

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1373 \_\_\_\_\_  
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**

Amendment submitted by: Dell Kerbs

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

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

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL 1373

By: Kerbs and West (Tammy)

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to vehicle registration; amending 47 O.S. 2011, Section 1113, which relates to registrations, license plates and decals; expanding exempting from certain license plate requirement; providing for additional initial and renewal registration decals for certain types of trailers; specifying acceptable decal attachments; amending 47 O.S. 2011, Section 1115.3, which relates to registration of all-terrain vehicles, utility vehicles and motorcycles; requiring registration of trailers; amending 47 O.S. 2011, Section 1132, as amended by Section 2, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2016, Section 1132), which relates to vehicle registration fees; establishing certain initial and renewal registration fee; providing for apportionment of fee; providing exemption to certain fee; creating the Oklahoma Emergency Management Operations Revolving Fund; declaring funds appropriated; exempting from fiscal year limitations; requiring certain budgeting and expenditure procedures; repealing 47 O.S. 2011, Section 1133.3, which relates to the optional registration of non-commercial trailers; providing for codification; and providing an effective date.

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

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

3       Section 1113. A. 1. Except for all-terrain vehicles, utility  
4 vehicles and motorcycles used exclusively off roads and highways,  
5 and trailers, upon the filing of a registration application and the  
6 payment of the fees provided for in the Oklahoma Vehicle License and  
7 Registration Act, the Oklahoma Tax Commission or Corporation  
8 Commission, as applicable, shall assign to the vehicle described in  
9 the application a distinctive number, and issue to the owner of the  
10 vehicle a certificate of registration, one license plate and a  
11 yearly decal. The Oklahoma Tax Commission shall assign an all-  
12 terrain vehicle, utility vehicle or motorcycle used exclusively off  
13 roads and highways, and trailers not qualifying as implements of  
14 husbandry as defined by Section 1-125 of this title, a distinctive  
15 number and issue to the owner a certificate of registration and a  
16 decal but not a license plate. For each subsequent registration  
17 year, the Tax Commission shall issue a yearly decal to be affixed to  
18 the license plate, except for an all-terrain vehicle, utility  
19 vehicle or motorcycle used exclusively off roads and highways, and  
20 trailers. The initial decal for an all-terrain vehicle, utility  
21 vehicle or motorcycle shall be attached to the front of the vehicle  
22 and shall be in clear view. The decal shall be on the front or on  
23 the front fork of the motorcycle used exclusively off roads and  
24 highways and the decal shall be in clear view. The initial decal or

1 renewal decal for a trailer shall be attached to the rear of the  
2 trailer and shall be in clear view. The yearly decal shall have an  
3 identification number and the last two numbers of the registration  
4 year for which it shall expire. Except as provided by Section 1113A  
5 of this title, the license plate shall be affixed to the exterior of  
6 the vehicle until a replacement license plate is applied for. If  
7 the owner applies for a replacement license plate, the Tax  
8 Commission shall charge the fee provided for in Section 1114 of this  
9 title. The yearly decal will validate the license plate for each  
10 registration period other than the year the license plate is issued.  
11 The license plate and decal shall be of such size, color, design and  
12 numbering as the Tax Commission may direct. However, yearly decals  
13 issued to the owner of a vehicle who has filed an affidavit with the  
14 appropriate motor license agent in accordance with Section 7-607 of  
15 this title shall be a separate and distinct color from all other  
16 decals issued under this section. The Tax Commission shall also  
17 issue a monthly decal which shall include a two-letter abbreviation  
18 corresponding to the county in which the vehicle is registered. The  
19 Tax Commission is hereby directed to develop the decal design to  
20 incorporate these requirements in a manner that will permit county  
21 abbreviation to be readily identified. The Tax Commission shall  
22 develop a unique two-letter abbreviation for each county to be used  
23 on the decals. The Tax Commission shall issue all decals in the  
24 possession of the Tax Commission on January 1, 2010, prior to

1 issuing any of the county abbreviation decals created pursuant to  
2 this paragraph.

