

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 755

By: Newberry

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 1102, as last amended by Section 1,
9 Chapter 312, O.S.L. 2010 (47 O.S. Supp. 2010, Section
10 1102), which relates to definitions; including
11 personal watercraft in certain definition; clarifying
12 exclusions from certain definition; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1102, as
16 last amended by Section 1, Chapter 312, O.S.L. 2010 (47 O.S. Supp.
17 2010, Section 1102), is amended to read as follows:

18 Section 1102. As used in the Oklahoma Vehicle License and
19 Registration Act:

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

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

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

9 4. "Chips and oil" or the term "road oil and crushed rock"
10 means, with respect to materials authorized for use in the surfacing
11 of roads or highways in this title or in any equivalent statute
12 pertaining to road or highway surfacing in the State of Oklahoma,
13 any asphaltic materials. Wherever chips and oil or road oil and
14 crushed rock are authorized for use in the surfacing of roads or
15 highways in this state, whether by the Department of Transportation,
16 or by the county commissioners, or other road building authority
17 subject to the Oklahoma Vehicle License and Registration Act,
18 asphaltic materials are also authorized for use in such surfacing
19 and construction;

20 5. "Combined laden weight" means the weight of a truck or
21 station wagon and its cargo or payload transported thereon, or the
22 weight of a truck or truck-tractor plus the weight of any trailers
23 or semitrailers together with the cargo or payload transported
24 thereon;

1 6. "Commercial trailer" means any trailer, as defined in
2 Section 1-180 of this title, or semitrailer, as defined in Section
3 1-162 of this title, when such trailer or semitrailer is used
4 primarily for business or commercial purposes;

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

8 8. "Commercial vehicle" means any vehicle over eight thousand
9 (8,000) pounds combined laden weight used primarily for business or
10 commercial purposes. Each motor vehicle being registered pursuant
11 to the provisions of this section shall have the name of the
12 commercial establishment or the words "Commercial Vehicle"
13 permanently and prominently displayed upon the outside of the
14 vehicle in letters not less than two (2) inches high. Such letters
15 shall be in sharp contrast to the background and shall be of
16 sufficient shape and color as to be readily legible during daylight
17 hours, from a distance of fifty (50) feet while the vehicle is not
18 in motion;

19 9. "Commission" or "Tax Commission" means the Oklahoma Tax
20 Commission;

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

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

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

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

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

23 15. "Low-speed electrical vehicle" means any four-wheeled
24 electrical vehicle that is powered by an electric motor that draws

1 current from rechargeable storage batteries or other sources of
2 electrical current and whose top speed is greater than twenty (20)
3 miles per hour but not greater than twenty-five (25) miles per hour
4 and is manufactured in compliance with the National Highway Traffic
5 Safety Administration standards for low-speed vehicles in 49 C.F.R.
6 571.500;

7 16. "Manufactured home" means a residential dwelling built in
8 accordance with the National Manufactured Housing Construction and
9 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and
10 rules promulgated pursuant thereto and the rules promulgated by the
11 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section
12 582 of this title;

13 17. "Manufactured home dealer" means any person, firm or
14 corporation engaged in the business of selling any new and unused,
15 or used, or both new and used manufactured homes. Such information
16 and a valid franchise letter as proof of authorization to sell any
17 such new manufactured home product line or lines shall be attached
18 to the application for a dealer license to sell manufactured homes.
19 "Manufactured home dealer" shall not include any person, firm or
20 corporation who sells or contracts for the sale of the dealer's own
21 personally titled manufactured home or homes. No person, firm or
22 corporation shall be considered a manufactured home dealer as to any
23 manufactured home purchased or acquired by such person, firm or
24 corporation for purposes other than resale; provided, that the

1 restriction set forth in this sentence shall not prevent an
2 otherwise qualified person, firm or corporation from utilizing a
3 single manufactured home as a sales office;

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

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

13 20. "New vehicle" or "unused vehicle" means a vehicle which has
14 been in the possession of the manufacturer, distributor or
15 wholesaler or has been sold only by the manufacturer, distributor or
16 wholesaler to a dealer;

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

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

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

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

7 25. "Powersports vehicle" means motorcycles, scooters, mopeds,
8 all-terrain vehicles, ~~and~~ utility vehicles, and personal watercraft;

9 26. "Powersports vehicle dealer" means any person, firm, or
10 corporation who is in the business of selling any new and unused or
11 used, or both new and used powersports vehicles as defined in this
12 section, except for those dealers engaged principally in passenger
13 motor vehicles, trucks, or agricultural or farm implement sales;

14 27. "Recreational vehicle" means every vehicle which is built
15 on or permanently attached to a self-propelled motor chassis or
16 chassis cab which becomes an integral part of the completed vehicle
17 and is capable of being operated on the highways. In order to
18 qualify as a recreational vehicle pursuant to this paragraph such
19 vehicle shall be permanently constructed and equipped for human
20 habitation, having its own sleeping and kitchen facilities,
21 including permanently affixed cooking facilities, water tanks and
22 holding tank with permanent toilet facilities. Recreational vehicle
23 shall not include manufactured homes or any vehicle with portable
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1 sleeping, toilet and kitchen facilities which are designed to be
2 removed from such vehicle;

3 28. "Remanufactured vehicle" means a vehicle which has been
4 assembled by a vehicle remanufacturer using a new body and which may
5 include original, reconditioned, or remanufactured parts, and which
6 is not a salvage, rebuilt, or junked vehicle as defined by
7 paragraphs 1, 2, and 5, respectively, of subsection A of Section
8 1105 of this title;

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

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

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

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

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

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

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

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

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

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

23 39. "Vehicle remanufacturer" means a commercial entity which
24 assembles remanufactured vehicles.

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SECTION 2. This act shall become effective November 1, 2011.

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