

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1460

By: Allen

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Vehicle License and
8 Registration Act; amending 47 O.S. 2011, Section
9 1105, which relates to certificates of title; adding
10 definition; requiring certificate of title for
11 certain trailers; requiring registration of all
12 noncommercial boat trailers, farm trailers and
13 utility-type trailers; defining term; setting fee for
14 initial and subsequent registration; providing for
15 issuance of certificate and plate; requiring display;
16 providing for apportionment of fees; setting time
17 period for first registration and establishing
18 related procedures and criteria; amending 47 O.S.
19 2011, Section 1134, which relates to farm vehicles;
20 clarifying applicability of certain fees; clarifying
21 language; deleting authority for permissive
22 registration of farm trailers or semitrailers for
23 specified fee and related presumption; repealing 47
24 O.S. 2011, Section 1133.3, which relates to optional
registration of certain trailers; providing for
codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1105, is
amended to read as follows:

Section 1105. A. As used in the Oklahoma Vehicle License and
Registration Act:

- 1 1. "Salvage vehicle" means any vehicle which is within the last
2 ten (10) model years and which has been damaged by collision or
3 other occurrence to the extent that the cost of repairing the
4 vehicle for safe operation on the highway exceeds sixty percent
5 (60%) of its fair market value, as defined by Section 1111 of this
6 title, immediately prior to the damage. For purposes of this
7 section, actual repair costs shall only include labor and parts for
8 actual damage to the suspension, motor, transmission, frame or
9 unibody and designated structural components;
- 10 2. "Rebuilt vehicle" means any salvage vehicle which has been
11 rebuilt and inspected for the purpose of registration and title;
- 12 3. "Flood-damaged vehicle" means a salvage or rebuilt vehicle
13 which was damaged by flooding or a vehicle which was submerged at a
14 level to or above the dashboard of the vehicle and on which an
15 amount of loss was paid by the insurer;
- 16 4. "Unrecovered-theft vehicle" means a vehicle which has been
17 stolen and not yet recovered;
- 18 5. "Recovered-theft vehicle" means a vehicle, including a
19 salvage or rebuilt vehicle, which was recovered from a theft; ~~and~~
- 20 6. "Junked vehicle" means any vehicle which is incapable of
21 operation or use on the highway, has no resale value except as a
22 source of parts or scrap and has an eighty percent (80%) loss in
23 fair market value; and
- 24

1 7. "Trailer" means all small or utility trailers or
2 semitrailers constructed and suitable for towing by a vehicle and
3 designed only for carrying property. For purposes of this section
4 and Sections 1105.1 through 1111 of this title, a trailer shall be
5 considered a vehicle.

6 B. The owner of every vehicle in this state shall possess a
7 certificate of title as proof of ownership of such vehicle, except
8 those vehicles registered pursuant to Section 1120 of this title and
9 trailers registered pursuant to Section 1133 of this title,
10 previously titled by anyone in another state and engaged in
11 interstate commerce, and except as provided in subsection M of this
12 section. Except for owners that possess an agricultural exemption
13 permit pursuant to Section 1358.1 of Title 68 of the Oklahoma
14 Statutes, the owner of an all-terrain vehicle or a motorcycle used
15 exclusively off roads or highways in this state which is purchased
16 or the ownership of which is transferred on or after July 1, 2005,
17 and the owner of a utility vehicle used exclusively off roads and
18 highways in this state which is purchased or the ownership of which
19 is transferred on or after July 1, 2008, shall possess a certificate
20 of title as proof of ownership. Any person possessing an
21 agricultural exemption permit and owning an all-terrain vehicle or a
22 motorcycle used exclusively off roads or highways in this state
23 which is purchased or the ownership of which is transferred on or
24 after July 1, 2008, shall possess a certificate of title as proof of

1 ownership. The owner of a boat trailer, farm trailer or utility-
2 type trailer in this state shall obtain a certificate of title as
3 proof of ownership within six (6) months of the effective date of
4 this act. Upon receipt of proper application information by such
5 owner, the Oklahoma Tax Commission shall issue an original or
6 transfer certificate of title. Until July 1, 2008, any security
7 interest in an all-terrain vehicle that attached and was perfected
8 before July 1, 2005, and that has not otherwise terminated shall
9 remain perfected, and shall take priority over any subsequently
10 perfected security interest in the same all-terrain vehicle,
11 notwithstanding that a certificate of title may have been issued
12 with respect to the same all-terrain vehicle on or after July 1,
13 2005, and that a lien may have been recorded on said certificate of
14 title. There shall be eight types of certificates of title:

