

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 HOUSE BILL 3347

 By: Armes

7 AS INTRODUCED

8 An Act relating to motor vehicles; amending 47 O.S.
9 2011, Section 1102, as last amended by Section 3,
10 Chapter 191, O.S.L. 2013 (47 O.S. Supp. 2013, Section
11 1102), which relates to all-terrain vehicles and
12 recreational off-highway vehicles; modifying
13 definitions; and providing an effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1102, as
15 last amended by Section 3, Chapter 191, O.S.L. 2013 (47 O.S. Supp.
16 2013, Section 1102), is amended to read as follows:

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

19 1. "All-terrain vehicle" means a vehicle manufactured and used
20 exclusively for off-highway use traveling on four or more non-
21 highway tires, and ~~having a seat designed to be straddled by the~~
22 ~~operator and handlebars for steering~~ being fifty (50) inches or less
23 in width;

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. "Construction machinery" means machines or devices drawn as
22 trailers which are designed and used for construction, tree trimming
23 and waste maintenance projects, which derive no revenue from the
24 transportation of persons or property, whose use of the highway is

1 only incidental and which are not mounted or affixed to another
2 vehicle; provided, construction machinery shall not include
3 implements of husbandry as defined in Section 1-125 of this title;

4 11. "Dealer" means any person, firm, association, corporation
5 or trust who sells, solicits or advertises the sale of new and
6 unused motor vehicles and holds a bona fide contract or franchise in
7 effect with a manufacturer or distributor of a particular make of
8 new or unused motor vehicle or vehicles for the sale of same;

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

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

21 14. "Laden weight" means the combined weight of a vehicle when
22 fully equipped for use and the cargo or payload transported thereon;
23 provided, that in no event shall the laden weight be less than the
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1 unladen weight of the vehicle fully equipped for use, plus the
2 manufacturer's rated carrying capacity;

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

6 16. "Low-speed electrical vehicle" means any four-wheeled
7 electrical vehicle that is powered by an electric motor that draws
8 current from rechargeable storage batteries or other sources of
9 electrical current and whose top speed is greater than twenty (20)
10 miles per hour but not greater than twenty-five (25) miles per hour
11 and is manufactured in compliance with the National Highway Traffic
12 Safety Administration standards for low-speed vehicles in 49 C.F.R.
13 571.500;

14 17. "Manufactured home" means a residential dwelling built in
15 accordance with the National Manufactured Housing Construction and
16 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and
17 rules promulgated pursuant thereto and the rules promulgated by the
18 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section
19 582 of this title;

20 18. "Manufactured home dealer" means any person, firm or
21 corporation engaged in the business of selling any new and unused,
22 or used, or both new and used manufactured homes. Such information
23 and a valid franchise letter as proof of authorization to sell any
24 such new manufactured home product line or lines shall be attached

1 to the application for a dealer license to sell manufactured homes.
2 "Manufactured home dealer" shall not include any person, firm or
3 corporation who sells or contracts for the sale of the dealer's own
4 personally titled manufactured home or homes. No person, firm or
5 corporation shall be considered a manufactured home dealer as to any
6 manufactured home purchased or acquired by such person, firm or
7 corporation for purposes other than resale; provided, that the
8 restriction set forth in this sentence shall not prevent an
9 otherwise qualified person, firm or corporation from utilizing a
10 single manufactured home as a sales office;

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

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

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

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1 22. "Nonresident" means any person who is not a resident of
2 this state;

3 23. "Off-road motorcycle" means any motorcycle, as defined in
4 Section 1-135 of this title, when such motorcycle has been
5 manufactured for and used exclusively off roads, highways and any
6 other paved surfaces;

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

9 25. "Person" means any individual, copartner, joint venture,
10 association, corporation, limited liability company, estate, trust,
11 business trust, syndicate, the State of Oklahoma, or any county,
12 city, municipality, school district or other political subdivision
13 thereof, or any group or combination acting as a unit, or any
14 receiver appointed by the state or federal court;

15 26. "Rebodied vehicle" means a vehicle:

16 a. which has been assembled using a new body or new major
17 component which is of the identical type as the
18 original vehicle and is licensed by the manufacturer
19 of the original vehicle and other original, new or
20 reconditioned parts. For purposes of this paragraph,
21 "new body or new major component" means a new body,
22 cab, frame, front end clip or rear end clip,
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1 b. which is not a salvage, rebuilt, or junked vehicle as
2 defined by paragraph 1, 2, or 6 of subsection A of
3 Section 1105 of this title, and

4 c. for which the Tax Commission has assigned or will
5 assign a new identifying number;

6 27. "Recreational off-highway vehicle" means a vehicle
7 manufactured and used exclusively for off-highway use, traveling on
8 four or more non-highway tires, ~~having non-straddle seating and~~
9 ~~which is steered by a steering wheel~~ and being sixty-five (65)
10 inches or less in width;

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

23 29. "Remanufactured vehicle" means a vehicle which has been
24 assembled by a vehicle remanufacturer using a new body and which may

1 include original, reconditioned, or remanufactured parts, and which
2 is not a salvage, rebuilt, or junked vehicle as defined by
3 paragraphs 1, 2, and 6, respectively, of subsection A of Section
4 1105 of this title;

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

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

19 32. "State" means the State of Oklahoma;

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

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

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

19 36. "Used motor vehicle dealer" means "used motor vehicle
20 dealer" as defined in Section 581 of this title;

21 37. "Used vehicle" means any vehicle which has been sold,
22 bargained, exchanged or given away, or used to the extent that it
23 has become what is commonly known, and generally recognized, as a
24 "secondhand" vehicle. This shall also include any vehicle other

1 than a remanufactured vehicle, regardless of age, owned by any
2 person who is not a dealer;

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

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

19 40. "Vehicle remanufacturer" means a commercial entity which
20 assembles remanufactured vehicles.

21 SECTION 2. This act shall become effective November 1, 2014.

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23 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/11/2014 -
24 DO PASS.