

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1461

By: Coates

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5
6 AS INTRODUCED

7 An Act relating to vehicle excise tax; amending 68
8 O.S. 2011, Section 2103, which relates to payment of
9 vehicle excise tax; expanding types of vehicles
subject to certain excise tax; and providing an
effective date.

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

13 SECTION 1. AMENDATORY 68 O.S. 2011, Section 2103, is
14 amended to read as follows:

15 Section 2103. A. 1. Except as otherwise provided in Sections
16 2101 through 2108 of this title, there shall be levied an excise tax
17 upon the transfer of legal ownership of any vehicle registered in
18 this state and upon the use of any vehicle registered in this state
19 and upon the use of any vehicle registered for the first time in
20 this state. Except for persons that possess an agricultural
21 exemption pursuant to Section 1358.1 of this title, the excise tax
22 shall be levied upon transfers of legal ownership of all-terrain
23 vehicles and motorcycles used exclusively off roads and highways
24 which occur on or after July 1, 2005, and upon transfers of legal

1 ownership of utility vehicles used exclusively off roads and
2 highways which occur on or after July 1, 2008. The excise tax for
3 new and used all-terrain vehicles, utility vehicles and motorcycles
4 used exclusively off roads and highways shall be levied at four and
5 one-half percent (4 1/2%) of the actual sales price of each new and
6 used all-terrain vehicle and motorcycle used exclusively off roads
7 and highways before any discounts or credits are given for a trade-
8 in. Provided, the minimum excise tax assessment for such all-
9 terrain vehicles, utility vehicles and motorcycles used exclusively
10 off roads and highways shall be Five Dollars (\$5.00). The excise
11 tax for new vehicles shall be levied at three and one-fourth percent
12 (3 1/4%) of the value of each new vehicle. The excise tax for used
13 vehicles shall be as follows:

- 14 a. from October 1, 2000, until June 30, 2001, Twenty
15 Dollars (\$20.00) on the first One Thousand Dollars
16 (\$1,000.00) or less of value of such vehicle, and
17 three and one-fourth percent (3 1/4%) of the remaining
18 value of such vehicle,
- 19 b. for the year beginning July 1, 2001, and ending June
20 30, 2002, Twenty Dollars (\$20.00) on the first One
21 Thousand Two Hundred Fifty Dollars (\$1,250.00) or less
22 of value of such vehicle, and three and one-fourth
23 percent (3 1/4%) of the remaining value of such
24 vehicle, and

1 c. for the year beginning July 1, 2002, and all
2 subsequent years, Twenty Dollars (\$20.00) on the first
3 One Thousand Five Hundred Dollars (\$1,500.00) or less
4 of value of such vehicle, and three and one-fourth
5 percent (3 1/4%) of the remaining value of such
6 vehicle.

7 2. There shall be levied an excise tax of Ten Dollars (\$10.00)
8 for any:

9 a. truck or truck-tractor registered under the provisions
10 of subsection A of Section 1133 or Section 1120 of
11 Title 47 of the Oklahoma Statutes, for a laden weight
12 or combined laden weight of fifty-five thousand
13 (55,000) pounds or more,

14 b. trailer or semitrailer registered under subsection C
15 of Section 1133 of Title 47 of the Oklahoma Statutes,
16 which is primarily designed to transport cargo over
17 the highways of this state and generally recognized as
18 such, ~~and~~

19 c. frac tank, as defined by Section 54 of Title 17 of the
20 Oklahoma Statutes, and registered under subsection C
21 of Section 1133 of Title 47 of the Oklahoma Statutes;
22 and;

23 d. special mobilized machinery, as defined in Section 1-
24 165 of Title 47 of the Oklahoma Statutes, either self-

1 propelled or drawn as a trailer or semitrailer, which
2 is utilized in the exploration, servicing and
3 production phases of the oil and gas industry and
4 registered pursuant to Section 1129 of Title 47 of the
5 Oklahoma Statutes or other applicable provisions of
6 the Oklahoma Vehicle License and Registration Act.

7 Except for frac tanks as provided in subparagraph c of this
8 paragraph and special mobilized machinery as provided in
9 subparagraph d of this paragraph, the excise tax levied pursuant to
10 this paragraph shall not apply to special mobilized machinery,
11 trailers, or semitrailers manufactured, modified or remanufactured
12 for the purpose of providing services other than transporting cargo
13 over the highways of this state. The excise tax levied pursuant to
14 this paragraph shall also not apply to pickup trucks, vans, or sport
15 utility vehicles.

