STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1461 By: David

AS INTRODUCED

An Act relating to motor vehicle taxes and fees; amending 47 O.S. 2011, Section 1135.7, which relates to special license plates; modifying certain requirement for administratively-created special license plates; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1135.7, is amended to read as follows:

Section 1135.7. A. ~~Beginning January 1, 2006, the~~ The Oklahoma Tax Commission is authorized to design and issue special license plates to any person that applies to the Tax Commission for the creation of a special license plate and meets the minimum standards and qualifications specified in this section.

B. If the following standards and guidelines are satisfied, the Tax Commission shall issue a special license plate to the person making application for the special license plate:

1. The license plate is to:

a. show membership in or affiliation with an organization, or

b. demonstrate support for an organization, group or cause;

2. The license plate does not advertise or endorse a product, brand, or service that is provided for sale;

3. The license plate does not promote any philosophy based on prejudice or that is contrary to state civil rights laws; and

4. Five hundred prepaid applications for the special license plate are received by the Tax Commission; provided, one hundred prepaid applications shall be required for applications for a special license plate which is in support of a university alumni association.

C. The fee for special license plates that do not provide financial assistance shall be Fifteen Dollars ($15.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Unless otherwise provided in this section, the fee shall be apportioned as follows: Eight Dollars ($8.00) of the special license plate fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining Seven Dollars ($7.00) of the special license plate fee shall be apportioned as provided in Section 1104 of Title 47 of the Oklahoma Statutes.

D. The fee for special license plates that provide financial assistance shall be Thirty-five Dollars ($35.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as follows:

1. Twenty Dollars ($20.00) of the fee shall be apportioned to the License Plate Special Program Assistance Revolving Fund created in Section 7 of this act to be used in the manner detailed in the application for the special license plate;

2. Eight Dollars ($8.00) of the fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act; and

3. Seven Dollars ($7.00) of the fee shall be apportioned as provided in Section 1104 of Title 47 of the Oklahoma Statutes.

E. If a person applies for a special license plate that provides financial assistance, the application shall designate a state agency to be responsible for expending the funds generated by the special license plate and the application shall designate a specific public purpose for which the funds are to be used.

F. Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used

on another vehicle but only after such other vehicle has been registered for the current year.

Special license plates shall be renewed each year by the Tax Commission or a motor license agent. The Tax Commission shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system.

The Tax Commission is hereby directed to develop and implement a system whereby motor license agents are permitted to accept applications for special license plates authorized under this section. The motor license agent shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, motor license agents shall retain the fee provided in Section 1141.1 of Title 47 of the Oklahoma Statutes for registration of a motor vehicle. The motor license agent fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

G. All special plates issued by the Tax Commission prior to ~~the effective date of this act~~ November 1, 2005, shall not be subject to the requirements and qualifications outlined in this section.

H. As used in this section, “person” includes an individual, group, organization or not-for-profit corporation that is recognized as such by the Internal Revenue Service.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1104.28 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for the Kansas State University License Plate shall be deposited in the Kansas State University License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Office of Management and Enterprise Services to be designated the "Kansas State University License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Office of Management and Enterprise Services pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by the Office of Management and Enterprise Services for grants to the Kansas State University Alumni Association for the purpose of providing scholarships. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 3. This act shall become effective November 1, 2016.

55-2-2897 JCR 2/18/2016 6:57:20 PM