

**SENATE CHAMBER**

STATE OF OKLAHOMA

DISPOSITION BY SENATE

**FLOOR AMENDMENT**

No. \_\_\_\_\_

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Engrossed House Bill No. 1230, Page 1, Line 18 1/2, as follows:

by inserting a new SECTION 1 as attached, renumbering subsequent sections, and amending the title to conform.

Submitted by:

\_\_\_\_\_  
Senator Coates

Coates-MD-FA-HB1230  
4/5/2011 2:11 PM

[Insert attachment]

1 "SECTION 1. AMENDATORY 47 O.S. 2001, Section 1102, as last amended by Section  
2 1, Chapter 312, O.S.L. 2010 (47 O.S. Supp. 2010, Section 1102 ), is amended to read as follows:  
3 Section 1102.

4 §47-1102. Definitions.

5  
6 As used in the Oklahoma Vehicle License and Registration Act:

7 1. "All-terrain vehicle" means a vehicle powered by an internal combustion engine  
8 manufactured and used exclusively for off-highway use traveling on four or more low-pressure tires,  
9 and having a seat designed to be straddled by the operator and handlebars for steering;

10 2. "Carrying capacity" means the carrying capacity of a vehicle as determined or declared in  
11 tons of cargo or payload by the owner; provided, that such declared capacity shall not be less than  
12 the minimum tonnage capacity fixed, listed or advertised by the manufacturer of any vehicle;

13 3. "Certificate of title" means a document which is proof of legal ownership of a motor  
14 vehicle as described and provided for in Section 1105 of this title;

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

8 5. "Combined laden weight" means the weight of a truck or station wagon and its cargo or  
9 payload transported thereon, or the weight of a truck or truck-tractor plus the weight of any trailers  
10 or semitrailers together with the cargo or payload transported thereon;

11 6. "Commercial trailer" means any trailer, as defined in Section 1-180 of this title, or  
12 semitrailer, as defined in Section 1-162 of this title, when such trailer or semitrailer is used primarily  
13 for business or commercial purposes and shall, when determined by an owner, and utilized in the  
14 exploration, servicing and production phases of the oil and gas industry, include special mobilized  
15 machinery drawn as trailers or semitrailers as defined in this section;

16 7. "Commercial trailer dealer" means any person, firm or corporation engaged in the business  
17 of selling any new and unused, or used, or both new and used commercial trailers;

18 8. "Commercial vehicle" means any vehicle over eight thousand (8,000) pounds combined  
19 laden weight used primarily for business or commercial purposes and shall, when determined by an  
20 owner, include self propelled special mobilized machinery as defined in this section. Each motor  
21 vehicle being registered pursuant to the provisions of this ~~section~~ chapter shall have the name of the  
22 commercial establishment or the words "Commercial Vehicle" permanently and prominently  
23 displayed upon the outside of the vehicle in letters not less than two (2) inches high. Such letters  
24 shall be in sharp contrast to the background and shall be of sufficient shape and color as to be readily  
25 legible during daylight hours, from a distance of fifty (50) feet while the vehicle is not in motion;

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

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

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

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

39 13. "Laden weight" means the combined weight of a vehicle when fully equipped for use and  
40 the cargo or payload transported thereon; provided, that in no event shall the laden weight be less  
41 than the unladen weight of the vehicle fully equipped for use, plus the manufacturer's rated carrying  
42 capacity;

43 14. "Local authorities" means every county, municipality or local board or body having  
44 authority to adopt police regulations under the Constitution and laws of this state;

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

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

5 17. "Manufactured home dealer" means any person, firm or corporation engaged in the  
6 business of selling any new and unused, or used, or both new and used manufactured homes. Such  
7 information and a valid franchise letter as proof of authorization to sell any such new manufactured  
8 home product line or lines shall be attached to the application for a dealer license to sell  
9 manufactured homes. "Manufactured home dealer" shall not include any person, firm or corporation  
10 who sells or contracts for the sale of the dealer's own personally titled manufactured home or homes.  
11 No person, firm or corporation shall be considered a manufactured home dealer as to any  
12 manufactured home purchased or acquired by such person, firm or corporation for purposes other  
13 than resale; provided, that the restriction set forth in this sentence shall not prevent an otherwise  
14 qualified person, firm or corporation from utilizing a single manufactured home as a sales office;

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

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

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

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

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

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

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

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

36 26. "Powersports vehicle dealer" means any person, firm, or corporation who is in the  
37 business of selling any new and unused or used, or both new and used powersports vehicles except  
38 for those dealers engaged principally in agricultural or farm implement sales;

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

47 28. "Remanufactured vehicle" means a vehicle which has been assembled by a vehicle  
48 remanufacturer using a new body and which may include original, reconditioned, or remanufactured

1 parts, and which is not a salvage, rebuilt, or junked vehicle as defined by paragraphs 1, 2, and 5,  
2 respectively, of subsection A of Section 1105 of this title;

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

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

12 31. "State" means the State of Oklahoma;

13 32. "Station wagon" means any passenger vehicle which does not have a separate luggage  
14 compartment or trunk and which does not have open beds, and has one or more rear seats readily  
15 lifted out or folded, whether same is called a station wagon or ranch wagon;

16 33. "Travel trailer" means any vehicular portable structure built on a chassis, used as a  
17 temporary dwelling for travel, recreational or vacation use, and, when factory-equipped for the  
18 road, it shall have a body width not exceeding eight (8) feet and an overall length not exceeding  
19 forty (40) feet, including the hitch or coupling;

20 34. "Travel trailer dealer" means any person, firm or corporation engaged in the business of  
21 selling any new and unused, or used, or both new and used travel trailers. Such information and a  
22 valid franchise letter as proof of authorization to sell any such new travel trailer product line or lines  
23 shall be attached to the application for a dealer license to sell travel trailers. "Travel trailer dealer"  
24 shall not include any person, firm or corporation who sells or contracts for the sale of his or her own  
25 personally titled travel trailer or trailers. No person, firm or corporation shall be considered as a  
26 travel trailer dealer as to any travel trailer purchased or acquired by such person, firm or corporation  
27 for purposes other than resale;

28 35. "Used motor vehicle dealer" means "used motor vehicle dealer" as defined in Section 581  
29 of this title;

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

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

37 38. "Vehicle" means any type of conveyance or device in, upon or by which a person or  
38 property is or may be transported from one location to another upon the avenues of public access  
39 within the state. "Vehicle" does not include bicycles, trailers except travel trailers and rental trailers,  
40 or implements of husbandry as defined in Section 1-125 of this title. All implements of husbandry  
41 used as conveyances shall be required to display the owner's driver license number or license plate  
42 number of any vehicle owned by the owner of the implement of husbandry on the rear of the  
43 implement in numbers not less than two (2) inches in height. The use of the owner's social security  
44 number on the rear of the implement of husbandry shall not be required; and

45 39. "Vehicle remanufacturer" means a commercial entity which assembles remanufactured  
46 vehicles."