

1 STATE OF OKLAHOMA

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

3 SENATE BILL 968

By: Johnson (Rob)

4  
5 AS INTRODUCED

6  
7 An Act relating to voluntary contributions for safety  
8 program; amending 47 O.S. 2001, Sections 1105, as  
9 last amended by Section 3, Chapter 297, O.S.L. 2008,  
10 1107, as amended by Section 5, Chapter 381, O.S.L.  
11 2005 and 1115, as last amended by Section 18, Chapter  
12 412, O.S.L. 2010 (47 O.S. Supp. 2010, Sections 1105,  
13 1107 and 1115), which relate to the Oklahoma Motor  
14 Vehicle License and Registration Act; requiring the  
15 Oklahoma Tax Commission or any motor license agent  
16 issuing a certificate of title, transferring title or  
17 renewing annual vehicle registration to make certain  
18 inquiry; allowing specified applicants for  
19 certificate of title, transfer of title or  
20 registration renewal to donate specified amount to  
21 Oklahoma Sports Eye Safety Program Revolving Fund;  
22 creating Oklahoma Sports Eye Safety Program Revolving  
23 Fund and providing for purpose, administration and  
24 expenditure thereof; 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. 2001, Section 1105, as  
last amended by Section 3, Chapter 297, O.S.L. 2008 (47 O.S. Supp.  
2010, 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.

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1 B. The owner of every vehicle in this state shall possess a  
2 certificate of title as proof of ownership of such vehicle, except  
3 those vehicles registered pursuant to Section 1120 of this title and  
4 trailers registered pursuant to Section 1133 of this title,  
5 previously titled by anyone in another state and engaged in  
6 interstate commerce, and except as provided in subsection M of this  
7 section. Except for owners that possess an agricultural exemption  
8 permit pursuant to Section 1358.1 of Title 68 of the Oklahoma  
9 Statutes, the owner of an all-terrain vehicle or a motorcycle used  
10 exclusively off roads or highways in this state which is purchased  
11 or the ownership of which is transferred on or after July 1, 2005,  
12 and the owner of a utility vehicle used exclusively off roads and  
13 highways in this state which is purchased or the ownership of which  
14 is transferred on or after July 1, 2008, shall possess a certificate  
15 of title as proof of ownership. Any person possessing an  
16 agricultural exemption permit and owning an all-terrain vehicle or a  
17 motorcycle used exclusively off roads or highways in this state  
18 which is purchased or the ownership of which is transferred on or  
19 after July 1, 2008, shall possess a certificate of title as proof of  
20 ownership. Upon receipt of proper application information by such  
21 owner, the Oklahoma Tax Commission shall issue an original or  
22 transfer certificate of title. Until July 1, 2008, any security  
23 interest in an all-terrain vehicle that attached and was perfected  
24 before July 1, 2005, and that has not otherwise terminated shall

1 remain perfected, and shall take priority over any subsequently  
2 perfected security interest in the same all-terrain vehicle,  
3 notwithstanding that a certificate of title may have been issued  
4 with respect to the same all-terrain vehicle on or after July 1,  
5 2005, and that a lien may have been recorded on ~~said~~ the certificate  
6 of title. There shall be seven types of certificates of title:

7 1. Original title for any motor vehicle which is not a  
8 remanufactured, salvage, unrecovered-theft, rebuilt or junked  
9 vehicle;

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

13 3. Rebuilt title for any motor vehicle which is a rebuilt  
14 vehicle;

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

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

20 6. Remanufactured title for any vehicle which is a  
21 remanufactured vehicle; and

22 7. Unrecovered-theft title for any motor vehicle which has been  
23 stolen and not recovered.

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1       Application for a certificate of title, whether the initial  
2 certificate of title or a duplicate, may be made to the Tax  
3 Commission or any motor license agent. When application is made  
4 with a motor license agent, the application information shall be  
5 transmitted either electronically or by mail to the Tax Commission  
6 by the motor license agent. If the application information is  
7 transmitted electronically, the motor license agent shall forward  
8 the required application along with evidence of ownership, where  
9 required, by mail. Where the transmission of application  
10 information cannot be performed electronically, the Tax Commission  
11 is authorized to provide postage paid envelopes to motor license  
12 agents for the purpose of mailing the application along with  
13 evidence of ownership, where required. The Tax Commission shall  
14 upon receipt of proper application information issue an Oklahoma  
15 certificate of title. The certificates may be mailed to the  
16 applicant. Upon issuance of a certificate of title, the Tax  
17 Commission shall provide the appropriate motor license agent with  
18 confirmation of such issuance.

