

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1318 By: Stanislawski of the Senate
3 and
4 Osborn of the House
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8 An Act relating to motor vehicles; amending 47 O.S.
9 2011, Section 1106, which relates to revocation of
10 title; adding authority to revoke or suspend certain
11 license plates; amending 47 O.S. 2011, Section 1120,
12 which relates to proportional registration; removing
13 certain mileage reporting standard; modifying certain
14 fleet registration credit; deleting language;
15 amending Section 3, Chapter 262, O.S.L. 2012 (47 O.S.
16 Supp. 2015, Section 1202), which relates to the
17 operation of weigh stations; modifying certain radius
18 of enforcement; providing an effective date; and
19 declaring an emergency.

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25 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

26 "An Act relating to motor vehicles; amending 47 O.S.
27 2011, Section 1106, which relates to revocation of
28 title; adding authority to revoke or suspend certain
29 license plates; amending 47 O.S. 2011, Section 1120,
30 which relates to proportional registration; removing
31 certain mileage reporting standard; modifying
32 certain fleet registration credit; eliminating
33 certain fee and apportionment; amending Section 3,
34 Chapter 262, O.S.L. 2012 (47 O.S. Supp. 2015,
35 Section 1202), which relates to the operation of
36 weigh stations; modifying certain radii of

1 enforcement based on criteria; providing an
2 effective date; and declaring an emergency.

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

5 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1106, is
6 amended to read as follows:

7 Section 1106. A. 1. If the Oklahoma Tax Commission shall
8 determine at any time that an applicant for a certificate of title
9 of a vehicle is not entitled thereto, it may refuse to issue such
10 certificate or to register such vehicle.

11 2. The Oklahoma Tax Commission may for a similar reason, after
12 ten (10) days' notice and a hearing, revoke the registration and the
13 certificate of title already acquired on any outstanding certificate
14 of title. Said notice may be served in person or by registered
15 mail.

16 B. 1. The Oklahoma Tax Commission may refuse registration and
17 issuance of a certificate of title of a commercial motor vehicle, or
18 any transfer of title and registration of a commercial motor
19 vehicle, to a commercial motor carrier whose ability to operate has
20 been terminated or denied by a federal agency.

21 2. The Oklahoma Tax Commission may revoke the registration,
22 certificate of title, and license plate of a commercial motor
23 vehicle if the vehicle has been assigned to be operated by a
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1 commercial motor carrier whose ability to operate has been
2 terminated or denied by a federal agency.

3 C. The Corporation Commission may revoke, suspend or deny
4 registration of and/or issuance of license plates for a commercial
5 motor vehicle licensed pursuant to the jurisdiction of the
6 Corporation Commission and whose ability to operate has been
7 terminated or denied by a state or federal agency.

8 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1120, is
9 amended to read as follows:

10 Section 1120. A. The Corporation Commission may, when in the
11 interest of the State of Oklahoma and its residents, enter into the
12 International Registration Plan or other compacts or agreements with
13 other states to permit motor vehicle registration and license taxes
14 on any truck, bus, or truck-tractor on a proportional basis
15 commensurate with the use of Oklahoma highways. Proportional
16 registration under such plans may be permitted for vehicles engaged
17 in interstate commerce or combined interstate and intrastate
18 commerce. Any action taken by the Oklahoma Tax Commission with
19 respect to the International Registration Plan or other such
20 compacts or agreements prior to July 1, 2004, shall remain in effect
21 unless altered by the Corporation Commission pursuant to its
22 authority to do so after the effective date of this act.

23 B. The Corporation Commission shall require that such
24 proportional registration be based on the percentage of miles

1 actually operated by such vehicles or fleets of vehicles in the
2 State of Oklahoma in the reporting period in proportion to the total
3 fleet miles operated both within and without Oklahoma. ~~If the~~
4 ~~registrant did not incur mileage for at least ninety (90) days of~~
5 ~~the reporting period, the Corporation Commission may accept the~~
6 ~~mileage from the preceding mileage reporting period.~~ If the
7 registrant did not incur mileage during the preceding reporting
8 period, the registrant shall ~~estimate~~ pay fees for its future
9 operations in accordance with the International Registration Plan.
10 Such percentage figure, so determined by the Corporation Commission,
11 shall be the Oklahoma mileage factor. In computing the taxes under
12 the foregoing formula, the Corporation Commission shall first
13 compute the license fees for the entire fleet and then multiply the
14 amount by the Oklahoma mileage factor on a dollar basis.