15 1. Original title for any motor vehicle which is not a
16 remanufactured, salvage, unrecovered-theft, rebuilt, rebodied or
17 junked vehicle;

18 2. Salvage title for any motor vehicle which is a salvage
19 vehicle or is specified as a salvage vehicle or the equivalent
20 thereof on a certificate of title from another state;

21 3. Rebuilt title for any motor vehicle which is a rebuilt
22 vehicle;

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1 4. Junked title for any motor vehicle which is a junked vehicle
2 or is specified as a junked vehicle or the equivalent thereof on a
3 certificate of title from another state;

4 5. Classic title for any motor vehicle, except a junked
5 vehicle, which is twenty-five (25) model years or older;

6 6. Remanufactured title for any vehicle which is a
7 remanufactured vehicle;

8 7. Unrecovered-theft title for any motor vehicle which has been
9 stolen and not recovered; and

10 8. Rebodyed title for any motor vehicle which is a rebodyed
11 vehicle.

12 Application for a certificate of title, whether the initial
13 certificate of title or a duplicate, may be made to the Tax
14 Commission or any motor license agent. When application is made
15 with a motor license agent, the application information shall be
16 transmitted either electronically or by mail to the Tax Commission
17 by the motor license agent. If the application information is
18 transmitted electronically, the motor license agent shall forward
19 the required application along with evidence of ownership, where
20 required, by mail. Where the transmission of application
21 information cannot be performed electronically, the Tax Commission
22 is authorized to provide postage paid envelopes to motor license
23 agents for the purpose of mailing the application along with
24 evidence of ownership, where required. The Tax Commission shall

1 upon receipt of proper application information issue an Oklahoma
2 certificate of title. The certificates may be mailed to the
3 applicant. Upon issuance of a certificate of title, the Tax
4 Commission shall provide the appropriate motor license agent with
5 confirmation of such issuance.

6 C. 1. The application for certificate of title shall be upon a
7 blank form furnished by the Tax Commission, containing:

- 8 a. a full description of the vehicle,
- 9 b. the manufacturer's serial or other identification
10 number,
- 11 c. the motor number and the date on which first sold by
12 the manufacturer or dealer to the owner,
- 13 d. any distinguishing marks,
- 14 e. a statement of the applicant's source of title,
- 15 f. any security interest upon the vehicle, and
- 16 g. such other information as the Tax Commission may
17 require.

18 2. The application for a certificate of title for a vehicle
19 which is within the last seven (7) model years shall require a
20 declaration as to whether the vehicle has been damaged by collision
21 or other occurrence and whether the vehicle has been recovered from
22 theft and the extent of the damage to the vehicle. The declaration
23 shall be made by the owner of a vehicle if:

- 24 a. the vehicle has been damaged or stolen,

- 1 b. the owner did or did not receive any payment for the
2 loss from an insurer, or
- 3 c. the vehicle is titled or registered in a state that
4 does not classify the vehicle or brand the title
5 because of damage to or loss of the vehicle similar to
6 the classifications or brands utilized by this state.

7 The declaration shall be based upon the best information and
8 knowledge of the owner and shall be in addition to the requirements
9 specified in paragraph 1 of this subsection. The Tax Commission
10 shall not issue a certificate of title for a vehicle which is
11 subject to the provisions of this paragraph without the required
12 declaration, completed and signed by the owner of the vehicle. Upon
13 receipt of an application without the properly completed
14 declaration, the Tax Commission shall return the application to the
15 applicant with notice that the title may not be issued without the
16 required declaration. Nothing in this paragraph shall prohibit the
17 Tax Commission from recognizing the type of or brand on a title or
18 other ownership document issued by another state or the inspection
19 conducted in another state and issuing the appropriate certificate
20 of title for the vehicle.

21 3. The certificate of title shall have the following security
22 features:

- 23 a. intaglio printing or security thread, with or without
24 watermark,

- b. latent images,
- c. fluorescent inks,
- d. micro print,
- e. void background, and
- f. color coding.

