ENGROSSED SENATE
BILL NO. 1318 By: Stanislawski of the Senate

and

Osborn of the House

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 1106, which relates to revocation of title; adding authority to revoke or suspend certain license plates; amending 47 O.S. 2011, Section 1120, which relates to proportional registration; removing certain mileage reporting standard; modifying certain fleet registration credit; deleting language; amending Section 3, Chapter 262, O.S.L. 2012 (47 O.S. Supp. 2015, Section 1202), which relates to the operation of weigh stations; modifying certain radius of enforcement; providing an effective date; and declaring an emergency.

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

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

2. The Oklahoma Tax Commission may for a similar reason, after ten (10) days' notice and a hearing, revoke the registration and the certificate of title already acquired on any outstanding certificate

of title. Said notice may be served in person or by registered mail.

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

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

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

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

Section 1120. A. The Corporation Commission may, when in the interest of the State of Oklahoma and its residents, enter into the International Registration Plan or other compacts or agreements with other states to permit motor vehicle registration and license taxes on any truck, bus, or truck-tractor on a proportional basis

commensurate with the use of Oklahoma highways. Proportional registration under such plans may be permitted for vehicles engaged in interstate commerce or combined interstate and intrastate commerce. Any action taken by the Oklahoma Tax Commission with respect to the International Registration Plan or other such compacts or agreements prior to July 1, 2004 shall remain in effect unless altered by the Corporation Commission pursuant to its authority to do so after the effective date of this act.

B. The Corporation Commission shall require that such proportional registration be based on the percentage of miles actually operated by such vehicles or fleets of vehicles in the State of Oklahoma in the reporting period in proportion to the total fleet miles operated both within and without Oklahoma. ~~If the registrant did not incur mileage for at least ninety (90) days of the reporting period, the Corporation Commission may accept the mileage from the preceding mileage reporting period.~~ If the registrant did not incur mileage during the preceding reporting period, the registrant shall ~~estimate~~ pay fees for its future operations in accordance with the International Registration Plan. Such percentage figure, so determined by the Corporation Commission, shall be the Oklahoma mileage factor. In computing the taxes under the foregoing formula, the Corporation Commission shall first compute the license fees for the entire fleet and then multiply the amount by the Oklahoma mileage factor on a dollar basis.

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

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

If a vehicle is permanently withdrawn from a proportionally registered fleet and a replacement vehicle is added to the fleet in the same calendar month, the replacement vehicle shall be considered fully registered as provided in Section 1133 of this title and Section 14-109 of this title, if the replacement vehicle is registered for a weight equal to or less than the vehicle permanently withdrawn, or if additional registration fees are paid

when the replacement vehicle is registered for a weight greater than the vehicle withdrawn. If a vehicle is permanently withdrawn from a proportionally registered fleet and is not replaced by another vehicle in the same calendar month, credit shall be allowed as otherwise provided in this section.

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

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

sold to a nonprorated fleet for operation in Oklahoma shall be registered in Oklahoma for the remaining portion of the year.

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

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

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

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

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

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

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

It is the intention of the Legislature that the motor vehicle registration and licensing fees assessed against residents of other states operating similar vehicles in Oklahoma be comparably the same as the motor vehicle registration and licensing fees assessed

against residents of Oklahoma operating a similar vehicle for a similar purpose in such other state; and that the Corporation Commission diligently monitor the motor vehicle registration and licensing fees assessed against residents of Oklahoma by other states and to provide for uniform treatment of Oklahoma residents operating vehicles in other states and for residents of other states operating vehicles in Oklahoma.

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

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

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

B. The Department of Transportation, the Authority and the Commission shall endeavor to electronically upgrade weigh stations

as practical to minimize the duplication of inspections for compliant commercial motor vehicles and motor carriers.

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

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

E. When a fixed facility is located in the general area, Commission motor carrier and commercial motor vehicle enforcement shall be limited to the fixed facility and a ~~seven-mile~~ twenty-five mile radius of the facility.

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

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

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

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

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

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

Passed the Senate the 7th day of March, 2016.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2016.

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Presiding Officer of the House of Representatives