3       2. The license plate shall be securely attached to the rear of  
4 the vehicle, except truck-tractor plates which shall be attached to  
5 the front of the vehicle. The Tax Commission may, with the  
6 concurrence of the Department of Public Safety, by Joint Rule,  
7 change and direct the manner, place and location of display of any  
8 vehicle license plate when such action is deemed in the public  
9 interest. The license plate, decal and all letters and numbers  
10 shall be clearly visible at all times. The operation of a vehicle  
11 in this state, regardless of where such vehicle is registered, upon  
12 which the license plate is covered, overlaid or otherwise screened  
13 with any material, whether such material be clear, translucent,  
14 tinted or opaque, shall be a violation of this paragraph.

15       3. Upon payment of the annual registration fee provided in  
16 Section 1133 of this title, the Tax Commission or Corporation  
17 Commission, as applicable, or a motor license agent may issue a  
18 permanent nonexpiring license plate to an owner of one hundred or  
19 more commercial motor vehicles and for vehicles registered under the  
20 provisions of Section 1120 of this title. Upon payment of the  
21 annual registration fee, the Tax Commission or Corporation  
22 Commission shall issue a certificate of registration that shall be  
23 carried at all times in the vehicle for which it is issued.  
24 Provided, if the registrant submits its application through

1 electronic means, such qualified owners of one hundred or more  
2 commercial motor vehicles, properly registered pursuant to the  
3 provisions of Section 1133 of this title, may elect to receive a  
4 permanent certificate of registration that shall be carried at all  
5 times in the vehicle for which it is issued.

6 4. Every vehicle owned by an agency of this state shall be  
7 exempt from the payment of registration fees required by this title.  
8 Provided, such vehicle shall be registered and shall otherwise  
9 comply with the provisions of the Oklahoma Vehicle License and  
10 Registration Act.

11 B. The license plates required under the provisions of this  
12 title shall conform to the requirements and specifications listed  
13 hereinafter:

14 1. Each license plate shall have a space for the placement of  
15 the yearly decals for each succeeding year of registration after the  
16 initial issue;

17 2. The provisions of the Oklahoma Vehicle License and  
18 Registration Act regarding the issuance of yearly decals shall not  
19 apply to the issuance of apportioned license plates, including  
20 license plates for state vehicles, and exempt plates for  
21 governmental entities and fire departments organized pursuant to  
22 Section 592 of Title 18 of the Oklahoma Statutes;

23 3. Within the limits herein prescribed the Tax Commission shall  
24 redesign the official vehicle license plates which currently bear

1 the legend "Oklahoma OK" or "Oklahoma is OK!" and substitute  
2 therefor the legend "Oklahoma Native America" as further described  
3 in this paragraph. Except for personalized license plates and  
4 license plates issued for motorcycles and mopeds, the emblem on the  
5 state flag of Oklahoma as provided for in Section 91 of Title 25 of  
6 the Oklahoma Statutes shall be a part of all license plates issued  
7 after December 31, 1988. The Tax Commission may continue to issue  
8 license plates with the legend "Oklahoma is OK!" or "Oklahoma OK"  
9 until any inventory of such license plates is depleted but the Tax  
10 Commission shall not produce or cause to be produced any additional  
11 license plates with these legends. Except for personalized license  
12 plates, license plates issued for commercial vehicles, and license  
13 plates issued for motorcycles and mopeds, the "Oklahoma Native  
14 America" emblem shall be a part of all license plates issued after  
15 December 31, 1993. The specifications for lettering style and  
16 appearance for the legend "Oklahoma Native America" shall be  
17 provided to the Tax Commission by the Oklahoma Tourism and  
18 Recreation Department. All license plates and decals shall be made  
19 with reflectorized material as a background to the letters, numbers  
20 and characters displayed thereon. The reflectorized material shall  
21 be of such a nature as to provide effective and dependable  
22 brightness during the service period for which the license plate or  
23 decal is issued;

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

7       5. Within the limits prescribed in this section, the Tax  
8 Commission shall design appropriate official license plates for  
9 vehicles of the Oklahoma Highway Patrol. The license plates shall  
10 have the legend "Oklahoma OK" and shall contain the letters "OHP"  
11 followed by the state seal and the badge number of the Highway  
12 Patrol officer to whom the vehicle is assigned. The words "Oklahoma  
13 Highway Patrol" shall also be included on such license plates;

