

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1649

By: Brogdon

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 1113, as last amended by Section 1,
9 Chapter 426, O.S.L. 2009 and Section 1, Chapter 335,
10 O.S.L. 2008 (47 O.S. Supp. 2009, Sections 1113 and
11 1113.2), which relate to the Oklahoma Vehicle License
12 and Registration Act; limiting the authority of the
13 Oklahoma Tax Commission on the design of official
14 state license plates; updating reference; prohibiting
15 certain design, identifying mark, bar code, chip or
16 other tracking device or image from being used on
17 license plates; specifying certain contents; deleting
18 requirement that plates contain certain elements and
19 the authority for determining such elements;
20 providing for reissue of official license plates
21 subject to certain requirement beginning on specified
22 date; modifying dates during which specified monies
23 are placed to the credit of the Oklahoma Tax
24 Commission Revolving Fund; modifying date after which
new plates will be issued to all registrants; and
providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 1113, as
last amended by Section 1, Chapter 426, O.S.L. 2009 (47 O.S. Supp.
2009, Section 1113), is amended to read as follows:

Section 1113. A. 1. Except for all-terrain vehicles, utility
vehicles and motorcycles used exclusively off roads and highways,

1 upon the filing of a registration application and the payment of the
2 fees provided for in the Oklahoma Vehicle License and Registration
3 Act, the Oklahoma Tax Commission or Corporation Commission, as
4 applicable, shall assign to the vehicle described in the application
5 a distinctive number, and issue to the owner of the vehicle a
6 certificate of registration, one license plate and a yearly decal.
7 The Oklahoma Tax Commission shall assign an all-terrain vehicle,
8 utility vehicle or motorcycle used exclusively off roads and
9 highways a distinctive number and issue to the owner a certificate
10 of registration and a decal but not a license plate. For each
11 subsequent registration year, the Tax Commission shall issue a
12 yearly decal to be affixed to the license plate, except for an all-
13 terrain vehicle, utility vehicle or motorcycle used exclusively off
14 roads and highways. The initial decal for an all-terrain vehicle,
15 utility vehicle or motorcycle shall be attached to the front of the
16 vehicle and shall be in clear view. The decal shall be on the front
17 or on the front fork of the motorcycle used exclusively off roads
18 and highways and the decal shall be in clear view. The yearly decal
19 shall have an identification number and the last two numbers of the
20 registration year for which it shall expire. Except as provided by
21 Section 1113A of this title, the license plate shall be affixed to
22 the exterior of the vehicle until a replacement license plate is
23 applied for. If the owner applies for a replacement license plate,
24 the Tax Commission shall charge the fee provided for in Section 1114

1 of this title. The yearly decal will validate the license plate for
2 each registration period other than the year the license plate is
3 issued. The Subject to the requirements of paragraph 3 of
4 subsection B of this section and of section 1113.2 of this title,
5 the license plate and decal shall be of such size, color, design and
6 numbering as the Tax Commission may direct. However, yearly decals
7 issued to the owner of a vehicle who has filed an affidavit with the
8 appropriate motor license agent in accordance with Section 7-607 of
9 this title shall be a separate and distinct color from all other
10 decals issued under this section. The Tax Commission shall also
11 issue a monthly decal which shall include a two-letter abbreviation
12 corresponding to the county in which the vehicle is registered. The
13 Tax Commission is hereby directed to develop the decal design to
14 incorporate these requirements in a manner that will permit county
15 abbreviation to be readily identified. The Tax Commission shall
16 develop a unique two-letter abbreviation for each county to be used
17 on the decals. The Tax Commission shall issue all decals in the
18 possession of the Tax Commission on January 1, 2010, prior to
19 issuing any of the county abbreviation decals created pursuant to
20 this paragraph.

21 2. The license plate shall be securely attached to the rear of
22 the vehicle, except truck-tractor plates which shall be attached to
23 the front of the vehicle. The Tax Commission may, with the
24 concurrence of the Department of Public Safety, by Joint Rule,

1 change and direct the manner, place and location of display of any
2 vehicle license plate when such action is deemed in the public
3 interest. The license plate, decal and all letters and numbers
4 shall be clearly visible at all times. The operation of a vehicle
5 in this state, regardless of where such vehicle is registered, upon
6 which the license plate is covered, overlaid or otherwise screened
7 with any material, whether such material be clear, translucent,
8 tinted or opaque, shall be a violation of this paragraph.

