

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2790

By: Kouplen

4  
5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Section 1115, as last amended by Section 1,  
9 Chapter 443, O.S.L. 2009 (47 O.S. Supp. 2009, Section  
10 1115), which relates to certain registration  
11 requirements; modifying apportionment of penalty  
12 amount; providing for apportionment of certain amount  
13 to the Rural Economic Action Plan Fund; modifying  
14 penalty amount based upon designated fiscal years;  
15 providing an effective date; and declaring an  
16 emergency.

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

18 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1115, as  
19 last amended by Section 1, Chapter 443, O.S.L. 2009 (47 O.S. Supp.  
20 2009, Section 1115), is amended to read as follows:

21 Section 1115. A. Unless provided otherwise by statute, the  
22 following vehicles shall be registered annually: manufactured  
23 homes, vehicles registered with a permanent nonexpiring license  
24 plate pursuant to Section 1113 of this title, and commercial  
vehicles registered pursuant to the installment plan provided in  
subsection H of Section 1133 of this title. The following schedule

1 shall apply for such vehicle purchased in this state or brought into  
2 this state by residents of this state:

3 1. Between January 1 and March 31, the payment of the full  
4 annual fee shall be required;

5 2. Between April 1 and June 30, the payment of three-fourths  
6 (3/4) the annual fee shall be required;

7 3. Between July 1 and September 30, the payment of one-half  
8 (1/2) the annual fee shall be required; and

9 4. Between October 1 and November 30, one-fourth (1/4) the  
10 annual fee shall be required.

11 License plates or decals for each year shall be made available  
12 on December 1 of each preceding year for such vehicles. Any person  
13 who purchases such vehicle or manufactured home between December 1  
14 and December 31 of any year shall register it within thirty (30)  
15 days from date of purchase and obtain a license plate or  
16 Manufactured Home License Registration Decal, as appropriate, for  
17 the following calendar year upon payment of the full annual fee.  
18 Unless provided otherwise by statute, all annual license,  
19 registration and other fees for such vehicles shall be due and  
20 payable on January 1 of each year and if not paid by February 1  
21 shall be deemed delinquent.

22 B. 1. All vehicles, other than those required to be registered  
23 pursuant to the provisions of subsection A of this section, shall be  
24 registered on a staggered system of registration and licensing on a

1 monthly series basis to distribute the work of registering such  
2 vehicles as uniformly and expeditiously as practicable throughout  
3 the calendar year. After the end of the month following the  
4 expiration date, the license and registration fees for the new  
5 registration period shall become delinquent.

6 2. All fleet vehicles registered pursuant to new applications  
7 approved pursuant to the provisions of Section 1120 of this title  
8 shall be registered on a staggered system monthly basis.

9 3. Applicants seeking to establish Oklahoma as the base  
10 jurisdiction for registering apportioned fleet vehicles shall have a  
11 one-time option of registering for a period of not less than six (6)  
12 months nor greater than eighteen (18) months. Subsequent renewals  
13 for these registrants will be for twelve (12) months, expiring on  
14 the last day of the month chosen by the registrant under the one-  
15 time option as provided herein. In addition, registrants with  
16 multiple fleets may designate a different registration month of  
17 expiration for each fleet.

18 As used in this section, "fleet" shall have the same meaning as  
19 set forth in the International Registration Plan.

20 4. Effective January 1, 2004, all motorcycles and mopeds shall  
21 be registered on a staggered system of registration. The Oklahoma  
22 Tax Commission shall notify in writing, prior to December 1, 2003,  
23 all owners of motorcycles or mopeds registered as of such date, who  
24 shall have a one-time option of registering for a period of not less

1 than three (3) months nor greater than fifteen (15) months.  
2 Subsequent renewals for these registrants will be for twelve (12)  
3 months, expiring on the last day of the month chosen by the  
4 registrant under the one-time option as provided herein. All  
5 motorcycles and mopeds registered pursuant to new applications  
6 received on or after December 1, 2003, shall also be registered  
7 pursuant to the provisions of this paragraph.

8 C. The following penalties shall apply for delinquent  
9 registration fees:

10 1. For fleet vehicles required to be registered pursuant to the  
11 provisions of Section 1120 of this title for which a properly  
12 completed application for registration has not been received by the  
13 Corporation Commission by the last day of the month following the  
14 registration expiration date, a penalty of thirty percent (30%) of  
15 the Oklahoma portion of the annual registration fee, or Two Hundred  
16 Dollars (\$200.00), whichever is greater, shall be assessed. The  
17 license and registration cards issued by the Corporation Commission  
18 for each fleet vehicle shall be valid until two (2) months after the  
19 registration expiration date;

20 2. For commercial vehicles registered under the provisions of  
21 subsection B of this section, except those vehicles registered  
22 pursuant to Section 1133.1 of this title, a penalty shall be  
23 assessed after the last day of the month following the registration  
24 expiration date. A penalty of twenty-five cents (\$0.25) per day

1 shall be added to the license fee of such vehicle and shall accrue  
2 for one (1) month. Thereafter, the penalty shall be thirty percent  
3 (30%) of the annual registration fee, or Two Hundred Dollars  
4 (\$200.00), whichever is greater;

5 3. For new or used manufactured homes, not registered within  
6 thirty (30) days from date of purchase or date such manufactured  
7 home was brought into this state, a penalty equal to the  
8 registration fee shall be assessed; or

