

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2117

By: Corn

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Sections 1115, as last amended by Section 1,
9 Chapter 443, O.S.L. 2009 and 1127, as amended by
10 Section 1, Chapter 60, O.S.L. 2006 (47 O.S. Supp.
11 2009, Sections 1115 and 1127), which relate to the
12 Oklahoma Vehicle License and Registration Act;
13 providing that owners of specified vehicles are not
14 subject to motor vehicle registration fee; providing
15 exemption from registration fee for certain military
16 personnel; and 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 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
25 vehicles registered pursuant to the installment plan provided in
26 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 penalty of
12 One Dollar (\$1.00) per day shall be added to the license fee of such
13 vehicle, provided that the penalty shall not exceed One Hundred
14 Dollars (\$100.00). Of each dollar penalty collected pursuant to
15 this subsection:

16 ~~1. Twenty five~~

17 a. twenty-five cents (\$0.25) shall be apportioned as
18 provided in Section 1104 of this title~~7,~~

19 ~~2. Twenty five~~

20 b. twenty-five cents (\$0.25) shall be retained by the
21 motor license agent~~7,~~ and

22 ~~3. Fifty~~

23 c. fifty cents (\$0.50) shall be deposited in the General
24 Revenue Fund for the fiscal year beginning on July 1,

1 2009, and for all subsequent fiscal years, shall be
2 deposited in the State Highway Construction and
3 Maintenance Fund.

4 D. In addition to all other penalties provided in the Oklahoma
5 Vehicle License and Registration Act, the following penalties shall
6 be imposed and collected by any Enforcement Officer of the
7 Corporation Commission upon finding any commercial vehicle being
8 operated in violation of the provisions of the Oklahoma Vehicle
9 License and Registration Act.

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

12 1. A penalty of not less than Fifty Dollars (\$50.00) shall be
13 imposed upon any person found to be operating a commercial vehicle
14 sixty (60) days after the end of the month in which the license
15 plate or registration credentials expire without the current year
16 license plate or registration credential displayed. Such penalty
17 shall not exceed the amount established by the Corporation
18 Commission pursuant to the provisions of subsection A of Section
19 1167 of this title. Revenue from such penalties shall be
20 apportioned as provided in Section 1167 of this title;

21 2. A penalty of not less than Fifty Dollars (\$50.00) shall be
22 imposed for any person operating a commercial vehicle subject to the
23 provisions of Section 1120 or Section 1133 of this title without the
24 proper display of, or, carrying in such commercial vehicle, the

1 identification credentials issued by the Corporation Commission as
2 evidence of payment of the fee or tax as provided in Section 1120 or
3 Section 1133 of this title. Such penalty shall not exceed the
4 amount established by the Corporation Commission pursuant to the
5 provisions of subsection A of Section 1167 of this title. Revenue
6 from such penalties shall be apportioned as provided in Section 1167
7 of this title; and

8 3. A penalty of not less than One Hundred Dollars (\$100.00)
9 shall be imposed for any person that fails to register any
10 commercial vehicle subject to the Oklahoma Vehicle License and
11 Registration Act. Such penalty shall not exceed the amount
12 established by the Corporation Commission pursuant to the provisions
13 of subsection A of Section 1167 of this title. Revenue from such
14 penalties shall be apportioned as provided in Section 1167 of this
15 title.

16 E. The Tax Commission, or Corporation Commission with respect
17 to vehicles registered under Section 1120 or Section 1133 of this
18 title, shall assess the registration fees and penalties for the year
19 or years a vehicle was not registered. For vehicles not registered
20 for two (2) or more years, the registration fees and penalties shall
21 be due only for the current year and one (1) previous year.

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

1 1. The registration of a vehicle registered pursuant to Section
2 1132 of this title is expired and it is sixty (60) or more days
3 after the end of the month of expiration; or

4 2. The registration fees for a vehicle that is subject to the
5 registration fees pursuant to Section 1132 of this title have not
6 been paid.

7 Such penalty shall not exceed the amount established by the
8 Corporation Commission pursuant to the provisions of subsection A of
9 Section 1167 of this title. Revenue from such penalties shall be
10 apportioned as provided in Section 1167 of this title.