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

24

1 4. Every vehicle owned by an agency of this state shall be
2 exempt from the payment of registration fees required by this title.
3 Provided, such vehicle shall be registered and shall otherwise
4 comply with the provisions of the Oklahoma Vehicle License and
5 Registration Act.

6 B. The license plates required under the provisions of this
7 title shall conform to the requirements and specifications listed
8 hereinafter:

9 1. Each license plate shall have a space for the placement of
10 the yearly decals for each succeeding year of registration after the
11 initial issue;

12 2. The provisions of the Oklahoma Vehicle License and
13 Registration Act regarding the issuance of yearly decals shall not
14 apply to the issuance of apportioned license plates, including
15 license plates for state vehicles, and exempt plates for
16 governmental entities and fire departments organized pursuant to
17 Section 592 of Title 18 of the Oklahoma Statutes;

18 3. Within the limits herein prescribed the Tax Commission shall
19 redesign the official vehicle license plates which currently bear
20 the legend "~~Oklahoma OK~~" or "~~Oklahoma is OK!~~" and substitute
21 ~~therefor the legend~~ "Oklahoma Native America" as further described
22 in this paragraph. ~~Except for personalized license plates and~~
23 ~~license plates issued for motorcycles and mopeds, the~~ No emblem on
24 ~~the state flag of Oklahoma as provided for in Section 91 of Title 25~~

1 ~~of the Oklahoma Statutes~~ shall be a part of all any license plates
2 issued after ~~December 31, 1988~~ January 1, 2011 and the official
3 vehicle license plate shall be free of any indentifying mark, bar
4 code, chip or other tracking device or image. The background color
5 of such plate shall be white and the identification numbers and
6 letters of the plate shall be in black raised font. The upper
7 portion of the plate shall bear the legend "Oklahoma" in black font.
8 The Tax Commission may continue to issue license plates with the
9 legend ~~"Oklahoma is OK!" or "Oklahoma OK"~~ "Oklahoma Native America"
10 until any inventory of such license plates is depleted but the Tax
11 Commission shall not produce or cause to be produced any additional
12 license plates with these legends. ~~Except for personalized license~~
13 ~~plates, license plates issued for commercial vehicles, and license~~
14 ~~plates issued for motorcycles and mopeds, the "Oklahoma Native~~
15 ~~America" emblem shall be a part of all license plates issued after~~
16 ~~December 31, 1993. The specifications for lettering style and~~
17 ~~appearance for the legend "Oklahoma Native America" shall be~~
18 ~~provided to the Tax Commission by the Oklahoma Tourism and~~
19 ~~Recreation Department.~~ All license plates and decals shall be made
20 with reflectorized material as a background to the letters, numbers
21 and characters displayed thereon. The reflectorized material shall
22 be of such a nature as to provide effective and dependable
23 brightness during the service period for which the license plate or
24 decal is issued;

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

7 5. Within the limits prescribed in this section, the Tax
8 Commission shall design appropriate official license plates for
9 vehicles of the Oklahoma Highway Patrol. The license plates shall
10 have the legend "Oklahoma OK" and shall contain the letters "OHP"
11 followed by the state seal and the badge number of the Highway
12 Patrol officer to whom the vehicle is assigned. The words "Oklahoma
13 Highway Patrol" shall also be included on such license plates;

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

21 7. Within the limits prescribed in this section, the Oklahoma
22 Tourism and Recreation Department shall design any license plates
23 required by the initiation of a license plate reissuance by the
24 Oklahoma Tax Commission at the request of the Department of Public

1 Safety pursuant to the provisions of Section 1 of this act. Any
2 such new designs shall be submitted by the Oklahoma Tourism and
3 Recreation Department to the Department of Public Safety for its
4 approval prior to being issued by the Oklahoma Tax Commission.

5 C. Where the applicant has satisfactorily shown that the
6 applicant owns the vehicle sought to be registered but is unable to
7 produce documentary evidence of the ownership, a license plate may
8 be issued upon approval by the Tax Commission or Corporation
9 Commission, as applicable. In such instances the reason for not
10 issuing a certificate of title shall be indicated on the receipt
11 given to the applicant. It shall still be the duty of the applicant
12 to immediately take all necessary steps to obtain the Oklahoma
13 certificate of title and it shall be unlawful for the applicant to
14 sell the vehicle until the certificate has been obtained in the
15 applicant's name.

