

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1136

 By: Fetgatter

5
6
7 AS INTRODUCED

8 An Act relating to motor vehicles; requiring the
9 registration and titling of High-mobility
10 Multipurpose Wheeled Vehicles; requiring the
11 promulgation of certain rules; authorizing operation
12 of High-mobility Multipurpose Wheeled Vehicles;
13 requiring compliance with certain regulations and
14 rules; amending 47 O.S. 2011, Section 1102, as last
15 amended by Section 1, Chapter 57, O.S.L. 2016 (47
16 O.S. Supp. 2020, Section 1102), which relates to
17 definitions used in the Oklahoma Vehicle License and
18 Registration Act; defining term; providing for
19 codification; and providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1151.5 of Title 47, unless there
23 is created a duplication in numbering, reads as follows:

24 A. High-mobility Multipurpose Wheeled Vehicles (HMMWVs) shall
 be titled and registered pursuant to the provisions of the Oklahoma
 Vehicle License and Registration Act. The Oklahoma Tax Commission
 shall promulgate rules for the titling and registration of HMMWVs.

1 B. High-mobility Multipurpose Wheeled Vehicles (HMMWVs) which
2 have been titled and registered pursuant to the provisions of the
3 Oklahoma Vehicle License and Registration Act may be operated on the
4 roadways of this state. Operators of HMMWVs shall comply with all
5 traffic regulations and rules of conduct for the operation of motor
6 vehicles on the roadways of this state as provided by law.

7 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1102, as
8 last amended by Section 1, Chapter 57, O.S.L. 2016 (47 O.S. Supp.
9 2020, Section 1102), is amended to read as follows:

10 Section 1102. As used in the Oklahoma Vehicle License and
11 Registration Act:

12 1. "All-terrain vehicle" means a vehicle manufactured and used
13 exclusively for off-highway use traveling on four or more non-
14 highway tires, and being fifty (50) inches or less in width;

15 2. "Carrying capacity" means the carrying capacity of a vehicle
16 as determined or declared in tons of cargo or payload by the owner;
17 provided, that such declared capacity shall not be less than the
18 minimum tonnage capacity fixed, listed or advertised by the
19 manufacturer of any vehicle;

20 3. "Certificate of title" means a document which is proof of
21 legal ownership of a motor vehicle as described and provided for in
22 Section 1105 of this title;

23 4. "Chips and oil" or the term "road oil and crushed rock"
24 means, with respect to materials authorized for use in the surfacing

1 of roads or highways as provided for in this title or in any
2 equivalent statute pertaining to road or highway surfacing in the
3 State of Oklahoma, any asphaltic materials. Wherever chips and oil
4 or road oil and crushed rock are authorized for use in the surfacing
5 of roads or highways in this state, whether by the Department of
6 Transportation, or by the county commissioners, or other road
7 building authority subject to the Oklahoma Vehicle License and
8 Registration Act, asphaltic materials are also authorized for use in
9 such surfacing and construction;

10 5. "Combined laden weight" means the weight of a truck or
11 station wagon and its cargo or payload transported thereon, or the
12 weight of a truck or truck-tractor plus the weight of any trailers
13 or semitrailers together with the cargo or payload transported
14 thereon;

15 6. "Commercial trailer" means any trailer, as defined in
16 Section 1-180 of this title, or semitrailer, as defined in Section
17 1-162 of this title, when such trailer or semitrailer is used
18 primarily for business or commercial purposes;

19 7. "Commercial trailer dealer" means any person, firm or
20 corporation engaged in the business of selling any new and unused,
21 or used, or both new and used commercial trailers;

22 8. "Commercial vehicle" means any vehicle over eight thousand
23 (8,000) pounds combined laden weight used primarily for business or
24 commercial purposes. Each motor vehicle being registered pursuant

1 to the provisions of this section shall have the name of the
2 commercial establishment or the words "Commercial Vehicle"
3 permanently and prominently displayed upon the outside of the
4 vehicle in letters not less than two (2) inches high. Such letters
5 shall be in sharp contrast to the background and shall be of
6 sufficient shape and color as to be readily legible during daylight
7 hours, from a distance of fifty (50) feet while the vehicle is not
8 in motion;

