

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1868

By: Hickman

4
5 AS INTRODUCED

6 An Act relating to motor vehicles; amending 47 O.S.
7 2001, Section 1113, as last amended by Section 3,
8 Chapter 335, O.S.L. 2008 (47 O.S. Supp. 2008, Section
9 1113), which relates to license plates; directing
10 Oklahoma Tax Commission to include county
11 abbreviation in certain decals; requiring
12 abbreviation to be visible; directing creation of
13 abbreviations; requiring Tax Commission to issue
14 existing decals prior to issuance of new decals; and
15 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 1113, as
18 last amended by Section 3, Chapter 335, O.S.L. 2008 (47 O.S. Supp.
19 2008, Section 1113), is amended to read as follows:

20 Section 1113. A. 1. Except for all-terrain vehicles, utility
21 vehicles and motorcycles used exclusively off roads and highways,
22 upon the filing of a registration application and the payment of the
23 fees provided for in the Oklahoma Vehicle License and Registration
24 Act, the Oklahoma Tax Commission or Corporation Commission, as
applicable, 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,
3 utility vehicle or motorcycle used exclusively off roads and
4 highways a distinctive number and issue to the owner a certificate
5 of registration and a decal but not a license plate. For each
6 subsequent registration year, the Tax Commission shall issue a
7 yearly decal to be affixed to the license plate, except for an all-
8 terrain vehicle, utility vehicle or motorcycle used exclusively off
9 roads and highways. The initial decal for an all-terrain vehicle,
10 utility vehicle or motorcycle shall be attached to the front of the
11 vehicle and shall be in clear view. The decal shall be on the front
12 or on the front fork of the motorcycle used exclusively off roads
13 and highways and the decal shall be in clear view. The yearly decal
14 shall have an identification number and the last two numbers of the
15 registration year for which it shall expire and include a two-letter
16 abbreviation corresponding to the county in which the vehicle is
17 registered. The Tax Commission is hereby directed to develop the
18 decal design to incorporate these requirements in a manner that will
19 permit county abbreviation to be readily identified. The Tax
20 Commission shall develop a unique two-letter abbreviation for each
21 county to be used on the decals. The Tax Commission shall issue all
22 decals in the possession of the Tax Commission on January 1, 2010,
23 prior to issuing any of the county abbreviation decals created
24 pursuant to this paragraph. Except as provided by Section 1113A of

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

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

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

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

21 B. The license plates required under the provisions of this
22 title shall conform to the requirements and specifications listed
23 hereinafter:
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1 1. Each license plate shall have a space for the placement of
2 the yearly decals for each succeeding year of registration after the
3 initial issue;

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

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

1 America" emblem shall be a part of all license plates issued after
2 December 31, 1993. The specifications for lettering style and
3 appearance for the legend "Oklahoma Native America" shall be
4 provided to the Tax Commission by the Oklahoma Tourism and
5 Recreation Department. All license plates and decals shall be made
6 with reflectorized material as a background to the letters, numbers
7 and characters displayed thereon. The reflectorized material shall
8 be of such a nature as to provide effective and dependable
9 brightness during the service period for which the license plate or
10 decal is issued;

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

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

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1 6. Within the limits prescribed in this section, the Tax
2 Commission shall design appropriate official license plates for
3 vehicles of the Oklahoma Military Department. Such license plates
4 shall have the legend "Oklahoma OK" and shall contain the letters
5 "OMD" followed by the state seal and three numbers or letters as
6 designated by the Adjutant General. The words "Oklahoma Military
7 Department" shall also be included on such license plates; and

8 7. Within the limits prescribed in this section, the Oklahoma
9 Tourism and Recreation Department shall design any license plates
10 required by the initiation of a license plate reissuance by the
11 Oklahoma Tax Commission at the request of the Department of Public
12 Safety pursuant to the provisions of Section 1 of this act. Any
13 such new designs shall be submitted by the Oklahoma Tourism and
14 Recreation Department to the Department of Public Safety for its
15 approval prior to being issued by the Oklahoma Tax Commission.

16 C. Where the applicant has satisfactorily shown that the
17 applicant owns the vehicle sought to be registered but is unable to
18 produce documentary evidence of the ownership, a license plate may
19 be issued upon approval by the Tax Commission or Corporation
20 Commission, as applicable. In such instances the reason for not
21 issuing a certificate of title shall be indicated on the receipt
22 given to the applicant. It shall still be the duty of the applicant
23 to immediately take all necessary steps to obtain the Oklahoma
24 certificate of title and it shall be unlawful for the applicant to

1 sell the vehicle until the certificate has been obtained in the
2 applicant's name.