15 C. Upon receipt of the Oklahoma license and registration tax,
16 which shall be paid by cash and/or certified funds, as computed
17 under the provisions of the Oklahoma Vehicle License and
18 Registration Act, the Corporation Commission shall register all such
19 fleet vehicles, and shall issue a license plate, cab card or decal
20 for each of such vehicles identifying it as part of an interstate
21 fleet. The Corporation Commission may, upon satisfactory review of
22 the payment history of an applicant, waive the requirement for
23 payment in cash or certified funds.

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1 D. Vehicles so registered on a prorated basis shall be
2 considered fully licensed in Oklahoma and shall be exempt from all
3 further registration or license fees under the provisions of the
4 Oklahoma Vehicle License and Registration Act; provided that such
5 fleet vehicles are proportionally licensed in some other state,
6 territory or possession of the United States or some foreign
7 province, state or country with which the Corporation Commission has
8 entered into a prorating compact or agreement.

9 If a vehicle is permanently withdrawn from a proportionally
10 registered fleet and a replacement vehicle is added to the fleet in
11 the same calendar month, the replacement vehicle shall be considered
12 fully registered as provided in Section 1133 of this title and
13 Section 14-109 of this title, if the replacement vehicle is
14 registered for a weight equal to or less than the vehicle
15 permanently withdrawn, or if additional registration fees are paid
16 when the replacement vehicle is registered for a weight greater than
17 the vehicle withdrawn. If a vehicle is permanently withdrawn from a
18 proportionally registered fleet and is not replaced by another
19 vehicle in the same calendar month, credit shall be allowed as
20 otherwise provided in this section.

21 E. Vehicles subsequently added to a proportionally registered
22 fleet after commencement of the registration year shall be
23 proportionally registered by applying the mileage percentage used in
24 the original application for such fleet for such registration period

1 to the regular registration fees due with respect to such vehicle
2 for the remainder of the registration year.

3 F. If a vehicle is permanently withdrawn from a proportionally
4 registered fleet because it has been destroyed, sold or otherwise
5 completely removed from service, credit shall be allowed. Such
6 credit shall be a sum equal to the amount paid with respect to such
7 vehicle when it was first proportionally registered in the
8 registration year, reduced by those months elapsing since the
9 beginning of the registration year. The credit may be applied
10 against subsequent additions to the fleet, with the exception of
11 vehicles removed from a renewal fleet and later added back to the
12 same fleet, to be prorated or for other additional registration fees
13 assessed. In no event shall credit be allowed for fees beyond such
14 registration year, nor shall any such amount be subject to refund.
15 Provided, further, that vehicles removed from a prorated fleet or
16 sold to a nonprorated fleet for operation in Oklahoma shall be
17 registered in Oklahoma for the remaining portion of the year.

18 G. ~~Mileage proportions for interstate fleets not operated in~~
19 ~~this state during the preceding year will be determined by the~~
20 ~~Corporation Commission on the basis of the operations of the fleet~~
21 ~~the preceding year in other states plus the estimated operation in~~
22 ~~Oklahoma, or, if no operations were conducted the previous year, a~~
23 ~~full statement of the proposed method of operation. In the absence~~
24 ~~of a full statement of the proposed method of operation, the~~

1 ~~Corporation Commission shall require the applicant to utilize an~~
2 ~~estimated mileage chart provided by the Corporation Commission.~~

3 ~~H.~~ The records of total mileage operated in all states upon
4 which the application is made for a period of three (3) years
5 following the year upon which the application is based shall be
6 preserved. Upon request of the Corporation Commission, such records
7 shall be made available for audit as to accuracy of computation and
8 payments. The Corporation Commission may enter into agreements with
9 agencies of other states administering motor vehicle registration
10 laws for joint audits of any such records.

11 ~~H.~~ H. The Corporation Commission may enter into compacts or
12 agreements with other states or other countries or subdivisions of
13 such countries allowing reciprocal privileges to vehicles based in
14 such other states and operating in interstate commerce if the
15 vehicles are properly registered therein.

16 ~~J.~~ I. Interchanged vehicles properly registered in another
17 state may be granted reciprocal privileges when engaged in a
18 continuous movement in interstate commerce, but must register in
19 this state if used in intrastate commerce.