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

- 21           a. a full description of the vehicle,
- 22           b. the manufacturer's serial or other identification  
23               number,

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- c. the motor number and the date on which first sold by the manufacturer or dealer to the owner,
- d. any distinguishing marks,
- e. a statement of the applicant's source of title,
- f. any security interest upon the vehicle, and
- g. such other information as the Tax Commission may require.

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

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

The declaration shall be based upon the best information and knowledge of the owner and shall be in addition to the requirements specified in paragraph 1 of this subsection. The Tax Commission shall not issue a certificate of title for a vehicle which is

1 subject to the provisions of this paragraph without the required  
2 declaration, completed and signed by the owner of the vehicle. Upon  
3 receipt of an application without the properly completed  
4 declaration, the Tax Commission shall return the application to the  
5 applicant with notice that the title may not be issued without the  
6 required declaration. Nothing in this paragraph shall prohibit the  
7 Tax Commission from recognizing the type of or brand on a title or  
8 other ownership document issued by another state or the inspection  
9 conducted in another state and issuing the appropriate certificate  
10 of title for the vehicle.

11 3. The certificate of title shall have the following security  
12 features:

- 13 a. intaglio printing or security thread, with or without  
14 watermark,
- 15 b. latent images,
- 16 c. fluorescent inks,
- 17 d. micro print,
- 18 e. void background, and
- 19 f. color coding.

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

23 5. The certificate of title shall be of such size and design  
24 and color as the Tax Commission may direct pursuant to the

1 provisions of this section. The title shall be on colored paper or  
2 other material as designated by the Tax Commission and be of such  
3 intensity or hue as will allow easy identification as to whether the  
4 title is an original title, a salvage title, a rebuilt title,  
5 remanufactured title, or a junked title. The type of title shall be  
6 identified on the front of the certificate of title. The original  
7 title, rebuilt title, remanufactured title, an unrecovered-theft  
8 title or classic title shall be identified by the word "Original",  
9 "Rebuilt", "Remanufactured", "Unrecovered Theft" or "Classic"  
10 printed in the upper right quadrant of the certificate of title, in  
11 the space which is currently captioned "type of title".

12 D. 1. To obtain an original certificate of title for a vehicle  
13 that is being registered for the first time in this state which has  
14 not been previously registered in any other state, the applicant  
15 shall be required to deliver, as evidence of ownership, a  
16 manufacturer's certificate of origin properly assigned by the  
17 manufacturer, distributor, or dealer licensed in this or any other  
18 state shown thereon to be the last transferee to the applicant upon  
19 a form to be prescribed and approved by the Tax Commission. A  
20 manufacturer's certificate of origin shall contain:

- 21 a. the manufacturer's serial or other identification  
22 number,
- 23 b. date on which first sold by the manufacturer to the  
24 dealer,

- c. any distinguishing marks including model and the year same was made,
- d. a statement of any security interests upon the vehicle, and
- e. such other information as the Tax Commission may require.

2. The manufacturer's certificate of origin shall have the following security features:

- a. intaglio printing or security thread, with or without watermark,
- b. latent images,
- c. fluorescent inks,
- d. micro print, and
- e. void background.

E. In the absence of a dealer's or manufacturer's number, the Tax Commission may assign such identifying number to the vehicle, which shall be permanently stamped, burned or pressed or attached into the vehicle, and a certificate of title shall be delivered to the applicant upon payment of all fees and taxes, and the remaining copies shall be permanently filed and indexed by the Tax Commission. The Tax Commission shall assign an identifying number to any rebuilt vehicle if the vehicle identification number displayed on the rebuilt vehicle does not accurately describe the vehicle as rebuilt. The motor license agent, at the time of inspection of the rebuilt

1 vehicle pursuant to Section 1111 of this title, shall identify the  
2 make, model, and year for the body to accurately describe the  
3 rebuilt vehicle. At the time of the inspection, an appropriate  
4 identifying number shall be permanently stamped, burned, pressed, or  
5 attached on the rebuilt vehicle. The assigned identifying number  
6 shall be recorded on the certificate of title for the rebuilt  
7 vehicle. The dealer's or manufacturer's vehicle identification  
8 number on the rebuilt vehicle shall be preserved in the computer  
9 files of the Tax Commission for at least five (5) years.