3 D. The certificate of registration provided for in this section
4 shall be in convenient form, and the certificate of registration, or
5 a certified copy or photostatic copy thereof, duly authenticated by
6 the Tax Commission or Corporation Commission, as applicable, shall
7 be carried at all times in or upon commercial vehicles so
8 registered, in such manner as to permit a ready examination thereof
9 upon demand by any peace officer of the state or duly authorized
10 employee of the Department of Public Safety. Any such officer or
11 agent may seize and hold such commercial vehicle when the operator
12 of the same does not have the registration certificate in the
13 operator's possession or when any such officer or agent determines
14 that the registration certificate has been obtained by
15 misrepresentation of any essential or material fact or when any
16 number or identifying information appearing on such certificate has
17 been changed, altered, obliterated or concealed in any way, until
18 the proper registration or identification of such vehicle has been
19 made or produced by the owner thereof.

20 E. The purchaser of a new or used manufactured home shall,
21 within thirty (30) days of the date of purchase, register the home
22 with the Tax Commission or a motor license agent pursuant to the
23 provisions of Section 1117 of this title. For a new manufactured
24 home, it shall be the responsibility of the dealer selling the home

1 to place a temporary license plate on the home in the same manner as
2 provided in Section 1128 of this title for other new motor vehicles.
3 For the first year that any manufactured home is registered in this
4 state, the Tax Commission shall issue a metal license plate which
5 shall be affixed to the manufactured home. The temporary dealer
6 license plate or the metal license plate shall be displayed on the
7 manufactured home at all times when upon a public roadway; provided,
8 a repossession affidavit issued pursuant to Sections 1110 and 1126
9 of this title shall be permissible in lieu of a current license
10 plate and decal for the purposes of removing a repossessed
11 manufactured home to a secure location. Manufactured homes
12 previously registered and subject to ad valorem taxation as provided
13 by law shall have a decal affixed at the time ad valorem taxes are
14 paid for such manufactured home; provided, for a manufactured home
15 permanently affixed to real estate, no decal or license plate shall
16 be required to be affixed and the owner thereof shall be given a
17 receipt upon payment of ad valorem taxes due on the home. The Tax
18 Commission shall make sufficient plates and decals available to the
19 various motor license agents of the state in order for an owner of a
20 manufactured home to acquire the plate or decal. A one-dollar fee
21 shall be charged for issuance of any plate or decal. The fee shall
22 be apportioned each month to the General Revenue Fund of the State
23 Treasury.

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1 F. The manufactured home license plate shall be designed so
2 that it is easily visible for purposes of verification by a county
3 assessor that the manufactured home is properly assessed for ad
4 valorem taxation. The plate shall be designed for a yearly decal.
5 In the first year of registration, a decal shall be issued for
6 placement on the license plate indicating payment of applicable
7 registration fees and excise taxes. In the second and all
8 subsequent years for which the manufactured home is subject to ad
9 valorem taxation, an annual decal shall be affixed to the license
10 plate as evidence of payment of ad valorem taxes. The Tax
11 Commission shall issue decals to the various county treasurers of
12 the state in order for a manufactured home owner to obtain such
13 decal each year. Upon presentation of a valid ad valorem tax
14 receipt, the manufactured home owner shall be issued the annual
15 decal.

16 G. Upon the registration of a manufactured home in this state
17 for the first time or upon discovery of a manufactured home
18 previously registered within this state for which the information
19 required by this subsection is not known, the Tax Commission shall
20 obtain:

- 21 1. The name of the owner of the manufactured home;
- 22 2. The serial number or identification number of the
23 manufactured home;
- 24 3. A legal description or address of the location for the home;

1 4. The actual retail selling price of the manufactured home
2 excluding Oklahoma taxes;

3 5. The certificate of title number for the home; and

4 6. Any other information which the Tax Commission deems to be
5 necessary.

6 The application for registration shall also include the school
7 district in which the manufactured home is located or is to be
8 located. The information shall be entered into a computer data
9 system which shall be used by the Tax Commission to provide
10 information to county assessors upon request by the assessor. The
11 assessor may request any information from the system in order to
12 properly assess a manufactured home for ad valorem taxation.

13 SECTION 2. This act shall become effective January 1, 2010.

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