9 9. "Commission" or "Tax Commission" means the Oklahoma Tax
10 Commission;

11 10. "Construction machinery" means machines or devices drawn as
12 trailers which are designed and used for construction, tree trimming
13 and waste maintenance projects, which derive no revenue from the
14 transportation of persons or property, whose use of the highway is
15 only incidental and which are not mounted or affixed to another
16 vehicle; provided, construction machinery shall not include
17 implements of husbandry as defined in Section 1-125 of this title;

18 11. "Dealer" means any person, firm, association, corporation
19 or trust who sells, solicits or advertises the sale of new and
20 unused motor vehicles and holds a bona fide contract or franchise in
21 effect with a manufacturer or distributor of a particular make of
22 new or unused motor vehicle or vehicles for the sale of same;

23 12. ~~"Mini-truck" means a foreign-manufactured import or~~
24 ~~domestic-manufactured vehicle powered by an internal combustion~~

1 ~~engine with a piston or rotor displacement of one thousand cubic~~
2 ~~centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches~~
3 ~~or less in width, with an unladen dry weight of three thousand four~~
4 ~~hundred (3,400) pounds or less, traveling on four or more tires,~~
5 ~~having a top speed of approximately fifty-five (55) miles per hour,~~
6 ~~equipped with a bed or compartment for hauling, and having an~~
7 ~~enclosed passenger cab; "High-mobility Multipurpose Wheeled Vehicle"~~
8 ~~or "HMMWV" means a four-wheel-drive tactical military vehicle that~~
9 ~~can carry a wide variety of military hardware, more commonly known~~
10 ~~as a Humvee;~~

11 13. "Interstate commerce" means any commerce moving between any
12 place in a state and any place in another state or between places in
13 the same state through another state;

14 14. "Laden weight" means the combined weight of a vehicle when
15 fully equipped for use and the cargo or payload transported thereon;
16 provided, that in no event shall the laden weight be less than the
17 unladen weight of the vehicle fully equipped for use, plus the
18 manufacturer's rated carrying capacity;

19 15. "Local authorities" means every county, municipality or
20 local board or body having authority to adopt police regulations
21 under the Constitution and laws of this state;

22 16. "Low-speed electrical vehicle" means any four-wheeled
23 electrical vehicle that is powered by an electric motor that draws
24 current from rechargeable storage batteries or other sources of

1 electrical current and whose top speed is greater than twenty (20)
2 miles per hour but not greater than twenty-five (25) miles per hour
3 and is manufactured in compliance with the National Highway Traffic
4 Safety Administration standards for low-speed vehicles in 49 C.F.R.
5 571.500;

6 17. "Manufactured home" means a residential dwelling built in
7 accordance with the National Manufactured Housing Construction and
8 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and
9 rules promulgated pursuant thereto and the rules promulgated by the
10 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section
11 582 of this title. Manufactured home shall not mean a park model
12 recreational vehicle as defined in this section;

13 18. "Manufactured home dealer" means any person, firm or
14 corporation engaged in the business of selling any new and unused,
15 or used, or both new and used manufactured homes. Such information
16 and a valid franchise letter as proof of authorization to sell any
17 such new manufactured home product line or lines shall be attached
18 to the application for a dealer license to sell manufactured homes.
19 ~~"Manufactured home dealer"~~ shall not include any person, firm or
20 corporation who sells or contracts for the sale of the dealer's own
21 personally titled manufactured home or homes. No person, firm or
22 corporation shall be considered a manufactured home dealer as to any
23 manufactured home purchased or acquired by such person, firm or
24 corporation for purposes other than resale; provided, that the

1 restriction set forth in this sentence shall not prevent an
2 otherwise qualified person, firm or corporation from utilizing a
3 single manufactured home as a sales office;

4 19. "Medium-speed electrical vehicle" means any self-propelled,
5 electrically powered four-wheeled motor vehicle, equipped with a
6 roll cage or crush-proof body design, whose speed attainable in one
7 (1) mile is more than thirty (30) miles per hour but not greater
8 than thirty-five (35) miles per hour;

