

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1318 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Leslie Osborn \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 PROPOSED  
4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 1318

By: Stanislawski of the Senate

and

Osborn of the House

7  
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9  
10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; amending 47 O.S.  
12 2011, Section 1106, which relates to revocation of  
13 title; adding authority to revoke or suspend certain  
14 license plates; amending 47 O.S. 2011, Section 1120,  
15 which relates to proportional registration; removing  
16 certain mileage reporting standard; modifying certain  
17 fleet registration credit; deleting language;  
18 amending Section 3, Chapter 262, O.S.L. 2012 (47 O.S.  
19 Supp. 2015, Section 1202), which relates to the  
20 operation of weigh stations; modifying certain radii  
21 of enforcement based on criteria; providing an  
22 effective date; and declaring an emergency.

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

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

Section 1106. A. 1. If the Oklahoma Tax Commission shall  
determine at any time that an applicant for a certificate of title

1 of a vehicle is not entitled thereto, it may refuse to issue such  
2 certificate or to register such vehicle.

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

8 B. 1. The Oklahoma Tax Commission may refuse registration and  
9 issuance of a certificate of title of a commercial motor vehicle, or  
10 any transfer of title and registration of a commercial motor  
11 vehicle, to a commercial motor carrier whose ability to operate has  
12 been terminated or denied by a federal agency.

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

18 C. The Corporation Commission may revoke, suspend or deny  
19 registration of and/or issuance of license plates for a commercial  
20 motor vehicle licensed pursuant to the jurisdiction of the  
21 Corporation Commission and whose ability to operate has been  
22 terminated or denied by a state or federal agency.

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

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

14 B. The Corporation Commission shall require that such  
15 proportional registration be based on the percentage of miles  
16 actually operated by such vehicles or fleets of vehicles in the  
17 State of Oklahoma in the reporting period in proportion to the total  
18 fleet miles operated both within and without Oklahoma. ~~If the~~  
19 ~~registrant did not incur mileage for at least ninety (90) days of~~  
20 ~~the reporting period, the Corporation Commission may accept the~~  
21 ~~mileage from the preceding mileage reporting period.~~ If the  
22 registrant did not incur mileage during the preceding reporting  
23 period, the registrant shall estimate pay fees for its future  
24 operations in accordance with the International Registration Plan.

1 Such percentage figure, so determined by the Corporation Commission,  
2 shall be the Oklahoma mileage factor. In computing the taxes under  
3 the foregoing formula, the Corporation Commission shall first  
4 compute the license fees for the entire fleet and then multiply the  
5 amount by the Oklahoma mileage factor on a dollar basis.

6 C. Upon receipt of the Oklahoma license and registration tax,  
7 which shall be paid by cash and/or certified funds, as computed  
8 under the provisions of the Oklahoma Vehicle License and  
9 Registration Act, the Corporation Commission shall register all such  
10 fleet vehicles, and shall issue a license plate, cab card or decal  
11 for each of such vehicles identifying it as part of an interstate  
12 fleet. The Corporation Commission may, upon satisfactory review of  
13 the payment history of an applicant, waive the requirement for  
14 payment in cash or certified funds.

15 D. Vehicles so registered on a prorated basis shall be  
16 considered fully licensed in Oklahoma and shall be exempt from all  
17 further registration or license fees under the provisions of the  
18 Oklahoma Vehicle License and Registration Act; provided that such  
19 fleet vehicles are proportionally licensed in some other state,  
20 territory or possession of the United States or some foreign  
21 province, state or country with which the Corporation Commission has  
22 entered into a prorationing compact or agreement.

23 If a vehicle is permanently withdrawn from a proportionally  
24 registered fleet and a replacement vehicle is added to the fleet in

1 the same calendar month, the replacement vehicle shall be considered  
2 fully registered as provided in Section 1133 of this title and  
3 Section 14-109 of this title, if the replacement vehicle is  
4 registered for a weight equal to or less than the vehicle  
5 permanently withdrawn, or if additional registration fees are paid  
6 when the replacement vehicle is registered for a weight greater than  
7 the vehicle withdrawn. If a vehicle is permanently withdrawn from a  
8 proportionally registered fleet and is not replaced by another  
9 vehicle in the same calendar month, credit shall be allowed as  
10 otherwise provided in this section.

11 E. Vehicles subsequently added to a proportionally registered  
12 fleet after commencement of the registration year shall be  
13 proportionally registered by applying the mileage percentage used in  
14 the original application for such fleet for such registration period  
15 to the regular registration fees due with respect to such vehicle  
16 for the remainder of the registration year.

17 F. If a vehicle is permanently withdrawn from a proportionally  
18 registered fleet because it has been destroyed, sold or otherwise  
19 completely removed from service, credit shall be allowed. Such  
20 credit shall be a sum equal to the amount paid with respect to such  
21 vehicle when it was first proportionally registered in the  
22 registration year, reduced by those months elapsing since the  
23 beginning of the registration year. The credit may be applied  
24 against subsequent additions to the fleet, with the exception of

1 vehicles removed from a renewal fleet and later added back to the  
2 same fleet, to be prorated or for other additional registration fees  
3 assessed. In no event shall credit be allowed for fees beyond such  
4 registration year, nor shall any such amount be subject to refund.  
5 Provided, further, that vehicles removed from a prorated fleet or  
6 sold to a nonprorated fleet for operation in Oklahoma shall be  
7 registered in Oklahoma for the remaining portion of the year.