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

14 1. As evidence of ownership, if the vehicle has not previously  
15 been titled in the United States, the documents constituting valid  
16 proof of ownership in the country in which the vehicle was  
17 originally purchased, together with a notarized translation of any  
18 such documents; and

19 2. As evidence of compliance with federal law, copies of the  
20 bond release letters for the vehicle issued by the United States  
21 Environmental Protection Agency and the United States Department of  
22 Transportation, together with a receipt issued by the Internal  
23 Revenue Service indicating that the applicable federal gas guzzler  
24 tax has been paid.

1       The Tax Commission shall not issue a certificate of title for a  
2 vehicle which is subject to the provisions of this paragraph without  
3 the required documentation from agencies of the United States and  
4 evidence of ownership. Upon receipt of an application without the  
5 required documentation, the Tax Commission shall return the  
6 application to the applicant with notice that the certificate of  
7 title may not be issued without the required documentation. Nothing  
8 in this paragraph shall prohibit the Tax Commission from issuing  
9 certificates of title for antique or classic vehicles not driven  
10 upon the public streets, roads, or highways, for mini-trucks  
11 registered pursuant to ~~Section 3 of Enrolled Senate Bill No. 1998 of~~  
12 ~~the 2nd Session of the 51st Oklahoma Legislature~~ 1151.3 of this  
13 title, or for medium-speed electric vehicles.

14       G. When registering in this state a vehicle which was titled in  
15 another state and which title contains the name of a secured party  
16 on the face of the other state certificate of title, or such state  
17 certificate is being held by the secured party in that state or any  
18 other state, the Tax Commission or the motor license agent shall  
19 complete a lien entry form as prescribed by the Tax Commission. The  
20 owner of such vehicle shall file an affidavit with the Tax  
21 Commission or the motor license agent stating that title to the  
22 vehicle is being held by a secured party, has not been issued  
23 pursuant to the laws of the state where titled, and that there is an  
24 existing lien or encumbrance on the vehicle. The current name and

1 address of the secured party or lienholder shall also be stated in  
2 the affidavit. The form of the affidavit shall be prescribed by the  
3 Tax Commission and contain any other information deemed necessary by  
4 the Tax Commission. A statement of the lien or encumbrance shall be  
5 included on the Oklahoma certificate of title and the lien or  
6 encumbrance shall be deemed continuously perfected as though it had  
7 been perfected pursuant to Section 1110 of this title. For  
8 completing the lien entry form and recording the security interest  
9 on the certificate of title, the Tax Commission or the motor license  
10 agent shall collect a fee of Three Dollars (\$3.00) which shall be in  
11 addition to other fees provided by the Oklahoma Vehicle License and  
12 Registration Act. The fee, if collected by the motor license agent  
13 pursuant to this subsection, shall be retained by the motor license  
14 agent.

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

1 state. The Oklahoma Tax Commission or any motor license agent  
2 issuing a certificate of title shall, at the time of presentation of  
3 a completed application for a title, inquire of each applicant  
4 whether the applicant chooses to make a voluntary One Dollar (\$1.00)  
5 contribution to the Oklahoma Sports Eye Safety Program Revolving  
6 Fund created in Section 4 of this act. Any voluntary contribution  
7 shall be added to the fee paid pursuant to this subsection and shall  
8 be credited to the Oklahoma Sports Eye Safety Program Revolving  
9 Fund.

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

16 J. If a vehicle is sold to a resident of another state  
17 destroyed, dismantled, or ceases to be used as a vehicle, the owner  
18 shall immediately notify the Tax Commission. Absent evidence to the  
19 contrary, failure to notify the Tax Commission shall be prima facie  
20 evidence that the vehicle has been in continuous operation in this  
21 state.

22 K. If a vehicle is stolen, the owner shall immediately notify  
23 the appropriate law enforcement agency. Immediately after receiving  
24

1 such notification, the law enforcement agency shall notify the Tax  
2 Commission.

