

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2741

By: Condit

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Sections 1113 and 1132, as amended by Section
9 2, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2015,
10 Section 1132), which relate to vehicle registration;
11 clarifying language; prohibiting the transfer of
12 license plates; requiring the removal and retention
13 of license plates in certain circumstance; requiring
14 registration, requiring certain fee; providing credit
15 against certain fee; providing for calculation of
16 credit amount; and providing an effective date.

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

18 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1113, is
19 amended to read as follows:

20 Section 1113. A. 1. Except for all-terrain vehicles, utility
21 vehicles and motorcycles used exclusively off roads and highways,
22 upon the filing of a registration application and the payment of the
23 fees provided for in the Oklahoma Vehicle License and Registration
24 Act, the Oklahoma Tax Commission or Corporation Commission, as
applicable, shall assign to the vehicle described in the application
a distinctive number, and issue to the owner of the vehicle a

1 certificate of registration, one license plate as needed, and a
2 yearly decal as needed. The Oklahoma Tax Commission shall assign an
3 all-terrain vehicle, utility vehicle or motorcycle used exclusively
4 off roads and highways a distinctive number and issue to the owner a
5 certificate of registration and a decal but not a license plate.
6 For each subsequent registration year, the Tax Commission shall
7 issue a yearly decal to be affixed to the license plate, except for
8 an all-terrain vehicle, utility vehicle or motorcycle used
9 exclusively off roads and highways. The initial decal for an all-
10 terrain vehicle, utility vehicle or motorcycle shall be attached to
11 the front of the vehicle and shall be in clear view. The decal
12 shall be on the front or on the front fork of the motorcycle used
13 exclusively off roads and highways and the decal shall be in clear
14 view. The yearly decal shall have an identification number and the
15 last two numbers of the registration year for which it shall expire.
16 Except as provided by Section 1113A of this title, the license plate
17 shall be affixed to the exterior of the vehicle until a replacement
18 license plate is applied for; however, the license plate shall not
19 be transferred to any other person but shall be removed from the
20 vehicle upon transfer of ownership and retained. The retained
21 license plate may then be used on a subsequent vehicle but only
22 after such vehicle has been registered. If the owner applies for a
23 new or replacement license plate, the Tax Commission shall charge
24 the fee provided for in Section 1114 of this title. The yearly

1 decal will validate the license plate for each registration period
2 other than the year the license plate is issued. The license plate
3 and decal shall be of such size, color, design and numbering as the
4 Tax Commission may direct. However, yearly decals issued to the
5 owner of a vehicle who has filed an affidavit with the appropriate
6 motor license agent in accordance with Section 7-607 of this title
7 shall be a separate and distinct color from all other decals issued
8 under this section. The Tax Commission shall also issue a monthly
9 decal which shall include a two-letter abbreviation corresponding to
10 the county in which the vehicle is registered. The Tax Commission
11 is hereby directed to develop the decal design to incorporate these
12 requirements in a manner that will permit county abbreviation to be
13 readily identified. The Tax Commission shall develop a unique two-
14 letter abbreviation for each county to be used on the decals. The
15 Tax Commission shall issue all decals in the possession of the Tax
16 Commission on January 1, 2010, prior to issuing any of the county
17 abbreviation decals created pursuant to this paragraph.

18 2. The license plate shall be securely attached to the rear of
19 the vehicle, except truck-tractor plates which shall be attached to
20 the front of the vehicle. The Tax Commission may, with the
21 concurrence of the Department of Public Safety, by Joint Rule,
22 change and direct the manner, place and location of display of any
23 vehicle license plate when such action is deemed in the public
24 interest. The license plate, decal and all letters and numbers

1 shall be clearly visible at all times. The operation of a vehicle
2 in this state, regardless of where such vehicle is registered, upon
3 which the license plate is covered, overlaid or otherwise screened
4 with any material, whether such material be clear, translucent,
5 tinted or opaque, shall be a violation of this paragraph.

6 3. Upon payment of the annual registration fee provided in
7 Section 1133 of this title, the Tax Commission or Corporation
8 Commission, as applicable, or a motor license agent may issue a
9 permanent nonexpiring license plate to an owner of one hundred or
10 more commercial motor vehicles and for vehicles registered under the
11 provisions of Section 1120 of this title. Upon payment of the
12 annual registration fee, the Tax Commission or Corporation
13 Commission shall issue a certificate of registration that shall be
14 carried at all times in the vehicle for which it is issued.
15 Provided, if the registrant submits its application through
16 electronic means, such qualified owners of one hundred or more
17 commercial motor vehicles, properly registered pursuant to the
18 provisions of Section 1133 of this title, may elect to receive a
19 permanent certificate of registration that shall be carried at all
20 times in the vehicle for which it is issued.