8 G. ~~Mileage proportions for interstate fleets not operated in~~  
9 ~~this state during the preceding year will be determined by the~~  
10 ~~Corporation Commission on the basis of the operations of the fleet~~  
11 ~~the preceding year in other states plus the estimated operation in~~  
12 ~~Oklahoma, or, if no operations were conducted the previous year, a~~  
13 ~~full statement of the proposed method of operation. In the absence~~  
14 ~~of a full statement of the proposed method of operation, the~~  
15 ~~Corporation Commission shall require the applicant to utilize an~~  
16 ~~estimated mileage chart provided by the Corporation Commission.~~

17 H. The records of total mileage operated in all states upon  
18 which the application is made for a period of three (3) years  
19 following the year upon which the application is based shall be  
20 preserved. Upon request of the Corporation Commission, such records  
21 shall be made available for audit as to accuracy of computation and  
22 payments. The Corporation Commission may enter into agreements with  
23 agencies of other states administering motor vehicle registration  
24 laws for joint audits of any such records.

1       ~~F.~~ H. The Corporation Commission may enter into compacts or  
2 agreements with other states or other countries or subdivisions of  
3 such countries allowing reciprocal privileges to vehicles based in  
4 such other states and operating in interstate commerce if the  
5 vehicles are properly registered therein.

6       ~~G.~~ I. Interchanged vehicles properly registered in another  
7 state may be granted reciprocal privileges when engaged in a  
8 continuous movement in interstate commerce, but must register in  
9 this state if used in intrastate commerce.

10       ~~K.~~ J. In addition to those taxes or fees imposed by the  
11 Oklahoma Vehicle License and Registration Act, the same or  
12 substantially the same type or category of tax or fee may be imposed  
13 upon an out-of-state resident as is imposed upon residents of  
14 Oklahoma for the same or substantially similar use of a vehicle in  
15 such other state in the amount, or approximate total amount, of any  
16 fee or tax, including property, motor fuel, excise, sales, use or  
17 mileage tax required by the laws of such other state to be paid by a  
18 resident of this state making the same or similar use of a like  
19 vehicle in such state.

20       The Corporation Commission shall have the authority to  
21 promulgate rules which provide procedures for implementation of  
22 comparable regulatory fees and taxes for vehicles used in this state  
23 by residents of other states.

24

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

3 It is the intention of the Legislature that the motor vehicle  
4 registration and licensing fees assessed against residents of other  
5 states operating similar vehicles in Oklahoma be comparably the same  
6 as the motor vehicle registration and licensing fees assessed  
7 against residents of Oklahoma operating a similar vehicle for a  
8 similar purpose in such other state; and that the Corporation  
9 Commission diligently monitor the motor vehicle registration and  
10 licensing fees assessed against residents of Oklahoma by other  
11 states and to provide for uniform treatment of Oklahoma residents  
12 operating vehicles in other states and for residents of other states  
13 operating vehicles in Oklahoma.

14 ~~L. The Corporation Commission shall assess a fee of Three~~  
15 ~~Dollars (\$3.00) to process an amended registration filed under the~~  
16 ~~International Registration Plan to add a jurisdiction to an existing~~  
17 ~~registration under the plan. The collection and payment of the fee~~  
18 ~~shall be a prerequisite to amending the registration. All revenue~~  
19 ~~derived pursuant to the provisions of this subsection shall be~~  
20 ~~apportioned and distributed as provided for in Section 1104 of this~~  
21 ~~title.~~

22 SECTION 3. AMENDATORY Section 3, Chapter 262, O.S.L.  
23 2012 (47 O.S. Supp. 2015, Section 1202), is amended to read as  
24 follows:

1 Section 1202. A. The Department of Transportation, the  
2 Oklahoma Turnpike Authority and the Corporation Commission may enter  
3 into interagency agreements concerning the equipment, maintenance  
4 and operations of fixed facilities.

5 B. The Department of Transportation, the Authority and the  
6 Commission shall endeavor to electronically upgrade weigh stations  
7 as practical to minimize the duplication of inspections for  
8 compliant commercial motor vehicles and motor carriers.

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

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

16 E. When a fixed facility is located in the general area,  
17 Commission motor carrier and commercial motor vehicle enforcement  
18 shall be limited to the fixed facility and a ~~seven-mile~~ radius ~~of~~  
19 surrounding the facility. If the fixed facility is a weigh station  
20 as defined in Section 1201 of this title, the applicable radius  
21 shall be seven (7) miles. If the fixed facility is a port of entry  
22 weigh station as defined in Section 1201 of this title, the  
23 applicable radius shall be twenty-five (25) miles.  
24

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

3 G. The Commission is authorized to conduct audits, reviews,  
4 investigations, inspections or other enforcement actions by  
5 enforcement officers provided those activities are within the scope  
6 of the Commission's jurisdiction and are not conducted as roadside  
7 enforcement in accordance with the provisions of the Oklahoma Weigh  
8 Station Act of 2012.

9 H. The Commission may enter into interagency cooperative  
10 agreements with other state or federal agencies to jointly enforce  
11 federal and state laws or rules.

12 I. North American Standard Inspections shall be conducted only  
13 by individuals holding certification in the level or classification  
14 of inspection being conducted.

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

16 SECTION 5. It being immediately necessary for the preservation  
17 of the public peace, health and safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

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21 55-2-9697 JM 04/01/16

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