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

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

20 The inspection shall include a comparison of the vehicle  
21 identification number on the vehicle with the number recorded on the  
22 ownership records and the recording of the actual odometer reading  
23 on the vehicle. The four-dollar fee shall be collected by the motor  
24 license agent or Tax Commission when the title is issued. The motor

1 license agent shall retain Two Dollars (\$2.00). The remaining Two  
2 Dollars (\$2.00) shall be deposited in the Oklahoma Tax Commission  
3 Reimbursement Fund.

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

7 M. No title for any out-of-state vehicle offered for sale at  
8 salvage pools, salvage disposal sales, or an auction, or by a dealer  
9 or a licensed automotive dismantler and parts recycler, shall be  
10 issued without an inspection to compare the vehicle identification  
11 number on the vehicle with the number recorded on the ownership  
12 record and to record the actual odometer reading on the vehicle.  
13 Upon request of the seller, person or entity conducting an auction,  
14 dealer or licensed dismantler, the inspection shall be conducted at  
15 the location or place of business of the sale, auction, dealer, or  
16 the dismantler. The inspection shall be conducted by any motor  
17 license agent or a duly authorized employee thereof; provided, if  
18 the vehicle identification number on the vehicle offered for sale at  
19 salvage pools, salvage disposal sales or a classic or antique  
20 auction does not match the number recorded on the ownership record,  
21 the inspection may be conducted at the location of or place of  
22 business of such sale or auction by any state, county or city law  
23 enforcement officer. The Tax Commission may enter into reciprocal

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1 agreements with other states for such inspections to be performed at  
2 locations outside the boundaries of this state for vehicles which:

3 1. Are offered for sale at auction;

4 2. Have been solely used as vehicles for rent under the  
5 ownership of a licensed motor vehicle dealer or a person engaged in  
6 the business of renting motor vehicles; or

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

9 The inspection shall be certified upon forms prescribed by the Tax  
10 Commission. The name and other identification of the authorized  
11 person conducting the inspection shall be legibly printed or typed  
12 on the form. Prior to any inspection by any employee of a motor  
13 license agent, the motor license agent shall notify the Tax  
14 Commission of the name and any other identification information  
15 requested by the Tax Commission of the authorized person. A  
16 signature specimen of the authorized person shall be submitted to  
17 the Tax Commission by the employing motor license agent. If the  
18 authorization to inspect vehicles is withdrawn or the employer-  
19 employee relationship is terminated, the motor license agent,  
20 immediately, shall notify the Tax Commission and return any  
21 remaining inspection forms to the Tax Commission. The fee for the  
22 inspection shall be Four Dollars (\$4.00). The motor license agent  
23 shall retain Three Dollars (\$3.00) of the fee. Fees received by a  
24 motor license agent or an authorized employee thereof shall be

1 handled and accounted for in the manner as prescribed by law for any  
2 other fees paid to or received by a motor license agent. Out-of-  
3 state vehicles brought into this state by a person licensed in  
4 another state to sell new or used vehicles to be sold within this  
5 state at a motor vehicle auction which is limited to dealer-to-  
6 dealer transactions shall not be required to be inspected, unless  
7 the vehicle is purchased by an Oklahoma dealer. Any person licensed  
8 in another state to sell new or used motor vehicles, who offers a  
9 motor vehicle for sale within this state at a motor vehicle auction  
10 which is limited to dealer-to-dealer transactions, shall not be  
11 within the definition of "owner" in Section 1102 of this title, for  
12 purposes of Section 1101 et seq. of this title.

13 N. A licensed motor vehicle dealer, upon payment of a fee of  
14 Fifteen Dollars (\$15.00), may reassign an out-of-state certificate  
15 of title to a used motor vehicle provided such dealer obtains the  
16 appropriate inspection form required by either subsection L or M of  
17 this section and attaches the form to the out-of-state certificate  
18 of title. Motor license agents shall be allowed to retain Two  
19 Dollars and twenty-five cents (\$2.25) of the fee plus an additional  
20 Two Dollars (\$2.00) or Three Dollars (\$3.00) as provided in  
21 subsections L and M of this section for performance of the  
22 inspection. Two Dollars (\$2.00) of the fee shall be deposited in  
23 the Tax Commission Reimbursement Fund. An out-of-state vehicle  
24 which has been rebuilt shall be inspected pursuant to the provisions