21 4. Every vehicle owned by an agency of this state shall be
22 exempt from the payment of registration fees required by this title.
23 Provided, such vehicle shall be registered and shall otherwise
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1 comply with the provisions of the Oklahoma Vehicle License and
2 Registration Act.

3 B. The license plates required under the provisions of this
4 title shall conform to the requirements and specifications listed
5 hereinafter:

6 1. Each license plate shall have a space for the placement of
7 the yearly decals for each succeeding year of registration after the
8 initial issue;

9 2. The provisions of the Oklahoma Vehicle License and
10 Registration Act regarding the issuance of yearly decals shall not
11 apply to the issuance of apportioned license plates, including
12 license plates for state vehicles, and exempt plates for
13 governmental entities and fire departments organized pursuant to
14 Section 592 of Title 18 of the Oklahoma Statutes;

15 3. Within the limits herein prescribed the Tax Commission shall
16 redesign the official vehicle license plates which currently bear
17 the legend "Oklahoma OK" or "Oklahoma is OK!" and substitute
18 therefor the legend "Oklahoma Native America" as further described
19 in this paragraph. Except for personalized license plates and
20 license plates issued for motorcycles and mopeds, the emblem on the
21 state flag of Oklahoma as provided for in Section 91 of Title 25 of
22 the Oklahoma Statutes shall be a part of all license plates issued
23 after December 31, 1988. The Tax Commission may continue to issue
24 license plates with the legend "Oklahoma is OK!" or "Oklahoma OK"

1 until any inventory of such license plates is depleted but the Tax
2 Commission shall not produce or cause to be produced any additional
3 license plates with these legends. Except for personalized license
4 plates, license plates issued for commercial vehicles, and license
5 plates issued for motorcycles and mopeds, the "Oklahoma Native
6 America" emblem shall be a part of all license plates issued after
7 December 31, 1993. The specifications for lettering style and
8 appearance for the legend "Oklahoma Native America" shall be
9 provided to the Tax Commission by the Oklahoma Tourism and
10 Recreation Department. All license plates and decals shall be made
11 with reflectorized material as a background to the letters, numbers
12 and characters displayed thereon. The reflectorized material shall
13 be of such a nature as to provide effective and dependable
14 brightness during the service period for which the license plate or
15 decal is issued;

16 4. Except as otherwise provided in this subsection, the Tax
17 Commission shall design appropriate official license plates for all
18 state vehicles. Such license plates shall be permanent in nature
19 and designed in such manner as to remain with the vehicle for the
20 duration of the vehicle's life span or until the title is
21 transferred to a nongovernmental owner;

22 5. Within the limits prescribed in this section, the Tax
23 Commission shall design appropriate official license plates for
24 vehicles of the Oklahoma Highway Patrol. The license plates shall

1 have the legend "Oklahoma OK" and shall contain the letters "OHP"
2 followed by the state seal and the badge number of the Highway
3 Patrol officer to whom the vehicle is assigned. The words "Oklahoma
4 Highway Patrol" shall also be included on such license plates;

5 6. Within the limits prescribed in this section, the Tax
6 Commission shall design appropriate official license plates for
7 vehicles of the Oklahoma Military Department. Such license plates
8 shall have the legend "Oklahoma OK" and shall contain the letters
9 "OMD" followed by the state seal and three numbers or letters as
10 designated by the Adjutant General. The words "Oklahoma Military
11 Department" shall also be included on such license plates; and

12 7. Within the limits prescribed in this section, the Oklahoma
13 Tourism and Recreation Department shall design any license plates
14 required by the initiation of a license plate reissuance by the
15 Oklahoma Tax Commission at the request of the Department of Public
16 Safety pursuant to the provisions of Section 1 of this act. Any
17 such new designs shall be submitted by the Oklahoma Tourism and
18 Recreation Department to the Department of Public Safety for its
19 approval prior to being issued by the Oklahoma Tax Commission.

20 C. Where the applicant has satisfactorily shown that the
21 applicant owns the vehicle sought to be registered but is unable to
22 produce documentary evidence of the ownership, a license plate may
23 be issued upon approval by the Tax Commission or Corporation
24 Commission, as applicable. In such instances the reason for not

1 issuing a certificate of title shall be indicated on the receipt
2 given to the applicant. It shall still be the duty of the applicant
3 to immediately take all necessary steps to obtain the Oklahoma
4 certificate of title and it shall be unlawful for the applicant to
5 sell the vehicle until the certificate has been obtained in the
6 applicant's name.