9 20. "Mini-truck" means a foreign-manufactured import or
10 domestic-manufactured vehicle powered by an internal combustion
11 engine with a piston or rotor displacement of one thousand cubic
12 centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches
13 or less in width, with an unladen dry weight of three thousand four
14 hundred (3,400) pounds or less, traveling on four or more tires,
15 having a top speed of approximately fifty-five (55) miles per hour,
16 equipped with a bed or compartment for hauling, and having an
17 enclosed passenger cab;

18 21. "Motor license agent" means any person appointed,
19 designated or authorized by the Oklahoma Tax Commission to collect
20 the fees and to enforce the provisions provided for in the Oklahoma
21 Vehicle License and Registration Act;

22 ~~21.~~ 22. "New vehicle" or "unused vehicle" means a vehicle which
23 has been in the possession of the manufacturer, distributor or
24

1 wholesaler or has been sold only by the manufacturer, distributor or
2 wholesaler to a dealer;

3 ~~22.~~ 23. "Nonresident" means any person who is not a resident of
4 this state;

5 ~~23.~~ 24. "Off-road motorcycle" means any motorcycle, as defined
6 in Section 1-135 of this title, when such motorcycle has been
7 manufactured for and used exclusively off roads, highways and any
8 other paved surfaces;

9 ~~24.~~ 25. "Owner" means any person owning, operating or
10 possessing any vehicle herein defined;

11 ~~25.~~ 26. "Park model recreational vehicle" means a vehicle that
12 is:

- 13 a. designed and marketed as temporary living quarters for
14 camping, recreational, seasonal or travel use,
- 15 b. not permanently affixed to real property for use as a
16 permanent dwelling,
- 17 c. built on a single chassis mounted on wheels with a
18 gross trailer area not exceeding four hundred (400)
19 square feet in the setup mode, and
- 20 d. certified by the manufacturer as complying with
21 standard A119.5 of the American National Standards
22 Institute, Inc.;

23 ~~26.~~ 27. "Person" means any individual, copartner, joint
24 venture, association, corporation, limited liability company,

1 estate, trust, business trust, syndicate, the State of Oklahoma, or
2 any county, city, municipality, school district or other political
3 subdivision thereof, or any group or combination acting as a unit,
4 or any receiver appointed by the state or federal court;

5 ~~27.~~ 28. "Rebodied vehicle" means a vehicle:

- 6 a. which has been assembled using a new body or new major
7 component which is of the identical type as the
8 original vehicle and is licensed by the manufacturer
9 of the original vehicle and other original, new or
10 reconditioned parts. For purposes of this paragraph,
11 "new body or new major component" means a new body,
12 cab, frame, front_end clip or rear_end clip,
13 b. which is not a salvage, rebuilt, or junked vehicle as
14 defined by ~~paragraph~~ paragraphs 1, 2, ~~or~~ and 6 of
15 subsection A of Section 1105 of this title, and
16 c. for which the Tax Commission has assigned or will
17 assign a new identifying number;

18 ~~28.~~ 29. "Recreational off-highway vehicle" means a vehicle
19 manufactured and used exclusively for off-highway use, traveling on
20 four or more non-highway tires, and being sixty-five (65) inches or
21 less in width;

22 ~~29.~~ 30. "Recreational vehicle" means every vehicle which is
23 built on or permanently attached to a self-propelled motor chassis
24 or chassis cab which becomes an integral part of the completed

1 vehicle and is capable of being operated on the highways. In order
2 to qualify as a recreational vehicle pursuant to this paragraph such
3 vehicle shall be permanently constructed and equipped for human
4 habitation, having its own sleeping and kitchen facilities,
5 including permanently affixed cooking facilities, water tanks and
6 holding tank with permanent toilet facilities. Recreational vehicle
7 shall not include manufactured homes or any vehicle with portable
8 sleeping, toilet and kitchen facilities which are designed to be
9 removed from such vehicle. Recreational vehicle shall include park
10 model recreational vehicles as defined in this section;

