicle dealer" means any person, firm, or corporation who is in
11 the business of selling any new and unused or used, or both new and used powersports
12 vehicles;

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

1 ~~26.~~ 28. “Remanufactured vehicle” means a vehicle which has been assembled by a
2 vehicle remanufacturer using a new body and which may include original, reconditioned,
3 or remanufactured parts, and which is not a salvage, rebuilt, or junked vehicle as defined
4 by paragraphs 1, 2, and 5, respectively, of subsection A of Section 1105 of this title;

5 ~~27.~~ 29. “Rental trailer” means all small or utility trailers or semitrailers
6 constructed and suitable for towing by a passenger automobile and designed only for
7 carrying property, when the trailers or semitrailers are owned by, or are in the
8 possession of, any person engaged in renting or leasing such trailers or semitrailers for
9 intrastate or interstate use or combined intrastate and interstate use;

10 ~~28.~~ 30. “Special mobilized machinery” means special purpose machines or devices,
11 either self-propelled or drawn as trailers or semitrailers, which derive no revenue from
12 the transportation of persons or property, whose use of the highway is only incidental,
13 and whose useful revenue producing service is performed at destinations in an area away
14 from the traveled surface of an established open highway;

15 ~~29.~~ 31. “State” means the State of Oklahoma;

16 ~~30.~~ 32. “Station wagon” means any passenger vehicle which does not have a
17 separate luggage compartment or trunk and which does not have open beds, and has one
18 or more rear seats readily lifted out or folded, whether same is called a station wagon or
19 ranch wagon;

20 ~~31.~~ 33. “Travel trailer” means any vehicular portable structure built on a chassis,
21 used as a temporary dwelling for travel, recreational or vacation use, and, when

1 factory-equipped for the road, it shall have a body width not exceeding eight (8) feet and
2 an overall length not exceeding forty (40) feet, including the hitch or coupling;

3 ~~32.~~ 34. "Travel trailer dealer" means any person, firm or corporation engaged in the
4 business of selling any new and unused, or used, or both new and used travel trailers.
5 Such information and a valid franchise letter as proof of authorization to sell any such
6 new travel trailer product line or lines shall be attached to the application for a dealer
7 license to sell travel trailers. "Travel trailer dealer" shall not include any person, firm or
8 corporation who sells or contracts for the sale of his or her own personally titled travel
9 trailer or trailers. No person, firm or corporation shall be considered as a travel trailer
10 dealer as to any travel trailer purchased or acquired by such person, firm or corporation
11 for purposes other than resale;

12 ~~33.~~ 35. "Used motor vehicle dealer" means "used motor vehicle dealer" as defined in
13 Section 581 of this title;

14 ~~34.~~ 36. "Used vehicle" means any vehicle which has been sold, bargained,
15 exchanged or given away, or used to the extent that it has become what is commonly
16 known, and generally recognized, as a "secondhand" vehicle. This shall also include any
17 vehicle other than a remanufactured vehicle, regardless of age, owned by any person who
18 is not a dealer;

19 ~~35.~~ 37. "Utility vehicle" means a vehicle powered by an internal combustion engine,
20 manufactured and used exclusively for off-highway use, equipped with seating for two or
21 more people and a steering wheel, traveling on four or more wheels;

1 ~~36.~~ 38. “Vehicle” means any type of conveyance or device in, upon or by which a
2 person or property is or may be transported from one location to another upon the
3 avenues of public access within the state. “Vehicle” does not include bicycles, trailers
4 except travel trailers and rental trailers, or implements of husbandry as defined in
5 Section 1-125 of this title. All implements of husbandry used as conveyances shall be
6 required to display the owner’s driver license number or license plate number of any
7 vehicle owned by the owner of the implement of husbandry on the rear of the implement
8 in numbers not less than two (2) inches in height. The use of the owner’s social security
9 number on the rear of the implement of husbandry shall not be required; and

10 ~~37.~~ 39. “Vehicle remanufacturer” means a commercial entity which assembles
11 remanufactured vehicles.

12 SECTION 2. This act shall become effective November 1, 2010.

13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-11-10 - DO
14 PASS, As Coauthored.