4. Each title issued pursuant to the provisions of the Oklahoma Vehicle License and Registration Act shall be color coded as determined by the Tax Commission.

5. The certificate of title shall be of such size and design and color as the Tax Commission may direct pursuant to the provisions of this section. The title shall be on colored paper or other material as designated by the Tax Commission and be of such intensity or hue as will allow easy identification as to whether the title is an original title, a salvage title, a rebuilt title, remanufactured title, rebodied title or a junked title. The type of title shall be identified on the front of the certificate of title. The original title, rebuilt title, remanufactured title, an unrecovered-theft title, rebodied title or classic title shall be identified by the word "Original", "Rebuilt", "Remanufactured", "Unrecovered Theft", "Rebodied" or "Classic" printed in the upper right quadrant of the certificate of title, in the space which is currently captioned "type of title". A rebodied title shall also identify on the front of the title the year, make and model of the originally manufactured vehicle which has been rebodied and display

1 a notation that reads as follows: "This vehicle has been assembled
2 with new major components licensed by the original manufacturer".

3 D. 1. To obtain an original certificate of title for a vehicle
4 that is being registered for the first time in this state which has
5 not been previously registered in any other state, the applicant
6 shall be required to deliver, as evidence of ownership, a
7 manufacturer's certificate of origin properly assigned by the
8 manufacturer, distributor, or dealer licensed in this or any other
9 state shown thereon to be the last transferee to the applicant upon
10 a form to be prescribed and approved by the Tax Commission. A
11 manufacturer's certificate of origin shall contain:

- 12 a. the manufacturer's serial or other identification
13 number,
- 14 b. date on which first sold by the manufacturer to the
15 dealer,
- 16 c. any distinguishing marks including model and the year
17 same was made,
- 18 d. a statement of any security interests upon the
19 vehicle, and
- 20 e. such other information as the Tax Commission may
21 require.

22 2. The manufacturer's certificate of origin shall have the
23 following security features:
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- 1 a. intaglio printing or security thread, with or without
- 2 watermark,
- 3 b. latent images,
- 4 c. fluorescent inks,
- 5 d. micro print, and
- 6 e. void background.

7 E. In the absence of a dealer's or manufacturer's number, the
8 Tax Commission may assign such identifying number to the vehicle,
9 which shall be permanently stamped, burned or pressed or attached
10 into the vehicle, and a certificate of title shall be delivered to
11 the applicant upon payment of all fees and taxes, and the remaining
12 copies shall be permanently filed and indexed by the Tax Commission.
13 The Tax Commission shall assign an identifying number to any rebuilt
14 vehicle if the vehicle identification number displayed on the
15 rebuilt vehicle does not accurately describe the vehicle as rebuilt.
16 The motor license agent, at the time of inspection of the rebuilt
17 vehicle pursuant to Section 1111 of this title, shall identify the
18 make, model, and year for the body to accurately describe the
19 rebuilt vehicle. At the time of the inspection, an appropriate
20 identifying number shall be permanently stamped, burned, pressed, or
21 attached on the rebuilt vehicle. The assigned identifying number
22 shall be recorded on the certificate of title for the rebuilt
23 vehicle. The dealer's or manufacturer's vehicle identification
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1 number on the rebuilt vehicle shall be preserved in the computer
2 files of the Tax Commission for at least five (5) years.

3 F. When registering for the first time in this state a vehicle
4 which was not originally manufactured for sale in the United States,
5 to obtain a certificate of title, the Tax Commission shall require
6 the applicant to deliver:

7 1. As evidence of ownership, if the vehicle has not previously
8 been titled in the United States, the documents constituting valid
9 proof of ownership in the country in which the vehicle was
10 originally purchased, together with a notarized translation of any
11 such documents; and

12 2. As evidence of compliance with federal law, copies of the
13 bond release letters for the vehicle issued by the United States
14 Environmental Protection Agency and the United States Department of
15 Transportation, together with a receipt issued by the Internal
16 Revenue Service indicating that the applicable federal gas guzzler
17 tax has been paid.