1 of Section 1111 of this title. The Tax Commission shall train motor  
2 license agents in interpreting vehicle identification numbers to  
3 assure that it accurately describes the vehicle and to detect  
4 rollback or alteration of the odometer. Failure of a motor license  
5 agent to inspect the vehicle and make the required notations shall  
6 be a misdemeanor punishable by a fine of not more than One Thousand  
7 Dollars (\$1,000.00) for the first offense and Five Thousand Dollars  
8 (\$5,000.00) for the second offense or subsequent offense, or by  
9 imprisonment in the county jail for not more than six (6) months, or  
10 by both such fine and imprisonment.

11 O. The ownership of any unrecovered vehicle which has been  
12 declared a total loss by an insurer because of theft shall be  
13 transferred to the insurer by an unrecovered-theft vehicle title;  
14 provided, the ownership of any such vehicle which has been declared  
15 a total loss by an insurer licensed by the Insurance Department of  
16 the State of Oklahoma and maintaining a multi-state motor vehicle  
17 salvage processing center in this state shall be transferred to the  
18 insurer by a salvage or an unrecovered-theft title without the  
19 requirement of a visual inspection of the vehicle identification  
20 number by the insurer. Upon recovery of the vehicle, the ownership  
21 shall be transferred by an original title, salvage title, or junked  
22 title, as may be appropriate based upon an estimate of the amount of  
23 loss submitted by the insurer.

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

18 Q. The owner of a vehicle which is not within the last ten (10)  
19 model years, not roadworthy and not capable of repair for operation  
20 or use on the roads and highways shall transfer the vehicle only  
21 upon a certificate of ownership prescribed by the Tax Commission, if  
22 the certificate of title to the vehicle is lost, has been canceled,  
23 or otherwise not available. The prescribed ownership form shall  
24 include the names and addresses of the buyer and seller, the driver

1 license number or social security number of the seller, the make and  
2 model of the vehicle, and the public vehicle identification number.  
3 If there is no public vehicle identification number, the vehicle  
4 shall be inspected by a law enforcement officer to verify the  
5 absence of the number on the vehicle and the prescribed ownership  
6 form shall include a signed statement, by such officer, verifying  
7 the absence of the number.

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

15 Upon receipt of the certificate, the Tax Commission shall verify  
16 that any perfected lien upon the vehicle has been released. If the  
17 lien is not released, the Tax Commission shall mail notice of the  
18 transfer to the lienholder at the lienholder's last-known address.  
19 If a certificate of title has been issued, it shall be canceled and  
20 the vehicle identification number shall be preserved in the computer  
21 of the Tax Commission for at least five (5) years. The buyer of the  
22 vehicle may not be sued and shall not be liable for monetary damages  
23 to the lienholder, however, the vehicle shall be subject to a valid  
24 repossession by a lienholder.

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

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

11 T. If a vehicle is sold to a foreign buyer pursuant to the  
12 provisions of the Automotive Dismantlers and Parts Recycler Act, the  
13 licensed seller shall stamp the title with: "EXPORT ONLY.  
14 NONTRANSFERABLE IN THE UNITED STATES." The licensed seller shall  
15 supply the Tax Commission the title number, the vehicle  
16 identification number and the foreign buyer's bid identification  
17 number on a form prescribed by the Tax Commission. The Tax  
18 Commission shall cancel the title, and the vehicle identification  
19 number shall be preserved in the computer files of the Tax  
20 Commission for a period of not less than five (5) years.

21 U. The Tax Commission shall not be considered a necessary party  
22 to any lawsuit which is instigated for the purpose of determining  
23 ownership of a vehicle, wherein the Tax Commission's only  
24 involvement would be to issue title, and the court shall issue an

1 order dismissing the Tax Commission from the pending action. In the  
2 event no other party or lienholder can be identified as to ownership  
3 or claim, the Tax Commission shall accept an affidavit of ownership  
4 from the party claiming ownership and issue proper title thereon.