11 ~~30.~~ 31. "Remanufactured vehicle" means a vehicle which has been
12 assembled by a vehicle remanufacturer using a new body and which may
13 include original, reconditioned, or remanufactured parts, and which
14 is not a salvage, rebuilt, or junked vehicle as defined by
15 paragraphs 1, 2, and 6, respectively, of subsection A of Section
16 1105 of this title;

17 ~~31.~~ 32. "Rental trailer" means all small or utility trailers or
18 semitrailers constructed and suitable for towing by a passenger
19 automobile and designed only for carrying property, when the
20 trailers or semitrailers are owned by, or are in the possession of,
21 any person engaged in renting or leasing such trailers or
22 semitrailers for intrastate or interstate use or combined intrastate
23 and interstate use;

24

1 ~~32.~~ 33. "Special mobilized machinery" means special purpose
2 machines or devices, either self-propelled or drawn as trailers or
3 semitrailers, which derive no revenue from the transportation of
4 persons or property, whose use of the highway is only incidental,
5 and whose useful revenue-producing service is performed at
6 destinations in an area away from the traveled surface of an
7 established open highway;

8 ~~33.~~ 34. "State" means the State of Oklahoma;

9 ~~34.~~ 35. "Station wagon" means any passenger vehicle which does
10 not have a separate luggage compartment or trunk and which does not
11 have open beds, and has one or more rear seats readily lifted out or
12 folded, whether same is called a station wagon or ranch wagon;

13 ~~35.~~ 36. "Travel trailer" means any vehicular portable structure
14 built on a chassis, used as a temporary dwelling for travel,
15 recreational or vacation use, and, when factory-equipped for the
16 road, it shall have a body width not exceeding eight (8) feet and an
17 overall length not exceeding forty (40) feet, including the hitch or
18 coupling;

19 ~~36.~~ 37. "Travel trailer dealer" means any person, firm or
20 corporation engaged in the business of selling any new and unused,
21 or used, or both new and used travel trailers. Such information and
22 a valid franchise letter as proof of authorization to sell any such
23 new travel trailer product line or lines shall be attached to the
24 application for a dealer license to sell travel trailers. "Travel

1 trailer dealer" shall not include any person, firm or corporation
2 who sells or contracts for the sale of his or her own personally
3 titled travel trailer or trailers. No person, firm or corporation
4 shall be considered as a travel trailer dealer as to any travel
5 trailer purchased or acquired by such person, firm or corporation
6 for purposes other than resale;

7 ~~37.~~ 38. "Used motor vehicle dealer" means "used motor vehicle
8 dealer" as defined in Section 581 of this title;

9 ~~38.~~ 39. "Used vehicle" means any vehicle which has been sold,
10 bargained, exchanged or given away, or used to the extent that it
11 has become what is commonly known, and generally recognized, as a
12 "secondhand" vehicle. This shall also include any vehicle other
13 than a remanufactured vehicle, regardless of age, owned by any
14 person who is not a dealer;

15 ~~39.~~ 40. "Utility vehicle" means a vehicle powered by an
16 internal combustion engine, manufactured and used exclusively for
17 off-highway use, equipped with seating for two or more people and a
18 steering wheel, traveling on four or more wheels;

19 ~~40.~~ 41. "Vehicle" means any type of conveyance or device in,
20 upon or by which a person or property is or may be transported from
21 one location to another upon the avenues of public access within the
22 state. "Vehicle" does not include bicycles, trailers except travel
23 trailers and rental trailers, or implements of husbandry as defined
24 in Section 1-125 of this title. All implements of husbandry used as

1 conveyances shall be required to display the owner's driver license
2 number or license plate number of any vehicle owned by the owner of
3 the implement of husbandry on the rear of the implement in numbers
4 not less than two (2) inches in height. The use of the owner's
5 Social Security number on the rear of the implement of husbandry
6 shall not be required; and

7 ~~41.~~ 42. "Vehicle remanufacturer" means a commercial entity
8 which assembles remanufactured vehicles.

9 SECTION 3. This act shall become effective November 1, 2021.

10

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/23/2021 -
12 DO PASS.

13

14

15

16

17

18

19

20

21

22

23

24