18 The Tax Commission shall not issue a certificate of title for a
19 vehicle which is subject to the provisions of this paragraph without
20 the required documentation from agencies of the United States and
21 evidence of ownership. Upon receipt of an application without the
22 required documentation, the Tax Commission shall return the
23 application to the applicant with notice that the certificate of
24 title may not be issued without the required documentation. Nothing

1 in this paragraph shall prohibit the Tax Commission from issuing
2 certificates of title for antique or classic vehicles not driven
3 upon the public streets, roads, or highways, for mini-trucks
4 registered pursuant to Section 1151.3 of this title, or for medium-
5 speed electric vehicles.

6 G. When registering in this state a vehicle which was titled in
7 another state and which title contains the name of a secured party
8 on the face of the other state certificate of title, or such state
9 certificate is being held by the secured party in that state or any
10 other state, the Tax Commission or the motor license agent shall
11 complete a lien entry form as prescribed by the Tax Commission. The
12 owner of such vehicle shall file an affidavit with the Tax
13 Commission or the motor license agent stating that title to the
14 vehicle is being held by a secured party has not been issued
15 pursuant to the laws of the state where titled, and that there is an
16 existing lien or encumbrance on the vehicle. The current name and
17 address of the secured party or lienholder shall also be stated in
18 the affidavit. The form of the affidavit shall be prescribed by the
19 Tax Commission and contain any other information deemed necessary by
20 the Tax Commission. A statement of the lien or encumbrance shall be
21 included on the Oklahoma certificate of title and the lien or
22 encumbrance shall be deemed continuously perfected as though it had
23 been perfected pursuant to Section 1110 of this title. For
24 completing the lien entry form and recording the security interest

1 on the certificate of title, the Tax Commission or the motor license
2 agent shall collect a fee of Three Dollars (\$3.00) which shall be in
3 addition to other fees provided by the Oklahoma Vehicle License and
4 Registration Act. The fee, if collected by the motor license agent
5 pursuant to this subsection, shall be retained by the motor license
6 agent.

7 H. The charge for each certificate of title issued, except for
8 junked titles as defined in paragraph 4 of subsection B of this
9 section, shall be Eleven Dollars (\$11.00), which charge shall be in
10 addition to any other fees or taxes imposed by law for such vehicle.
11 One Dollar (\$1.00) of each such charge shall be deposited in the
12 Oklahoma Tax Commission Reimbursement Fund. However, the charge
13 shall not apply to any vehicle which is to be registered in this
14 state pursuant to the provisions of Section 1120 or 1133 of this
15 title and which was registered in another state at least sixty (60)
16 days prior to the time it is required to be registered in this
17 state.

18 I. The vehicle identification number of a junked vehicle shall
19 be preserved in the computer files of the Tax Commission for a
20 period of not less than five (5) years. The charge of junked titles
21 as defined in paragraph 4 of subsection B of this section shall be
22 Four Dollars (\$4.00). The fee remitted to the Tax Commission shall
23 be deposited in the Oklahoma Tax Commission Reimbursement Fund.

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1 J. If a vehicle is sold to a resident of another state
2 destroyed, dismantled, or ceases to be used as a vehicle, the owner
3 shall immediately notify the Tax Commission. Absent evidence to the
4 contrary, failure to notify the Tax Commission shall be prima facie
5 evidence that the vehicle has been in continuous operation in this
6 state.

7 K. If a vehicle is stolen, the owner shall immediately notify
8 the appropriate law enforcement agency. Immediately after receiving
9 such notification, the law enforcement agency shall notify the Tax
10 Commission.

11 L. Except for all-terrain vehicles, utility vehicles and
12 motorcycles used exclusively for off-road use, no title for an out-
13 of-state vehicle, except any commercial truck or truck-tractor
14 registered pursuant to Section 1120 of this title which is engaged
15 in interstate commerce or any trailer or semitrailer registered
16 pursuant to Section 1133 of this title which is engaged in
17 interstate commerce, shall be issued without an inspection of such
18 vehicle and payment of a fee of Four Dollars (\$4.00) for such
19 inspection; provided, the Tax Commission may enter into reciprocal
20 agreements with other states for such inspections to be performed at
21 locations outside the boundaries of this state for vehicles which:

22 1. Are offered for sale at auction;
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1 2. Have been solely used as vehicles for rent under the
2 ownership of a licensed motor vehicle dealer or a person engaged in
3 the business of renting motor vehicles; or

4 3. Have not been registered in this or any other state for more
5 than one (1) year.