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

21       7. Within the limits prescribed in this section, the Oklahoma  
22 Tourism and Recreation Department shall design any license plates  
23 required by the initiation of a license plate reissuance by the  
24 Oklahoma Tax Commission at the request of the Department of Public



1 Safety pursuant to the provisions of Section 1 of this act. Any  
2 such new designs shall be submitted by the Oklahoma Tourism and  
3 Recreation Department to the Department of Public Safety for its  
4 approval prior to being issued by the Oklahoma Tax Commission.

5 C. Where the applicant has satisfactorily shown that the  
6 applicant owns the vehicle sought to be registered but is unable to  
7 produce documentary evidence of the ownership, a license plate may  
8 be issued upon approval by the Tax Commission or Corporation  
9 Commission, as applicable. In such instances the reason for not  
10 issuing a certificate of title shall be indicated on the receipt  
11 given to the applicant. It shall still be the duty of the applicant  
12 to immediately take all necessary steps to obtain the Oklahoma  
13 certificate of title and it shall be unlawful for the applicant to  
14 sell the vehicle until the certificate has been obtained in the  
15 applicant's name.

16 D. The certificate of registration provided for in this section  
17 shall be in convenient form, and the certificate of registration, or  
18 a certified copy or photostatic copy thereof, duly authenticated by  
19 the Tax Commission or Corporation Commission, as applicable, shall  
20 be carried at all times in or upon commercial vehicles so  
21 registered, in such manner as to permit a ready examination thereof  
22 upon demand by any peace officer of the state or duly authorized  
23 employee of the Department of Public Safety. Any such officer or  
24 agent may seize and hold such commercial vehicle when the operator

1 of the same does not have the registration certificate in the  
2 operator's possession or when any such officer or agent determines  
3 that the registration certificate has been obtained by  
4 misrepresentation of any essential or material fact or when any  
5 number or identifying information appearing on such certificate has  
6 been changed, altered, obliterated or concealed in any way, until  
7 the proper registration or identification of such vehicle has been  
8 made or produced by the owner thereof.

9 E. The purchaser of a new or used manufactured home shall,  
10 within thirty (30) days of the date of purchase, register the home  
11 with the Tax Commission or a motor license agent pursuant to the  
12 provisions of Section 1117 of this title. For a new manufactured  
13 home, it shall be the responsibility of the dealer selling the home  
14 to place a temporary license plate on the home in the same manner as  
15 provided in Section 1128 of this title for other new motor vehicles.  
16 For the first year that any manufactured home is registered in this  
17 state, the Tax Commission shall issue a metal license plate which  
18 shall be affixed to the manufactured home. The temporary dealer  
19 license plate or the metal license plate shall be displayed on the  
20 manufactured home at all times when upon a public roadway; provided,  
21 a repossession affidavit issued pursuant to Sections 1110 and 1126  
22 of this title shall be permissible in lieu of a current license  
23 plate and decal for the purposes of removing a repossessed  
24 manufactured home to a secure location. Manufactured homes

1 previously registered and subject to ad valorem taxation as provided  
2 by law shall have a decal affixed at the time ad valorem taxes are  
3 paid for such manufactured home; provided, for a manufactured home  
4 permanently affixed to real estate, no decal or license plate shall  
5 be required to be affixed and the owner thereof shall be given a  
6 receipt upon payment of ad valorem taxes due on the home. The Tax  
7 Commission shall make sufficient plates and decals available to the  
8 various motor license agents of the state in order for an owner of a  
9 manufactured home to acquire the plate or decal. A one-dollar fee  
10 shall be charged for issuance of any plate or decal. The fee shall  
11 be apportioned each month to the General Revenue Fund of the State  
12 Treasury.