11 G. If a vehicle is donated to a nonprofit charitable
12 organization, the nonprofit charitable organization shall be exempt
13 from paying any current or past due registration fees, excise tax,
14 transfer fees, and penalties and interest. However, after the
15 donation, if the person donating the vehicle, or someone on behalf
16 of such person, purchases the same vehicle back from the nonprofit
17 charitable organization to which the vehicle was donated, such
18 person shall be liable for all current and past-due registration
19 fees, excise tax, title or transfer fees, and penalties and interest
20 on such vehicle.

21 H. If a vehicle is subject to the provisions of Section 1127 of
22 this title, the owner of such vehicle shall be required to register
23 such vehicle but shall be exempt from the payment of registration
24 fees as required by this section.

1 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1127, as
2 amended by Section 1, Chapter 60, O.S.L. 2006 (47 O.S. Supp. 2009,
3 Section 1127), is amended to read as follows:

4 Section 1127. A. All vehicles owned by members of the Armed
5 Forces of the United States, the Reserve Corps of the Armed Forces
6 of the United States, and the Oklahoma National Guard or their
7 spouses assigned to duty in this state in compliance with official
8 military or naval orders or owned by the spouse, who resides in
9 Oklahoma, of a member of the Armed Forces of the United States
10 serving in a foreign country, which vehicles are not being used in a
11 trade or business or for any commercial purpose, are hereby
12 classified specially for vehicle license and registration purposes
13 in this state. Any such vehicle which is not registered and
14 licensed for the current year in the state of residence or domicile
15 of the serviceman, Guardsman, or Reservist or of the spouse owning
16 the vehicle must be registered for the current year in Oklahoma as
17 herein provided, except that any such vehicle which has been
18 licensed in some other state by such serviceman, Guardsman,
19 Reservist, or spouse while the serviceman, Guardsman, or Reservist
20 was stationed in said other state may be operated in this state for
21 the remainder of the year or period for which it is licensed. If
22 such vehicle currently is registered with the Armed Forces of the
23 United States rather than being registered in a state and the
24 serviceman, Guardsman, or Reservist is transferred to a duty station

1 within this state pursuant to military orders, the serviceman,
2 Guardsman, Reservist, or spouse owning the vehicle shall not be
3 required to register the vehicle in this state for a period of
4 thirty (30) days after the date the serviceman, Guardsman, or
5 Reservist is required to report for duty pursuant to said military.

6 The serviceman, Guardsman, Reservist, or spouse applying for the
7 registration of any such vehicle shall submit an appropriate
8 statement, to be attached to the vehicle registration application,
9 showing the following: A description of the vehicle owned by
10 applicant; the state and address of the applicant's legal residence
11 or domicile; that applicant or applicant's spouse is on active duty
12 in the Armed Forces of the United States assigned or stationed at a
13 named location in compliance with official military orders. The
14 statement shall be signed by the applicant and certified to by a
15 proper officer of the organization to which applicant is assigned
16 for duty or where the applicant is the spouse of such serviceman,
17 Guardsman, or Reservist serving in a foreign country, the statement
18 shall be signed by said spouse under the penalties of perjury. The
19 application shall be ~~accompanied by a~~ exempt from any registration
20 fee ~~of Fifteen Dollars (\$15.00).~~

21 B. Any Oklahoma resident who is stationed out of state due to
22 an official assignment of the Armed Forces of the United States or
23 their spouse shall be entitled to register his or her vehicle or
24 vehicles in this state for the same registration fee afforded

1 members of the Armed Forces of the United States assigned to duty in
2 this state pursuant to subsection A of this section. Such Oklahoma
3 resident or their spouse who is stationed out of state due to an
4 official assignment of the Armed Forces of the United States shall
5 be exempt from the vehicle inspection requirements of Section 1105
6 of this title; provided, such Oklahoma resident or their spouse who
7 is stationed out of state presents valid documentation acceptable to
8 the Oklahoma Tax Commission evidencing that such inspection has been
9 made by an out-of-state authority acceptable to the Oklahoma Tax
10 Commission.

11 Any Oklahoma resident who is stationed out of state due to an
12 official assignment of the Armed Forces of the United States may
13 authorize his or her parents to register his or her vehicle or
14 vehicles as provided for in this subsection if the serviceman,
15 Guardsman, or Reservist is not able to register the vehicle at the
16 appropriate time.

17 SECTION 3. This act shall become effective November 1, 2010.

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