6 The inspection shall include a comparison of the vehicle
7 identification number on the vehicle with the number recorded on the
8 ownership records and the recording of the actual odometer reading
9 on the vehicle. The four-dollar fee shall be collected by the motor
10 license agent or Tax Commission when the title is issued. The motor
11 license agent shall retain Two Dollars (\$2.00). The remaining Two
12 Dollars (\$2.00) shall be deposited in the Oklahoma Tax Commission
13 Reimbursement Fund.

14 The Tax Commission may allow the inspection to be performed at a
15 location out-of-state by another state's department of motor
16 vehicles or state police.

17 M. No title for any out-of-state vehicle offered for sale at
18 salvage pools, salvage disposal sales, or an auction, or by a dealer
19 or a licensed automotive dismantler and parts recycler, shall be
20 issued without an inspection to compare the vehicle identification
21 number on the vehicle with the number recorded on the ownership
22 record and to record the actual odometer reading on the vehicle.
23 Upon request of the seller, person or entity conducting an auction,
24 dealer or licensed dismantler, the inspection shall be conducted at

1 the location or place of business of the sale, auction, dealer, or
2 the dismantler. The inspection shall be conducted by any motor
3 license agent or a duly authorized employee thereof; provided, if
4 the vehicle identification number on the vehicle offered for sale at
5 salvage pools, salvage disposal sales or a classic or antique
6 auction does not match the number recorded on the ownership record,
7 the inspection may be conducted at the location of or place of
8 business of such sale or auction by any state, county or city law
9 enforcement officer. The Tax Commission may enter into reciprocal
10 agreements with other states for such inspections to be performed at
11 locations outside the boundaries of this state for vehicles which:

- 12 1. Are offered for sale at auction;
- 13 2. Have been solely used as vehicles for rent under the
14 ownership of a licensed motor vehicle dealer or a person engaged in
15 the business of renting motor vehicles; or
- 16 3. Have not been registered in this or any other state for more
17 than one (1) year.

18 The inspection shall be certified upon forms prescribed by the Tax
19 Commission. The name and other identification of the authorized
20 person conducting the inspection shall be legibly printed or typed
21 on the form. Prior to any inspection by any employee of a motor
22 license agent, the motor license agent shall notify the Tax
23 Commission of the name and any other identification information
24 requested by the Tax Commission of the authorized person. A

1 signature specimen of the authorized person shall be submitted to
2 the Tax Commission by the employing motor license agent. If the
3 authorization to inspect vehicles is withdrawn or the employer-
4 employee relationship is terminated, the motor license agent,
5 immediately, shall notify the Tax Commission and return any
6 remaining inspection forms to the Tax Commission. The fee for the
7 inspection shall be Four Dollars (\$4.00). The motor license agent
8 shall retain Three Dollars (\$3.00) of the fee. Fees received by a
9 motor license agent or an authorized employee thereof shall be
10 handled and accounted for in the manner as prescribed by law for any
11 other fees paid to or received by a motor license agent. Out-of-
12 state vehicles brought into this state by a person licensed in
13 another state to sell new or used vehicles to be sold within this
14 state at a motor vehicle auction which is limited to dealer-to-
15 dealer transactions shall not be required to be inspected, unless
16 the vehicle is purchased by an Oklahoma dealer. Any person licensed
17 in another state to sell new or used motor vehicles, who offers a
18 motor vehicle for sale within this state at a motor vehicle auction
19 which is limited to dealer-to-dealer transactions, shall not be
20 within the definition of "owner" in Section 1102 of this title, for
21 purposes of Section 1101 et seq. of this title.