5 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1107, as  
6 amended by Section 5, Chapter 381, O.S.L. 2005 (47 O.S. Supp. 2010,  
7 Section 1107), is amended to read as follows:

8 Section 1107. A. In the event of the sale or transfer of the  
9 ownership of a vehicle for which a certificate of title has been  
10 issued as provided by Section 1105 of this title, the holder of such  
11 certificate shall endorse on the back of same a complete assignment  
12 thereof with warranty of title in form printed thereon with a  
13 statement of all liens or encumbrances on the vehicle, sworn to  
14 before a notary public or some other person authorized by law to  
15 take acknowledgments, and deliver same to the purchaser or  
16 transferee at the time of delivery to the purchaser or transferee of  
17 the vehicle. The purchaser or transferee, unless such person is a  
18 bona fide used motor vehicle dealer licensed by this state, or a  
19 charitable organization shall, within thirty (30) days from the time  
20 of delivery to the purchaser or transferee of the vehicle, present  
21 the assigned certificate of title and the insurance security  
22 verification to the vehicle to the Oklahoma Tax Commission, or one  
23 of its motor license agents, accompanied by a fee of Eleven Dollars  
24 (\$11.00), together with any motor vehicle excise tax or license fee

1 that may be due, whereupon a new certificate of title, shall be  
2 issued to the assignee. One Dollar (\$1.00) of each fee shall be  
3 deposited in the Oklahoma Tax Commission Reimbursement Fund. Any  
4 charitable organization utilizing the exemption authorized by this  
5 subsection shall receive training as prescribed by the Oklahoma Used  
6 Motor Vehicle and Parts Commission. The Oklahoma Tax Commission or  
7 any motor license agent assigning a new certificate of title shall,  
8 at the time of presentation of the assigned certificate of title and  
9 insurance security verification, inquire of each applicant whether  
10 the applicant chooses to make a voluntary One Dollar (\$1.00)  
11 contribution to the Oklahoma Sports Eye Safety Program Revolving  
12 Fund created in Section 4 of this act. Any voluntary contribution  
13 shall be added to the fee paid pursuant to this subsection and shall  
14 be credited to the Oklahoma Sports Eye Safety Program Revolving  
15 Fund.

16 B. A licensed dealer or charitable organization shall, on  
17 selling or otherwise disposing of a vehicle, execute and deliver to  
18 the purchaser thereof the certificate of title properly and  
19 completely reassigned. Thereupon, the purchaser of the vehicle  
20 shall present the reassigned certificate to the Commission, or a  
21 motor license agent, accompanied by a fee of Eleven Dollars  
22 (\$11.00), and any motor vehicle excise tax or license fee that may  
23 be due, whereupon a new certificate of title will be issued to the  
24 purchaser. One Dollar (\$1.00) of each fee shall be deposited in the

1 Oklahoma Tax Commission Reimbursement Fund. The certificate, when  
2 so assigned and returned to the Commission, together with any  
3 subsequent assignment or reissue thereof, shall be appropriately  
4 filed and indexed so that at all times it will be possible to trace  
5 title to the vehicle designated therein. Provided, when the  
6 ownership of any motor vehicle shall pass by operation of law, the  
7 person owning the vehicle may, upon furnishing satisfactory proof to  
8 the Commission of ownership, procure a title to the motor vehicle,  
9 regardless of whether a certificate of title has ever been issued.  
10 The dealer shall execute and deliver to the purchaser bills of sale  
11 on forms prescribed by the Commission for all new vehicles sold by  
12 the dealer. On presentation of a bill of sale executed on forms  
13 prescribed by the Commission, by a manufacturer or dealer for a new  
14 vehicle sold in this state, accompanied by remittance in the sum of  
15 Eleven Dollars (\$11.00), together with any motor vehicle excise tax  
16 or license fee that may be due, a certificate of title shall be  
17 issued in accordance with the provisions of the Oklahoma Vehicle  
18 License and Registration Act. One Dollar (\$1.00) of each fee shall  
19 be deposited in the Oklahoma Tax Commission Reimbursement Fund. For  
20 purposes of this subsection, "charitable organization" shall mean  
21 any organization which is exempt from taxation pursuant to the  
22 provisions of the Internal Revenue Code, 26 U.S.C., Section  
23 501(c)(3) and which is registered as a charitable organization with  
24

1 the Oklahoma Secretary of State and the Oklahoma Attorney General's  
2 office.