13 F. The decal shall be easily visible for purposes of  
14 verification by a county assessor that the manufactured home is  
15 properly assessed for ad valorem taxation. In the first year of  
16 registration, a decal shall be issued for placement on the license  
17 plate indicating payment of applicable registration fees and excise  
18 taxes. A duplicate manufactured home registration decal shall be  
19 affixed inside the window nearest the front door of the manufactured  
20 home. In the second and all subsequent years for which the  
21 manufactured home is subject to ad valorem taxation, an annual decal  
22 shall be affixed inside the window nearest the front door as  
23 evidence of payment of ad valorem taxes. The Tax Commission shall  
24 issue decals to the various county treasurers of the state in order

1 for a manufactured home owner to obtain such decal each year. Upon  
2 presentation of a valid ad valorem tax receipt, the manufactured  
3 home owner shall be issued the annual decal.

4 G. Upon the registration of a manufactured home in this state  
5 for the first time or upon discovery of a manufactured home  
6 previously registered within this state for which the information  
7 required by this subsection is not known, the Tax Commission shall  
8 obtain:

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

18 The application for registration shall also include the school  
19 district in which the manufactured home is located or is to be  
20 located. The information shall be entered into a computer data  
21 system which shall be used by the Tax Commission to provide  
22 information to county assessors upon request by the assessor. The  
23 assessor may request any information from the system in order to  
24 properly assess a manufactured home for ad valorem taxation.

1       SECTION 2.       AMENDATORY       47 O.S. 2011, Section 1115.3, is  
2 amended to read as follows:

3       Section 1115.3 A. Except as otherwise provided by this  
4 section, all-terrain vehicles, utility vehicles and motorcycles used  
5 exclusively off roads or highways shall be registered once with the  
6 Oklahoma Tax Commission within thirty (30) days after purchase.

7       B. For all-terrain vehicles or motorcycles used exclusively off  
8 roads or highways purchased prior to July 1, 2005, registration, as  
9 otherwise required by Section 1115 of this title, shall not be  
10 required, but shall be allowed at the option of the owner of the  
11 all-terrain vehicle or motorcycle used exclusively off roads or  
12 highways.

13       C. For utility vehicles used exclusively off roads or highways  
14 purchased prior to July 1, 2008, registration, as otherwise required  
15 by Section 1115 of this title, shall not be required but shall be  
16 allowed at the option of the owner of the utility vehicle used  
17 exclusively off roads or highways.

18       D. All-terrain vehicles, utility vehicles or motorcycles used  
19 exclusively off roads or highways owned or purchased by a person  
20 that possesses an agricultural exemption pursuant to Section 1358.1  
21 of Title 68 of the Oklahoma Statutes may be registered as provided  
22 by this section, but shall not require registration.

23       E. Trailers shall be registered with the Oklahoma Tax  
24 Commission within thirty (30) days after purchase.

1       SECTION 3.       AMENDATORY       47 O.S. 2011, Section 1132, as  
2 amended by Section 2, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2016,  
3 Section 1132), is amended to read as follows:

4       Section 1132. A. For all vehicles, unless otherwise  
5 specifically provided by the Oklahoma Vehicle License and  
6 Registration Act, a registration fee shall be assessed at the time  
7 of initial registration by the owner and annually thereafter, for  
8 the use of the avenues of public access within this state in the  
9 following amounts:

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

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

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

16       4. For the thirteenth through the sixteenth year of  
17 registration in this state or any other state, Thirty-five Dollars  
18 (\$35.00); and

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

21       The registration fee provided for in this subsection shall be in  
22 lieu of all other taxes, general or local, unless otherwise  
23 specifically provided.

1       B. For all-terrain vehicles and motorcycles used exclusively  
2 for use off roads or highways purchased on or after July 1, 2005,  
3 and all-terrain vehicles and motorcycles used exclusively for use  
4 off roads or highways purchased prior to July 1, 2005, which the  
5 owner chooses to register pursuant to the provisions of Section  
6 1115.3 of this title, an initial and nonrecurring and recurring  
7 registration fee of Eleven Dollars (\$11.00) shall be assessed at the  
8 time of initial registration by the owner. Nine Dollars (\$9.00) of  
9 the registration fee shall be deposited in the Oklahoma Tax  
10 Commission Reimbursement Fund. Two Dollars (\$2.00) of the  
11 registration fee shall be retained by the motor license agent. The  
12 fees required by subsection A of this section shall not be required  
13 for all-terrain vehicles or motorcycles used exclusively off roads  
14 and highways.