22 N. A licensed motor vehicle dealer, upon payment of a fee of
23 Fifteen Dollars (\$15.00), may reassign an out-of-state certificate
24 of title to a used motor vehicle provided such dealer obtains the

1 appropriate inspection form required by either subsection L or M of
2 this section and attaches the form to the out-of-state certificate
3 of title. Motor license agents shall be allowed to retain Two
4 Dollars and twenty-five cents (\$2.25) of the fee plus an additional
5 Two Dollars (\$2.00) or Three Dollars (\$3.00) as provided in
6 subsections L and M of this section for performance of the
7 inspection. Two Dollars (\$2.00) of the fee shall be deposited in
8 the Tax Commission Reimbursement Fund. An out-of-state vehicle
9 which has been rebuilt shall be inspected pursuant to the provisions
10 of Section 1111 of this title. The Tax Commission shall train motor
11 license agents in interpreting vehicle identification numbers to
12 assure that it accurately describes the vehicle and to detect
13 rollback or alteration of the odometer. Failure of a motor license
14 agent to inspect the vehicle and make the required notations shall
15 be a misdemeanor punishable by a fine of not more than One Thousand
16 Dollars (\$1,000.00) for the first offense and Five Thousand Dollars
17 (\$5,000.00) for the second offense or subsequent offense, or by
18 imprisonment in the county jail for not more than six (6) months, or
19 by both such fine and imprisonment.

20 O. The ownership of any unrecovered vehicle which has been
21 declared a total loss by an insurer because of theft shall be
22 transferred to the insurer by an unrecovered-theft vehicle title;
23 provided, the ownership of any such vehicle which has been declared
24 a total loss by an insurer licensed by the Insurance Department of

1 the State of Oklahoma and maintaining a multi-state motor vehicle
2 salvage processing center in this state shall be transferred to the
3 insurer by a salvage or an unrecovered-theft title without the
4 requirement of a visual inspection of the vehicle identification
5 number by the insurer. Upon recovery of the vehicle, the ownership
6 shall be transferred by an original title, salvage title, or junked
7 title, as may be appropriate based upon an estimate of the amount of
8 loss submitted by the insurer.

9 P. The owner of any vehicle which is incapable of operation or
10 use on the public roads and has no resale value, except as parts,
11 scrap or junk, may deliver the certificate of title to the vehicle
12 to the Tax Commission for cancellation. Upon verification that any
13 perfected lien against the vehicle has been released, the
14 certificate of title shall be canceled without any fee, charge, or
15 cost required from the owner. The vehicle identification numbers on
16 the certificates of title shall be preserved in the computer files
17 of the Tax Commission for at least five (5) years from the date of
18 cancellation of the certificate of title. The Tax Commission shall
19 prescribe and provide an affidavit form to be completed by the owner
20 of any vehicle for which the certificate of title is canceled. No
21 title or registration shall subsequently be issued for a vehicle for
22 which the certificate of title has been surrendered pursuant to this
23 subsection. The Tax Commission shall prescribe a form for the

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1 transfer of ownership of a vehicle for which the certificate of
2 title has been canceled.

3 Q. The owner of a vehicle which is not within the last ten (10)
4 model years, not roadworthy and not capable of repair for operation
5 or use on the roads and highways shall transfer the vehicle only
6 upon a certificate of ownership prescribed by the Tax Commission, if
7 the certificate of title to the vehicle is lost, has been canceled,
8 or otherwise not available. The prescribed ownership form shall
9 include the names and addresses of the buyer and seller, the driver
10 license number or social security number of the seller, the make and
11 model of the vehicle, and the public vehicle identification number.
12 If there is no public vehicle identification number, the vehicle
13 shall be inspected by a law enforcement officer to verify the
14 absence of the number on the vehicle and the prescribed ownership
15 form shall include a signed statement, by such officer, verifying
16 the absence of the number.

17 The certificate of ownership shall be completed in triplicate.
18 The buyer and seller shall each retain a copy. Within thirty (30)
19 days of the transaction, the seller shall submit one copy to the Tax
20 Commission or a motor license agent accompanied with a fee of Four
21 Dollars (\$4.00). One Dollar (\$1.00) shall be retained by the motor
22 license agent and Three Dollars (\$3.00) shall be deposited in the
23 Oklahoma Tax Commission Reimbursement Fund in the State Treasury.

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1 Upon receipt of the certificate, the Tax Commission shall verify
2 that any perfected lien upon the vehicle has been released. If the
3 lien is not released, the Tax Commission shall mail notice of the
4 transfer to the lienholder at the lienholder's last-known address.
5 If a certificate of title has been issued, it shall be canceled and
6 the vehicle identification number shall be preserved in the computer
7 of the Tax Commission for at least five (5) years. The buyer of the
8 vehicle may not be sued and shall not be liable for monetary damages
9 to the lienholder, however, the vehicle shall be subject to a valid
10 repossession by a lienholder.