16 3. The tax levied pursuant to this section shall be due at the
17 time of the transfer of legal ownership or first registration in
18 this state of such vehicle; provided, the tax shall not be due at
19 the time of the issuance of a certificate of title for an all-
20 terrain vehicle, utility vehicle or motorcycle used exclusively off
21 roads and highways which is not required to be registered but which
22 the owner chooses to register pursuant to the provisions of
23 subsection B of Section 1115.3 of Title 47 of the Oklahoma Statutes,
24 and shall be collected by the Oklahoma Tax Commission or Corporation

1 Commission, as applicable, or an appointed motor license agent, at
2 the time of the issuance of a certificate of title for any such
3 vehicle. In the event an excise tax is collected on the transfer of
4 legal ownership or use of the vehicle during any calendar year, then
5 an additional excise tax must be collected upon all subsequent
6 transfers of legal ownership. In computing the motor vehicle excise
7 tax, the amount collected shall be rounded to the nearest dollar.
8 The excise tax levied by this section shall be delinquent from and
9 after the thirtieth day after the legal ownership or possession of
10 any vehicle is obtained. Any person failing or refusing to pay the
11 tax as herein provided on or before date of delinquency shall pay in
12 addition to the tax a penalty of One Dollar (\$1.00) per day for each
13 day of delinquency, but such penalty shall in no event exceed the
14 amount of the tax. Of each dollar penalty collected pursuant to
15 this subsection:

- 16 a. twenty-five cents (\$0.25) shall be apportioned as
17 provided in Section 1104 of ~~this title~~ Title 47 of the
18 Oklahoma Statutes;
- 19 b. twenty-five cents (\$0.25) shall be retained by the
20 motor license agent; and
- 21 c. fifty cents (\$0.50) shall be deposited in the General
22 Revenue Fund for the fiscal year beginning on July 1,
23 2011, and for all subsequent fiscal years, shall be
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1 deposited in the State Highway Construction and
2 Maintenance Fund.

3 B. The excise tax levied in subsection A of this section
4 assessed on all commercial vehicles registered pursuant to Section
5 1120 of Title 47 of the Oklahoma Statutes shall be in lieu of all
6 sales and use taxes levied pursuant to the Sales Tax Code or the Use
7 Tax Code. The transfer of legal ownership of any motor vehicle as
8 used in this section and the Sales Tax Code and the Use Tax Code
9 shall include the lease, lease purchase or lease finance agreement
10 involving any truck in excess of eight thousand (8,000) pounds
11 combined laden weight or any truck-tractor provided the vehicle is
12 registered in Oklahoma pursuant to Section 1120 of Title 47 of the
13 Oklahoma Statutes or any frac tank, trailer, semitrailer or open
14 commercial vehicle registered pursuant to Section 1133 of Title 47
15 of the Oklahoma Statutes. The excise tax levied pursuant to this
16 section shall not be subsequently collected at the end of the lease
17 period if the lessee acquires complete legal title of the vehicle.

18 C. The provisions of this section shall not apply to transfers
19 made without consideration between:

- 20 1. Husband and wife;
- 21 2. Parent and child; or
- 22 3. An individual and an express trust which that individual or
23 the spouse, child or parent of that individual has a right to
24 revoke.

1 D. 1. There shall be a credit allowed with respect to the
2 excise tax paid for a new vehicle which is a replacement for:

3 a. a new original vehicle which is stolen from the
4 purchaser/registrant within ninety (90) days of the
5 date of purchase of the original vehicle as certified
6 by a police report or other documentation as required
7 by the Tax Commission, or

8 b. a defective new original vehicle returned by the
9 purchaser/registrant to the seller within six (6)
10 months of the date of purchase of the defective new
11 original vehicle as certified by the manufacturer.

12 2. The credit allowed pursuant to paragraph 1 of this
13 subsection shall be in the amount of the excise tax which was paid
14 for the new original vehicle and shall be applied to the excise tax
15 due on the replacement vehicle. In no event shall the credit be
16 refunded.

17 E. Despite any other definitions of the terms "new vehicle" and
18 "used vehicle", to the contrary, contained in any other law, the
19 term "new vehicle" as used in this section shall also include any
20 vehicle of the latest manufactured model which is owned or acquired
21 by a licensed used motor vehicle dealer which has not previously
22 been registered in this state and upon which the motor vehicle
23 excise tax as set forth in this section has not been paid. However,
24 upon the sale or transfer by a licensed used motor vehicle dealer

1 located in this state of any such vehicle which is the latest
2 manufactured model, the vehicle shall be considered a used vehicle
3 for purposes of determining excise tax.

4 SECTION 2. This act shall become effective November 1, 2012.

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