7 D. The certificate of registration provided for in this section
8 shall be in convenient form, and the certificate of registration, or
9 a certified copy or photostatic copy thereof, duly authenticated by
10 the Tax Commission or Corporation Commission, as applicable, shall
11 be carried at all times in or upon commercial vehicles so
12 registered, in such manner as to permit a ready examination thereof
13 upon demand by any peace officer of the state or duly authorized
14 employee of the Department of Public Safety. Any such officer or
15 agent may seize and hold such commercial vehicle when the operator
16 of the same does not have the registration certificate in the
17 operator's possession or when any such officer or agent determines
18 that the registration certificate has been obtained by
19 misrepresentation of any essential or material fact or when any
20 number or identifying information appearing on such certificate has
21 been changed, altered, obliterated or concealed in any way, until
22 the proper registration or identification of such vehicle has been
23 made or produced by the owner thereof.

1 E. The purchaser of a new or used manufactured home shall,
2 within thirty (30) days of the date of purchase, register the home
3 with the Tax Commission or a motor license agent pursuant to the
4 provisions of Section 1117 of this title. For a new manufactured
5 home, it shall be the responsibility of the dealer selling the home
6 to place a temporary license plate on the home in the same manner as
7 provided in Section 1128 of this title for other new motor vehicles.
8 For the first year that any manufactured home is registered in this
9 state, the Tax Commission shall issue a metal license plate which
10 shall be affixed to the manufactured home. The temporary dealer
11 license plate or the metal license plate shall be displayed on the
12 manufactured home at all times when upon a public roadway; provided,
13 a repossession affidavit issued pursuant to Sections 1110 and 1126
14 of this title shall be permissible in lieu of a current license
15 plate and decal for the purposes of removing a repossessed
16 manufactured home to a secure location. Manufactured homes
17 previously registered and subject to ad valorem taxation as provided
18 by law shall have a decal affixed at the time ad valorem taxes are
19 paid for such manufactured home; provided, for a manufactured home
20 permanently affixed to real estate, no decal or license plate shall
21 be required to be affixed and the owner thereof shall be given a
22 receipt upon payment of ad valorem taxes due on the home. The Tax
23 Commission shall make sufficient plates and decals available to the
24 various motor license agents of the state in order for an owner of a

1 manufactured home to acquire the plate or decal. A one-dollar fee
2 shall be charged for issuance of any plate or decal. The fee shall
3 be apportioned each month to the General Revenue Fund of the State
4 Treasury.

5 F. The decal shall be easily visible for purposes of
6 verification by a county assessor that the manufactured home is
7 properly assessed for ad valorem taxation. In the first year of
8 registration, a decal shall be issued for placement on the license
9 plate indicating payment of applicable registration fees and excise
10 taxes. A duplicate manufactured home registration decal shall be
11 affixed inside the window nearest the front door of the manufactured
12 home. In the second and all subsequent years for which the
13 manufactured home is subject to ad valorem taxation, an annual decal
14 shall be affixed inside the window nearest the front door as
15 evidence of payment of ad valorem taxes. The Tax Commission shall
16 issue decals to the various county treasurers of the state in order
17 for a manufactured home owner to obtain such decal each year. Upon
18 presentation of a valid ad valorem tax receipt, the manufactured
19 home owner shall be issued the annual decal.

20 G. Upon the registration of a manufactured home in this state
21 for the first time or upon discovery of a manufactured home
22 previously registered within this state for which the information
23 required by this subsection is not known, the Tax Commission shall
24 obtain:

- 1 1. The name of the owner of the manufactured home;
- 2 2. The serial number or identification number of the
3 manufactured home;
- 4 3. A legal description or address of the location for the home;
- 5 4. The actual retail selling price of the manufactured home
6 excluding Oklahoma taxes;
- 7 5. The certificate of title number for the home; and
- 8 6. Any other information which the Tax Commission deems to be
9 necessary.

10 The application for registration shall also include the school
11 district in which the manufactured home is located or is to be
12 located. The information shall be entered into a computer data
13 system which shall be used by the Tax Commission to provide
14 information to county assessors upon request by the assessor. The
15 assessor may request any information from the system in order to
16 properly assess a manufactured home for ad valorem taxation.

17 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1132, as
18 amended by Section 2, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2015,
19 Section 1132), is amended to read as follows:

20 Section 1132. A. For all vehicles, unless otherwise
21 specifically provided by the Oklahoma Vehicle License and
22 Registration Act, a registration fee shall be assessed at the time
23 of initial registration by the owner and annually thereafter, for
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1 the use of the avenues of public access within this state in the
2 following amounts:

3 1. For the first through the fourth year of registration in
4 this state or any other state, Eighty-five Dollars (\$85.00);

5 2. For the fifth through the eighth year of registration in
6 this state or any other state, Seventy-five Dollars (\$75.00);

7 3. For the ninth through the twelfth year of registration in
8 this state or any other state, Fifty-five Dollars (\$55.00);

9 4. For the thirteenth through the sixteenth year of
10 registration in this state or any other state, Thirty-five Dollars
11 (\$35.00); and

12 5. For the seventeenth and any following year of registration
13 in this state or any other state, Fifteen Dollars (\$15.00).