11 R. The Tax Commission shall notify the chief administrative
12 officer of the agency or department responsible for issuing motor
13 vehicle certificates of title in each state in the United States of
14 the types of motor vehicle certificate of title effective in
15 Oklahoma on and after January 1, 1989.

16 S. When registering for the first time in this state a
17 remanufactured vehicle which has not been registered in any other
18 state since its remanufacture, before issuing a certificate of
19 title, the Tax Commission shall require the applicant to deliver a
20 statement of origin from the remanufacturer.

21 T. If a vehicle is sold to a foreign buyer pursuant to the
22 provisions of the Automotive Dismantlers and Parts Recycler Act, the
23 licensed seller shall stamp the title with: "EXPORT ONLY.
24 NONTRANSFERABLE IN THE UNITED STATES." The licensed seller shall

1 supply the Tax Commission the title number, the vehicle
2 identification number and the foreign buyer's bid identification
3 number on a form prescribed by the Tax Commission. The Tax
4 Commission shall cancel the title, and the vehicle identification
5 number shall be preserved in the computer files of the Tax
6 Commission for a period of not less than five (5) years.

7 U. The Tax Commission shall not be considered a necessary party
8 to any lawsuit which is instigated for the purpose of determining
9 ownership of a vehicle, wherein the Tax Commission's only
10 involvement would be to issue title, and the court shall issue an
11 order dismissing the Tax Commission from the pending action. In the
12 event no other party or lienholder can be identified as to ownership
13 or claim, the Tax Commission shall accept an affidavit of ownership
14 from the party claiming ownership and issue proper title thereon.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1133.4 of Title 47, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Notwithstanding any other provision in the Oklahoma Vehicle
19 License and Registration Act, the Oklahoma Tax Commission shall
20 register all boat trailers, farm trailers and utility-type trailers
21 which are not subject to the requirements of subsection C of Section
22 1133 of Title 47 of the Oklahoma Statutes. For purposes of this
23 section, "farm trailer" shall include any trailer or semitrailer or
24 combination thereof used primarily for farm use.

1 B. The fee for registration required pursuant to subsection A
2 of this section shall be Twenty Dollars (\$20.00) upon the first
3 registration in this state of any boat trailer or utility-type
4 trailer and One Dollar (\$1.00) for any farm trailer after the
5 effective date of this act. Upon any subsequent registration due to
6 transfer of ownership, the fee shall be Seven Dollars (\$7.00) for
7 any boat trailer or utility-type trailer and One Dollar (\$1.00) for
8 any farm trailer.

9 C. Upon the payment of the registration fee provided for in
10 subsection B of this section, a nonexpiring registration certificate
11 and identification plate shall be issued for each boat trailer, farm
12 trailer or utility-type trailer by the Oklahoma Tax Commission or a
13 motor license agent and shall remain displayed on the trailer.

14 D. All monies collected each fiscal year from the fee provided
15 for in this section shall be apportioned as provided in Section 1104
16 of Title 47 of the Oklahoma Statutes.

17 E. Any unregistered boat trailer, farm trailer or utility-type
18 trailer must be registered pursuant to this section within six (6)
19 months of the effective date of this act and the following shall
20 apply:

21 1. For registrations which occur within the six-month time
22 period, a factory-built trailer with a serial number must be
23 accompanied by a statement of origin, or if no statement of origin
24 is available, a sworn statement of ownership shall be provided.

1 After the six-month time period, for registration of a factory-built
2 trailer with a serial number, a statement of origin shall be
3 provided;

4 2. For shop-built trailers, a photograph shall be provided and
5 the Tax Commission shall assign an indentifying number, which shall
6 be permanently stamped, burned, pressed or attached to the trailer;

7 3. All two-axle trailers must have brakes on at least one axle;

8 4. Tandem dual wheels on an axle shall be commercial and shall
9 not be utility or livestock wheels; and

10 5. The identification plate issued to the owner of the boat
11 trailer, farm trailer or utility-type trailer shall be attached to
12 the left fender or back of the trailer.

13 Notwithstanding any other requirements in Title 47 or Title 63
14 of the Oklahoma Statutes, functioning tail and clearance lights
15 shall be required equipment on any trailer subject to the
16 requirements of this section; provided, no tag light shall be
17 required.