15       C. For utility vehicles used exclusively for use off roads or  
16 highways purchased on or after July 1, 2008, and for utility  
17 vehicles used exclusively for use off roads or highways purchased  
18 prior to July 1, 2008, which the owner chooses to register pursuant  
19 to the provisions of Section 1115.3 of this title, an initial and  
20 nonrecurring registration fee of Eleven Dollars (\$11.00) shall be  
21 assessed at the time of initial registration by the owner. Nine  
22 Dollars (\$9.00) of the registration fee shall be deposited in the  
23 Oklahoma Tax Commission Reimbursement Fund. Two Dollars (\$2.00) of  
24 the registration fee shall be retained by the motor license agent.

1 The fees required by subsection A of this section shall not be  
2 required for utility vehicles used exclusively off roads and  
3 highways.

4 D. For trailers, an initial and recurring registration fee of  
5 Fifteen Dollars (\$15.00) shall be assessed at the time of  
6 registration by the owner. Nine Dollars (\$9.00) of the registration  
7 fee shall be deposited in the Oklahoma Tax Commission Reimbursement  
8 Fund created in Section 113 of Title 68 of the Oklahoma Statutes.  
9 Two Dollars (\$2.00) of the registration fee shall be retained by the  
10 motor license agent. One Dollar and fifty cents (\$1.50) of the  
11 registration fee shall be deposited in the Firearms Instructors  
12 Revolving Fund created in Section 1290.14 of Title 21 of the  
13 Oklahoma Statutes. One Dollar and fifty cents (\$1.50) of the  
14 registration fee shall be deposited in the Oklahoma Emergency  
15 Management Operations Revolving Fund, created in Section 4 of this  
16 act. One Dollar (\$1.00) of the registration fee shall be deposited  
17 in the Oklahoma State University-Agricultural Extension Division-  
18 Educational and General Operations Revolving Fund established by  
19 Section 3901 of Title 70 of the Oklahoma Statutes. The fees  
20 required by subsection A of this section shall not be required for  
21 trailers.

22 E. There shall be a credit allowed with respect to the fee for  
23 registration of a new vehicle which is a replacement for:  
24



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

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

9        The credit shall be in the amount of the fee for registration  
10 which was paid for the new original vehicle and shall be applied to  
11 the registration fee for the replacement vehicle. In no event will  
12 the credit be refunded.

13        ~~E.~~ F. Upon every transfer or change of ownership of a vehicle,  
14 the new owner shall obtain title for and, except in the case of  
15 salvage vehicles and manufactured homes, register the vehicle within  
16 thirty (30) days of change of ownership and pay a transfer fee of  
17 Fifteen Dollars (\$15.00) in addition to any other fees provided for  
18 in this act. No new decal shall be issued to the registrant.  
19 Thereafter, the owner shall register the vehicle annually on the  
20 anniversary date of its initial registration in this state and shall  
21 pay the fees provided in subsection A of this section and receive a  
22 decal evidencing such payment. Provided, used motor vehicle dealers  
23 shall be exempt from the provisions of this section.

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

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

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

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

16       SECTION 4.       NEW LAW       A new section of law to be codified  
17 in the Oklahoma Statutes as Section 683.4a of Title 63, unless there  
18 is created a duplication in numbering, reads as follows:

19       There is hereby created in the State Treasury a revolving fund  
20 for the Oklahoma Department of Emergency Management, to be  
21 designated the "Oklahoma Emergency Management Operations Revolving  
22 Fund". The fund shall be a continuing fund, not subject to fiscal  
23 year limitations, and shall consist of any monies designated to the  
24 fund by law. All monies accruing to the credit of the Oklahoma

Emergency Management Operations Revolving Fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Emergency Management as may be necessary to perform the duties imposed upon the Department by law. Expenditures from the Oklahoma Emergency Management Operations Revolving 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 5. REPEALER 47 O.S. 2011, Section 1133.3, is hereby repealed.

SECTION 6. This act shall become effective November 1, 2017.

56-1-6823 JM 02/09/17