3 C. Any person violating the provisions of this section shall be  
4 guilty of a misdemeanor and upon the first conviction thereof shall  
5 be punished by a fine not to exceed Five Hundred Dollars (\$500.00),  
6 with impoundment of the vehicle until all taxes and fees are paid.  
7 A second or subsequent conviction shall be punished by a fine not to  
8 exceed One Thousand Dollars (\$1,000.00), with impoundment of the  
9 vehicle until all taxes and fees are paid. If a vehicle is  
10 impounded pursuant to the provisions of this section, the vehicle  
11 shall not be released to the owner until the owner provides proof of  
12 security or an affidavit that the vehicle will not be used on public  
13 highways or public streets, as required pursuant to Section 7-600 et  
14 seq. of this title. Each vehicle involved in a violation of this  
15 section shall be considered a separate offense.

16 SECTION 3. AMENDATORY 47 O.S. 2001, Section 1115, as  
17 last amended by Section 18, Chapter 412, O.S.L. 2010 (47 O.S. Supp.  
18 2010, Section 1115), is amended to read as follows:

19 Section 1115. A. Unless provided otherwise by statute, the  
20 following vehicles shall be registered annually: manufactured  
21 homes, vehicles registered with a permanent nonexpiring license  
22 plate pursuant to Section 1113 of this title, and commercial  
23 vehicles registered pursuant to the installment plan provided in  
24 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 5. The Oklahoma Tax Commission or any motor license agent  
9 renewing annual registration pursuant to paragraph 1 of this  
10 subsection shall, at the time of payment of the fee provided for in  
11 Section 1132 of this title, inquire of each applicant whether the  
12 applicant chooses to make a voluntary One Dollar (\$1.00)  
13 contribution to the Oklahoma Sports Eye Safety Program Revolving  
14 Fund created in Section 4 of this act. Any voluntary contribution  
15 shall be added to the fee paid pursuant to this subsection and shall  
16 be credited to the Oklahoma Sports Eye Safety Program Revolving  
17 Fund.

18 C. The following penalties shall apply for delinquent  
19 registration fees:

20 1. For fleet vehicles required to be registered pursuant to the  
21 provisions of Section 1120 of this title for which a properly  
22 completed application for registration has not been received by the  
23 Corporation Commission by the last day of the month following the  
24 registration expiration date, a penalty of thirty percent (30%) of

1 the Oklahoma portion of the annual registration fee, or Two Hundred  
2 Dollars (\$200.00), whichever is greater, shall be assessed. The  
3 license and registration cards issued by the Corporation Commission  
4 for each fleet vehicle shall be valid until two (2) months after the  
5 registration expiration date;

6 2. For commercial vehicles registered under the provisions of  
7 subsection B of this section, except those vehicles registered  
8 pursuant to Section 1133.1 of this title, a penalty shall be  
9 assessed after the last day of the month following the registration  
10 expiration date. A penalty of twenty-five cents (\$0.25) per day  
11 shall be added to the license fee of such vehicle and shall accrue  
12 for one (1) month. Thereafter, the penalty shall be thirty percent  
13 (30%) of the annual registration fee, or Two Hundred Dollars  
14 (\$200.00), whichever is greater;

15 3. For new or used manufactured homes, not registered within  
16 thirty (30) days from date of purchase or date such manufactured  
17 home was brought into this state, a penalty equal to the  
18 registration fee shall be assessed; or

19 4. Except as provided in subsection H of Section 1133 of this  
20 title, for all other vehicles a penalty shall be assessed after the  
21 last day of the month following the expiration date. A penalty of  
22 One Dollar (\$1.00) per day shall be added to the license fee of such  
23 vehicle, provided that the penalty shall not exceed One Hundred  
24

1 Dollars (\$100.00). Of each dollar penalty collected pursuant to  
2 this subsection:

- 3 a. twenty-five cents (\$0.25) shall be apportioned as  
4 provided in Section 1104 of this title,
- 5 b. twenty-five cents (\$0.25) shall be retained by the  
6 motor license agent, and
- 7 c. fifty cents (\$0.50) shall be deposited in the General  
8 Revenue Fund for the fiscal year beginning on July 1,  
9 2010, and for all subsequent fiscal years, shall be  
10 deposited in the State Highway Construction and  
11 Maintenance Fund.