18 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1134, is
19 amended to read as follows:

20 Section 1134. A. Upon each pickup, truck or truck-tractor
21 owned and operated by one or more farmers and used primarily for
22 farm use, and not for commercial or industrial purposes, the license
23 fee shall be Thirty Dollars (\$30.00). As used in this section, the
24 term "pickup" shall mean a small, light truck with an open back or

1 box used for hauling and designed primarily for the carrying of
2 property rather than people. The term "truck" shall mean a motor
3 vehicle designed or converted primarily for carrying or hauling farm
4 commodities, property, livestock, or equipment, rather than people.

5 B. The fees assessed pursuant to this section shall not apply
6 to any trailers or semitrailers or combinations thereof used
7 ~~primarily for farm use and for the transportation of products of the~~
8 ~~farm by the producer thereof. Such fee shall not apply to any~~
9 ~~trailer or semitrailer or combinations thereof when used primarily~~
10 ~~for the transportation of any article or articles owned by the~~
11 ~~operator of the trailer or semitrailer or combinations thereof and~~
12 ~~not used in the furtherance of or incident to any commercial or~~
13 ~~industrial enterprise~~ which are subject to the provisions of Section
14 1 of this act. The provisions of Section 1134.2 of this title shall
15 apply to any trailers or semitrailers when used primarily for the
16 transportation of logs, ties, stave bolts and posts, direct from
17 forest to sawmill.

18 C. ~~For the purpose of this section, a trailer or semitrailer or~~
19 ~~combination thereof owned by a farmer and used primarily for the~~
20 ~~purpose of transporting farm products to market or for the purpose~~
21 ~~of transporting to the farm material or things to be used thereon,~~
22 ~~and not for commercial or industrial purposes, may be registered for~~
23 ~~One Dollar (\$1.00); provided, any such trailer used by the holder of~~
24 ~~a certificate of convenience and necessity issued by the Oklahoma~~

1 ~~Corporation Commission or the Interstate Commerce Commission shall~~
2 ~~be conclusively presumed to be used in and for a commercial use, and~~
3 ~~must be licensed as such, paying the license fees provided in~~
4 ~~Section 1133 of this title.~~

5 ~~D.~~ Before a party shall be allowed to purchase a license plate
6 or claim an exception or exemption under this section, the party
7 shall:

8 1. Show an income tax Schedule F for the preceding year; or

9 2. Present a valid exemption card issued pursuant to the
10 provisions of Section 1358.1 of Title 68 of the Oklahoma Statutes.

11 A violation shall be grounds for revocation of driver's license.
12 Any person who signs the affidavit as required by this section when
13 the person does not believe that the information in the affidavit is
14 true or knows it is not true, upon conviction, shall be guilty of
15 perjury and shall be punished as provided for by law.

16 ~~E.~~ D. Any person owning a truck upon which the farm truck
17 license fee has been paid in Oklahoma for the current year and whose
18 truck may be needed during grain harvests or other seasonal farming
19 activities for hauling farm products other than his or her own, or
20 for hauling gravel, shale or other road materials for rural roads,
21 may make application with the Oklahoma Tax Commission for a short
22 term commercial license for such truck for a period of time not to
23 exceed ninety (90) days as provided for in subsection ~~F~~ E of this
24

1 section, or may make application in accordance with the Motor
2 Carrier Harvest Permit Act of 2006 if applicable.

3 ~~F.~~ E. Upon such application, the Tax Commission shall issue a
4 temporary commercial truck license and register the truck upon
5 payment of the following fees:

6 1. For thirty (30) days a fee equal to one-eighth (1/8) of the
7 annual commercial license fee required for such truck.

8 2. For sixty (60) days a fee equal to one-fourth (1/4) of the
9 annual commercial license fee required for such truck.

10 3. For ninety (90) days a fee equal to three-eighths (3/8) of
11 the annual commercial license fee required for such truck.

12 ~~G.~~ F. Provided, however, the provisions of this section shall
13 not apply to the transportation of persons or property for hire.

14 SECTION 4. REPEALER 47 O.S. 2011, Section 1133.3, is
15 hereby repealed.

16 SECTION 5. This act shall become effective November 1, 2012.

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