14 The registration fee provided for in this subsection shall be in
15 lieu of all other taxes, general or local, unless otherwise
16 specifically provided.

17 B. For all-terrain vehicles and motorcycles used exclusively
18 for use off roads or highways purchased on or after July 1, 2005,
19 and for all-terrain vehicles and motorcycles used exclusively for
20 use off roads or highways purchased prior to July 1, 2005, which the
21 owner chooses to register pursuant to the provisions of Section
22 1115.3 of this title, an initial and nonrecurring registration fee
23 of Eleven Dollars (\$11.00) shall be assessed at the time of initial
24 registration by the owner. Nine Dollars (\$9.00) of the registration

1 fee shall be deposited in the Oklahoma Tax Commission Reimbursement
2 Fund. Two Dollars (\$2.00) of the registration fee shall be retained
3 by the motor license agent. The fees required by subsection A of
4 this section shall not be required for all-terrain vehicles or
5 motorcycles used exclusively off roads and highways.

6 C. For utility vehicles used exclusively for use off roads or
7 highways purchased on or after July 1, 2008, and for utility
8 vehicles used exclusively for use off roads or highways purchased
9 prior to July 1, 2008, which the owner chooses to register pursuant
10 to the provisions of Section 1115.3 of this title, an initial and
11 nonrecurring registration fee of Eleven Dollars (\$11.00) shall be
12 assessed at the time of initial registration by the owner. Nine
13 Dollars (\$9.00) of the registration fee shall be deposited in the
14 Oklahoma Tax Commission Reimbursement Fund. Two Dollars (\$2.00) of
15 the registration fee shall be retained by the motor license agent.
16 The fees required by subsection A of this section shall not be
17 required for utility vehicles used exclusively off roads and
18 highways.

19 D. There shall be a credit allowed with respect to the fee for
20 registration of a new vehicle which is a replacement for:

21 1. A new original vehicle which is stolen from the
22 purchaser/registrant within ninety (90) days of the date of purchase
23 of the original vehicle as certified by a police report or other
24 documentation as required by the Oklahoma Tax Commission; or

1 2. A defective new original vehicle returned by the
2 purchaser/registrant to the seller within six (6) months of the date
3 of purchase of the defective new original vehicle as certified by
4 the manufacturer.

5 The credit shall be in the amount of the fee for registration
6 which was paid for the new original vehicle and shall be applied to
7 the registration fee for the replacement vehicle. In no event will
8 the credit be refunded.

9 E. Upon every transfer or change of ownership of a vehicle,
10 ~~the~~ the:

11 1. The new owner shall obtain title for and, except in the case
12 of salvage vehicles and manufactured homes, register the vehicle
13 within thirty (30) days of change of ownership and pay a transfer
14 fee of Fifteen Dollars (\$15.00) in addition to any other fees
15 provided for in this act. ~~No~~ A new license plate and a yearly decal
16 shall be issued to the registrant. Thereafter, the owner shall
17 register the vehicle annually on the anniversary date of its initial
18 registration in this state and shall pay the fees provided in
19 subsection A of this section and receive a decal evidencing such
20 payment; and

21 2. The transferor shall retain the license plate as required by
22 section 1113 of this title. In the event the retained license plate
23 is used in conjunction with the registration of a subsequent vehicle
24 a credit shall be allowed with respect to the fee for registration

1 of such vehicle in a sum equal to the amount paid for the previous
2 registration of the prior vehicle on which the license plate was
3 affixed, reduced by the months elapsing since the previous
4 registration.

5 Provided, used motor vehicle dealers shall be exempt from the
6 provisions of this section.

7 F. In the event a new or used vehicle is not registered, titled
8 and tagged within thirty (30) days from the date of transfer of
9 ownership, the penalty for the failure of the owner of the vehicle
10 to register the vehicle within thirty (30) days shall be One Dollar
11 (\$1.00) per day, provided that in no event shall the penalty exceed
12 One Hundred Dollars (\$100.00). No penalty shall be waived by the
13 Oklahoma Tax Commission or any motor license agent except as
14 provided in subsection C of Section 1127 of this title. Of each
15 dollar penalty collected pursuant to this subsection:

16 1. Twenty-one cents (\$0.21) shall be apportioned as provided in
17 Section 1104 of this title;

18 2. Twenty-one cents (\$0.21) shall be retained by the motor
19 license agent; and

20 3. Fifty-eight cents (\$0.58) shall be deposited in the General
21 Revenue Fund.

22 SECTION 3. This act shall become effective November 1, 2016.
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24 55-2-7973 JM 01/10/16