12 D. In addition to all other penalties provided in the Oklahoma  
13 Vehicle License and Registration Act, the following penalties shall  
14 be imposed and collected by any ~~Enforcement Officer~~ enforcement  
15 officer of the Corporation Commission upon finding any commercial  
16 vehicle being operated in violation of the provisions of the  
17 Oklahoma Vehicle License and Registration Act.

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

- 20 1. A penalty of not less than Fifty Dollars (\$50.00) shall be  
21 imposed upon any person found to be operating a commercial vehicle  
22 sixty (60) days after the end of the month in which the license  
23 plate or registration credentials expire without the current year  
24 license plate or registration credential displayed. Such penalty

1 shall not exceed the amount established by the Corporation  
2 Commission pursuant to the provisions of subsection A of Section  
3 1167 of this title. Revenue from such penalties shall be  
4 apportioned as provided in Section 1167 of this title;

5 2. A penalty of not less than Fifty Dollars (\$50.00) shall be  
6 imposed for any person operating a commercial vehicle subject to the  
7 provisions of Section 1120 or Section 1133 of this title without the  
8 proper display of, or, carrying in such commercial vehicle, the  
9 identification credentials issued by the Corporation Commission as  
10 evidence of payment of the fee or tax as provided in Section 1120 or  
11 Section 1133 of this title. Such penalty shall not exceed the  
12 amount established by the Corporation Commission pursuant to the  
13 provisions of subsection A of Section 1167 of this title. Revenue  
14 from such penalties shall be apportioned as provided in Section 1167  
15 of this title; and

16 3. A penalty of not less than One Hundred Dollars (\$100.00)  
17 shall be imposed for any person that fails to register any  
18 commercial vehicle subject to the Oklahoma Vehicle License and  
19 Registration Act. Such penalty shall not exceed the amount  
20 established by the Corporation Commission pursuant to the provisions  
21 of subsection A of Section 1167 of this title. Revenue from such  
22 penalties shall be apportioned as provided in Section 1167 of this  
23 title.

24

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

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

10 1. The registration of a vehicle registered pursuant to Section  
11 1132 of this title is expired and it is sixty (60) or more days  
12 after the end of the month of expiration; or

13 2. The registration fees for a vehicle that is subject to the  
14 registration fees pursuant to Section 1132 of this title have not  
15 been paid.

16 Such penalty shall not exceed the amount established by the  
17 Corporation Commission pursuant to the provisions of subsection A of  
18 Section 1167 of this title. Revenue from such penalties shall be  
19 apportioned as provided in Section 1167 of this title.

20 G. If a vehicle is donated to a nonprofit charitable  
21 organization, the nonprofit charitable organization shall be exempt  
22 from paying any current or past due registration fees, excise tax,  
23 transfer fees, and penalties and interest. However, after the  
24 donation, if the person donating the vehicle, or someone on behalf

1 of such person, purchases the same vehicle back from the nonprofit  
2 charitable organization to which the vehicle was donated, such  
3 person shall be liable for all current and past-due registration  
4 fees, excise tax, title or transfer fees, and penalties and interest  
5 on such vehicle.

6 SECTION 4. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 79 of Title 63, unless there is  
8 created a duplication in numbering, reads as follows:

9 A. There is hereby created in the State Treasury a revolving  
10 fund to be designated the "Oklahoma Sports Eye Safety Program  
11 Revolving Fund" administered by the State Department of Health. The  
12 fund shall be a continuing fund, not subject to fiscal year  
13 limitations, and shall consist of all the monies received by the  
14 State Department of Health pursuant to the provisions of this act,  
15 any other section of law and any other monies that may be deposited  
16 into the fund. All monies accruing to the credit of the fund are  
17 appropriated and may be budgeted and expended by the State  
18 Department of Health for the purposes of:

19 1. Exploring opportunities to utilize nonprofit organizations  
20 to provide sports eye safety information or sports eye safety  
21 equipment to children age eighteen (18) and under; and

22 2. Establishing a sports eye safety grant program for the  
23 purchase and distribution of sports eye safety programs and  
24 materials to classrooms in this state and sports eye safety

1 protective wear to children age eighteen (18) and under.  
2 Expenditures from the fund shall be made upon warrants issued by the  
3 State Treasurer against claims filed as prescribed by law with the  
4 Director of State Finance for approval and payment.

5 SECTION 5. This act shall become effective November 1, 2011.

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