20 ~~K.~~ J. In addition to those taxes or fees imposed by the
21 Oklahoma Vehicle License and Registration Act, the same or
22 substantially the same type or category of tax or fee may be imposed
23 upon an out-of-state resident as is imposed upon residents of
24 Oklahoma for the same or substantially similar use of a vehicle in

1 such other state in the amount, or approximate total amount, of any
2 fee or tax, including property, motor fuel, excise, sales, use or
3 mileage tax required by the laws of such other state to be paid by a
4 resident of this state making the same or similar use of a like
5 vehicle in such state.

6 The Corporation Commission shall have the authority to
7 promulgate rules which provide procedures for implementation of
8 comparable regulatory fees and taxes for vehicles used in this state
9 by residents of other states.

10 Any revenue derived from this subsection shall be apportioned in
11 the same manner as provided in Section 1104 of this title.

12 It is the intention of the Legislature that the motor vehicle
13 registration and licensing fees assessed against residents of other
14 states operating similar vehicles in Oklahoma be comparably the same
15 as the motor vehicle registration and licensing fees assessed
16 against residents of Oklahoma operating a similar vehicle for a
17 similar purpose in such other state; and that the Corporation
18 Commission diligently monitor the motor vehicle registration and
19 licensing fees assessed against residents of Oklahoma by other
20 states and to provide for uniform treatment of Oklahoma residents
21 operating vehicles in other states and for residents of other states
22 operating vehicles in Oklahoma.

23 ~~L. The Corporation Commission shall assess a fee of Three~~
24 ~~Dollars (\$3.00) to process an amended registration filed under the~~

1 ~~International Registration Plan to add a jurisdiction to an existing~~
2 ~~registration under the plan. The collection and payment of the fee~~
3 ~~shall be a prerequisite to amending the registration. All revenue~~
4 ~~derived pursuant to the provisions of this subsection shall be~~
5 ~~apportioned and distributed as provided for in Section 1104 of this~~
6 ~~title.~~

7 SECTION 3. AMENDATORY Section 3, Chapter 262, O.S.L.
8 2012 (47 O.S. Supp. 2015, Section 1202), is amended to read as
9 follows:

10 Section 1202. A. The Department of Transportation, the
11 Oklahoma Turnpike Authority and the Corporation Commission may enter
12 into interagency agreements concerning the equipment, maintenance
13 and operations of fixed facilities.

14 B. The Department of Transportation, the Authority and the
15 Commission shall endeavor to electronically upgrade weigh stations
16 as practical to minimize the duplication of inspections for
17 compliant commercial motor vehicles and motor carriers.

18 C. The Commission shall operate all current and future ports of
19 entry weigh stations twenty-four (24) hours a day and seven (7) days
20 a week upon the availability of funds.

21 D. The Commission shall continue to conduct roadside
22 enforcement in the general area where a fixed facility is planned
23 but no fixed facility currently exists until a fixed facility is
24 located in the general area or July 1, 2016, whichever is earlier.

1 E. When a fixed facility is located in the general area,
2 Commission motor carrier and commercial motor vehicle enforcement
3 shall be limited to the fixed facility and a ~~seven-mile~~ radius ~~of~~
4 surrounding the facility. If the fixed facility is a weigh station
5 as defined in Section 1201 of this title, the applicable radius
6 shall be seven (7) miles. If the fixed facility is a port of entry
7 weigh station as defined in Section 1201 of this title, the
8 applicable radius shall be twenty-five (25) miles.

9 F. The Commission may assist in roadside enforcement in a joint
10 effort at the request of the Oklahoma Highway Patrol.

11 G. The Commission is authorized to conduct audits, reviews,
12 investigations, inspections or other enforcement actions by
13 enforcement officers provided those activities are within the scope
14 of the Commission's jurisdiction and are not conducted as roadside
15 enforcement in accordance with the provisions of the Oklahoma Weigh
16 Station Act of 2012.

17 H. The Commission may enter into interagency cooperative
18 agreements with other state or federal agencies to jointly enforce
19 federal and state laws or rules.

20 I. North American Standard Inspections shall be conducted only
21 by individuals holding certification in the level or classification
22 of inspection being conducted.

23 SECTION 4. This act shall become effective July 1, 2016.

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