16 D. The certificate of registration provided for in this section
17 shall be in convenient form, and the certificate of registration, or
18 a certified copy or photostatic copy thereof, duly authenticated by
19 the Tax Commission or Corporation Commission, as applicable, shall
20 be carried at all times in or upon commercial vehicles so
21 registered, in such manner as to permit a ready examination thereof
22 upon demand by any peace officer of the state or duly authorized
23 employee of the Department of Public Safety. Any such officer or
24 agent may seize and hold such commercial vehicle when the operator

1 of the same does not have the registration certificate in the
2 operator's possession or when any such officer or agent determines
3 that the registration certificate has been obtained by
4 misrepresentation of any essential or material fact or when any
5 number or identifying information appearing on such certificate has
6 been changed, altered, obliterated or concealed in any way, until
7 the proper registration or identification of such vehicle has been
8 made or produced by the owner thereof.

9 E. The purchaser of a new or used manufactured home shall,
10 within thirty (30) days of the date of purchase, register the home
11 with the Tax Commission or a motor license agent pursuant to the
12 provisions of Section 1117 of this title. For a new manufactured
13 home, it shall be the responsibility of the dealer selling the home
14 to place a temporary license plate on the home in the same manner as
15 provided in Section 1128 of this title for other new motor vehicles.
16 For the first year that any manufactured home is registered in this
17 state, the Tax Commission shall issue a metal license plate which
18 shall be affixed to the manufactured home. The temporary dealer
19 license plate or the metal license plate shall be displayed on the
20 manufactured home at all times when upon a public roadway; provided,
21 a repossession affidavit issued pursuant to Sections 1110 and 1126
22 of this title shall be permissible in lieu of a current license
23 plate and decal for the purposes of removing a repossessed
24 manufactured home to a secure location. Manufactured homes

1 previously registered and subject to ad valorem taxation as provided
2 by law shall have a decal affixed at the time ad valorem taxes are
3 paid for such manufactured home; provided, for a manufactured home
4 permanently affixed to real estate, no decal or license plate shall
5 be required to be affixed and the owner thereof shall be given a
6 receipt upon payment of ad valorem taxes due on the home. The Tax
7 Commission shall make sufficient plates and decals available to the
8 various motor license agents of the state in order for an owner of a
9 manufactured home to acquire the plate or decal. A one-dollar fee
10 shall be charged for issuance of any plate or decal. The fee shall
11 be apportioned each month to the General Revenue Fund of the State
12 Treasury.

13 F. The decal shall be easily visible for purposes of
14 verification by a county assessor that the manufactured home is
15 properly assessed for ad valorem taxation. In the first year of
16 registration, a decal shall be issued for placement on the license
17 plate indicating payment of applicable registration fees and excise
18 taxes. A duplicate manufactured home registration decal shall be
19 affixed inside the window nearest the front door of the manufactured
20 home. In the second and all subsequent years for which the
21 manufactured home is subject to ad valorem taxation, an annual decal
22 shall be affixed inside the window nearest the front door as
23 evidence of payment of ad valorem taxes. The Tax Commission shall
24 issue decals to the various county treasurers of the state in order

1 for a manufactured home owner to obtain such decal each year. Upon
2 presentation of a valid ad valorem tax receipt, the manufactured
3 home owner shall be issued the annual decal.

4 G. Upon the registration of a manufactured home in this state
5 for the first time or upon discovery of a manufactured home
6 previously registered within this state for which the information
7 required by this subsection is not known, the Tax Commission shall
8 obtain:

- 9 1. The name of the owner of the manufactured home;
- 10 2. The serial number or identification number of the
11 manufactured home;
- 12 3. A legal description or address of the location for the home;
- 13 4. The actual retail selling price of the manufactured home
14 excluding Oklahoma taxes;
- 15 5. The certificate of title number for the home; and
- 16 6. Any other information which the Tax Commission deems to be
17 necessary.

18 The application for registration shall also include the school
19 district in which the manufactured home is located or is to be
20 located. The information shall be entered into a computer data
21 system which shall be used by the Tax Commission to provide
22 information to county assessors upon request by the assessor. The
23 assessor may request any information from the system in order to
24 properly assess a manufactured home for ad valorem taxation.