9 4. Except as provided in subsection H of Section 1133 of this  
10 title, for all other vehicles a penalty shall be assessed after the  
11 last day of the month following the expiration date. A For the  
12 fiscal years beginning in July 1, 2010, July 1, 2011, July 1, 2012,  
13 July 1, 2013, and July 1, 2014 a penalty of One Dollar (\$1.00) per  
14 day shall be added to the license fee of such vehicle, provided that  
15 the penalty shall not exceed One Hundred Dollars (\$100.00). Of each  
16 dollar penalty collected pursuant to this subsection for such fiscal  
17 years:

18 ~~1. Twenty five~~

19 a. twenty-five cents (\$0.25) shall be apportioned as  
20 provided in Section 1104 of this title;

21 ~~2. Twenty five~~

22 b. twenty-five cents (\$0.25) shall be retained by the  
23 motor license agent; and

24 ~~3. Fifty~~

1           c. fifty cents (\$0.50) shall be deposited in the General  
2           Revenue Fund for the fiscal year beginning on July 1,  
3           2009, and for all subsequent fiscal years, shall be  
4           deposited in the State Highway Construction and  
5           Maintenance Rural Economic Action Plan Fund created  
6           pursuant to Section 2006 of Title 62 of the Oklahoma  
7           Statutes.

8           5. For the fiscal year beginning July 1, 2015, and for each  
9           fiscal year thereafter, a penalty of fifty cents (\$0.50) per day  
10           shall be added to the license fee of such vehicle, provided that the  
11           penalty shall not exceed One Hundred Dollars (\$100.00). Of each  
12           fifty-cent penalty collected pursuant to this paragraph for such  
13           fiscal years:

14           a. twenty-five cents (\$0.25) shall be apportioned as  
15           provided in Section 1104 of this title; and

16           b. twenty-five cents (\$0.25) shall be retained by the  
17           motor license agent.

18           D. In addition to all other penalties provided in the Oklahoma  
19 Vehicle License and Registration Act, the following penalties shall  
20 be imposed and collected by any Enforcement Officer of the  
21 Corporation Commission upon finding any commercial vehicle being  
22 operated in violation of the provisions of the Oklahoma Vehicle  
23 License and Registration Act.

1 The penalties shall apply to any commercial vehicle found to be  
2 operating in violation of the following provisions:

3 1. A penalty of not less than Fifty Dollars (\$50.00) shall be  
4 imposed upon any person found to be operating a commercial vehicle  
5 sixty (60) days after the end of the month in which the license  
6 plate or registration credentials expire without the current year  
7 license plate or registration credential displayed. Such penalty  
8 shall not exceed the amount established by the Corporation  
9 Commission pursuant to the provisions of subsection A of Section  
10 1167 of this title. Revenue from such penalties shall be  
11 apportioned as provided in Section 1167 of this title;

12 2. A penalty of not less than Fifty Dollars (\$50.00) shall be  
13 imposed for any person operating a commercial vehicle subject to the  
14 provisions of Section 1120 or Section 1133 of this title without the  
15 proper display of, or, carrying in such commercial vehicle, the  
16 identification credentials issued by the Corporation Commission as  
17 evidence of payment of the fee or tax as provided in Section 1120 or  
18 Section 1133 of this title. Such penalty shall not exceed the  
19 amount established by the Corporation Commission pursuant to the  
20 provisions of subsection A of Section 1167 of this title. Revenue  
21 from such penalties shall be apportioned as provided in Section 1167  
22 of this title; and

23 3. A penalty of not less than One Hundred Dollars (\$100.00)  
24 shall be imposed for any person that fails to register any

1 commercial vehicle subject to the Oklahoma Vehicle License and  
2 Registration Act. Such penalty shall not exceed the amount  
3 established by the Corporation Commission pursuant to the provisions  
4 of subsection A of Section 1167 of this title. Revenue from such  
5 penalties shall be apportioned as provided in Section 1167 of this  
6 title.

7 E. The Tax Commission, or Corporation Commission with respect  
8 to vehicles registered under Section 1120 or Section 1133 of this  
9 title, shall assess the registration fees and penalties for the year  
10 or years a vehicle was not registered. For vehicles not registered  
11 for two (2) or more years, the registration fees and penalties shall  
12 be due only for the current year and one (1) previous year.

13 F. In addition to any other penalty prescribed by law, there  
14 shall be a penalty of not less than Twenty Dollars (\$20.00) upon a  
15 finding by an enforcement officer that:

16 1. The registration of a vehicle registered pursuant to Section  
17 1132 of this title is expired and it is sixty (60) or more days  
18 after the end of the month of expiration; or

19 2. The registration fees for a vehicle that is subject to the  
20 registration fees pursuant to Section 1132 of this title have not  
21 been paid.

22 Such penalty shall not exceed the amount established by the  
23 Corporation Commission pursuant to the provisions of subsection A of  
24

1 Section 1167 of this title. Revenue from such penalties shall be  
2 apportioned as provided in Section 1167 of this title.

3 G. If a vehicle is donated to a nonprofit charitable  
4 organization, the nonprofit charitable organization shall be exempt  
5 from paying any current or past due registration fees, excise tax,  
6 transfer fees, and penalties and interest. However, after the  
7 donation, if the person donating the vehicle, or someone on behalf  
8 of such person, purchases the same vehicle back from the nonprofit  
9 charitable organization to which the vehicle was donated, such  
10 person shall be liable for all current and past-due registration  
11 fees, excise tax, title or transfer fees, and penalties and interest  
12 on such vehicle.

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

14 SECTION 3. It being immediately necessary for the preservation  
15 of the public peace, health and safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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19 52-2-9447 MAH 01/11/10

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