1 SECTION 2. AMENDATORY Section 1, Chapter 335, O.S.L.
2 2008 (47 O.S. Supp. 2009, Section 1113.2), is amended to read as
3 follows:

4 Section 1113.2. A. The Beginning January 1, 2011, the
5 Administrator of the Oklahoma Tax Commission shall initiate the
6 reissue of the official vehicle license plates which currently bear
7 the legend "Oklahoma Native America" and, unless otherwise provided,
8 all previous license plate designs and substitute therefor a new
9 license plate ~~designed by the Oklahoma Tourism and Recreation~~
10 ~~Department with the approval of the Department of Public Safety in~~
11 ~~accordance with the report of the Oklahoma License Plate Design Task~~
12 ~~Force created in Section 1113.3 of Title 47 of the Oklahoma Statutes~~
13 as prescribed in paragraph 3 of subsection B of Section 1113 of this
14 title.

15 B. In addition to the monies apportioned by Section 1104 of
16 Title 47 of the Oklahoma Statutes, the following amounts of monies
17 shall be placed to the credit of the Oklahoma Tax Commission
18 Revolving Fund for the purpose of conducting a new general issue of
19 license plates commencing ~~January 1, 2009~~ January 1, 2011:

20 1. For the fiscal year beginning ~~July 1, 2008~~ July 1, 2010, and
21 ending ~~June 30, 2009~~ June 30, 2011, the first Three Million Dollars
22 (\$3,000,000.00) collected or received by the Tax Commission pursuant
23 to the registration of vehicles as provided by the Oklahoma Vehicle
24 License and Registration Act; and

1 2. For the fiscal year beginning ~~July 1, 2009~~ July 1, 2011, and
2 ending ~~June 30, 2010~~ June 30, 2012, the first Three Million Dollars
3 (\$3,000,000.00) collected or received by the Tax Commission pursuant
4 to the registration of vehicles as provided by the Oklahoma Vehicle
5 License and Registration Act.

6 C. Subject to the Oklahoma Tax Commission Revolving Fund
7 receiving credit for the funds referenced in subsection B of this
8 section, the Administrator shall devise a numbering system suitable
9 for a new general issue of license plates commencing ~~January 1, 2009~~
10 January 1, 2011. Unless otherwise provided by the Oklahoma Vehicle
11 License and Registration Act, new license plates will be issued to
12 all registrants applying for an original or renewal registration on
13 or after ~~January 1, 2009~~ January 1, 2011, and will continue until
14 all previously issued license plates have been replaced. Upon
15 receipt of the new general issue license plate, registrants shall
16 replace any previously issued Oklahoma general issue license plate
17 currently displayed on their vehicle.

18 D. The Tax Commission shall have the authority to promulgate
19 any rules necessary to implement such a new general issue. In
20 conjunction with a new general issue of license plates, the ~~Oklahoma~~
21 Tax Commission and the Oklahoma Correctional Industries may utilize
22 an alternative method of license plate inventory management.

23 E. Except for vehicles registered with a permanent nonexpiring
24 license plate pursuant to Sections 1113 and 1133 of Title 47 of the

1 Oklahoma Statutes, vehicles registered pursuant to the provisions of
2 Section 1120 of Title 47 of the Oklahoma Statutes, certain official
3 special license plates and license plates issued for motorcycles and
4 mopeds, the new license plate design provided for in subsection A of
5 this section shall be a part of all license plates issued on or
6 after ~~January 1, 2009~~ January 1, 2011. The ~~Oklahoma~~ Tax Commission
7 may establish procedures for the purpose of allowing current
8 registrants to reserve their present general issue or personalized
9 license plate numbers for a fee of Fifteen Dollars (\$15.00),
10 provided payment of the fees are received by the Tax Commission on
11 or before ~~November 1, 2008~~ November 1, 2010. The fees shall be
12 deposited into the Oklahoma Tax Commission Reimbursement Fund for
13 the purpose of conducting the new general issue of license plates.

14 F. The license plates shall be issued with identification
15 numbers and letters in ~~a color that provides a distinct contrast~~
16 black with a light-colored background in the plate identification
17 area. All license plates and decals shall be made with
18 reflectorized material as a background to the letters, numbers and
19 characters displayed thereon. The reflectorized material shall be
20 of such a nature as to provide effective and dependable brightness
21 during the service period for which the license plate or decal is
22 issued.

23 G. In furtherance of the public safety of Oklahoma drivers, the
24 Department of Public Safety may request that the ~~Oklahoma~~ Tax

1 Commission initiate subsequent reissues of the official vehicle
2 license plate. Provided however, such request shall not occur more
3 frequently than five (5) years following the most recent reissue.
4 Upon such request and subject to the Tax Commission receiving the
5 necessary funds the Tax Commission shall initiate the reissue.

6 SECTION 3. This act shall become effective January 1, 2011.

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