

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 exemption from certain license plate requirement; providing for additional initial and renewal registration decals for certain types of trailers; specifying acceptable decal attachments; describing term; amending 47 O.S. 2011, Section 1115.3, which relates to registration of all-terrain vehicles, utility vehicles and motorcycles; requiring registration of certain types 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 noncommercial 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 noncommercial trailers, upon the filing of a registration
6 application and the payment of the fees provided for in the Oklahoma
7 Vehicle License and Registration Act, the Oklahoma Tax Commission or
8 Corporation Commission, as applicable, shall assign to the vehicle
9 described in the application a distinctive number, and issue to the
10 owner of the vehicle a certificate of registration, one license
11 plate and a yearly decal. The Oklahoma Tax Commission shall assign
12 an all-terrain vehicle, utility vehicle or motorcycle used
13 exclusively off roads and highways, and noncommercial trailers not
14 qualifying as implements of husbandry as defined by Section 1-125 of
15 this title, a distinctive number and issue to the owner a
16 certificate of registration and a decal but not a license plate.
17 For each subsequent registration year, the Tax Commission shall
18 issue a yearly decal to be affixed to the license plate, except for
19 an all-terrain vehicle, utility vehicle or motorcycle used
20 exclusively off roads and highways, and noncommercial trailers. The
21 initial decal for an all-terrain vehicle, utility vehicle or
22 motorcycle shall be attached to the front of the vehicle and shall
23 be in clear view. The decal shall be on the front or on the front
24 fork of the motorcycle used exclusively off roads and highways and

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

1 Commission shall issue all decals in the possession of the Tax
2 Commission on January 1, 2010, prior to issuing any of the county
3 abbreviation decals created pursuant to this paragraph. For
4 purposes of this section, "noncommercial trailer" shall not include
5 frac tanks, construction machinery as defined by Section 1102 of
6 this title, rental trailers, commercial trailers or semitrailers
7 designed to be pulled and usually pulled by a truck or truck-
8 tractor.

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

21 3. Upon payment of the annual registration fee provided in
22 Section 1133 of this title, the Tax Commission or Corporation
23 Commission, as applicable, or a motor license agent may issue a
24 permanent nonexpiring license plate to an owner of one hundred or

1 more commercial motor vehicles and for vehicles registered under the
2 provisions of Section 1120 of this title. Upon payment of the
3 annual registration fee, the Tax Commission or Corporation
4 Commission shall issue a certificate of registration that shall be
5 carried at all times in the vehicle for which it is issued.

6 Provided, if the registrant submits its application through
7 electronic means, such qualified owners of one hundred or more
8 commercial motor vehicles, properly registered pursuant to the
9 provisions of Section 1133 of this title, may elect to receive a
10 permanent certificate of registration that shall be carried at all
11 times in the vehicle for which it is issued.

12 4. Every vehicle owned by an agency of this state shall be
13 exempt from the payment of registration fees required by this title.
14 Provided, such vehicle shall be registered and shall otherwise
15 comply with the provisions of the Oklahoma Vehicle License and
16 Registration Act.

17 B. The license plates required under the provisions of this
18 title shall conform to the requirements and specifications listed
19 hereinafter:

20 1. Each license plate shall have a space for the placement of
21 the yearly decals for each succeeding year of registration after the
22 initial issue;

23 2. The provisions of the Oklahoma Vehicle License and
24 Registration Act regarding the issuance of yearly decals shall not

1 apply to the issuance of apportioned license plates, including
2 license plates for state vehicles, and exempt plates for
3 governmental entities and fire departments organized pursuant to
4 Section 592 of Title 18 of the Oklahoma Statutes;

5 3. Within the limits herein prescribed the Tax Commission shall
6 redesign the official vehicle license plates which currently bear
7 the legend "Oklahoma OK" or "Oklahoma is OK!" and substitute
8 therefor the legend "Oklahoma Native America" as further described
9 in this paragraph. Except for personalized license plates and
10 license plates issued for motorcycles and mopeds, the emblem on the
11 state flag of Oklahoma as provided for in Section 91 of Title 25 of
12 the Oklahoma Statutes shall be a part of all license plates issued
13 after December 31, 1988. The Tax Commission may continue to issue
14 license plates with the legend "Oklahoma is OK!" or "Oklahoma OK"
15 until any inventory of such license plates is depleted but the Tax
16 Commission shall not produce or cause to be produced any additional
17 license plates with these legends. Except for personalized license
18 plates, license plates issued for commercial vehicles, and license
19 plates issued for motorcycles and mopeds, the "Oklahoma Native
20 America" emblem shall be a part of all license plates issued after
21 December 31, 1993. The specifications for lettering style and
22 appearance for the legend "Oklahoma Native America" shall be
23 provided to the Tax Commission by the Oklahoma Tourism and
24 Recreation Department. All license plates and decals shall be made

1 with reflectorized material as a background to the letters, numbers
2 and characters displayed thereon. The reflectorized material shall
3 be of such a nature as to provide effective and dependable
4 brightness during the service period for which the license plate or
5 decal is issued;

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

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

19 6. Within the limits prescribed in this section, the Tax
20 Commission shall design appropriate official license plates for
21 vehicles of the Oklahoma Military Department. Such license plates
22 shall have the legend "Oklahoma OK" and shall contain the letters
23 "OMD" followed by the state seal and three numbers or letters as
24

1 designated by the Adjutant General. The words "Oklahoma Military
2 Department" shall also be included on such license plates; and

3 7. Within the limits prescribed in this section, the Oklahoma
4 Tourism and Recreation Department shall design any license plates
5 required by the initiation of a license plate reissuance by the
6 Oklahoma Tax Commission at the request of the Department of Public
7 Safety pursuant to the provisions of Section 1 of this act. Any
8 such new designs shall be submitted by the Oklahoma Tourism and
9 Recreation Department to the Department of Public Safety for its
10 approval prior to being issued by the Oklahoma Tax Commission.

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

22 D. The certificate of registration provided for in this section
23 shall be in convenient form, and the certificate of registration, or
24 a certified copy or photostatic copy thereof, duly authenticated by

1 the Tax Commission or Corporation Commission, as applicable, shall
2 be carried at all times in or upon commercial vehicles so
3 registered, in such manner as to permit a ready examination thereof
4 upon demand by any peace officer of the state or duly authorized
5 employee of the Department of Public Safety. Any such officer or
6 agent may seize and hold such commercial vehicle when the operator
7 of the same does not have the registration certificate in the
8 operator's possession or when any such officer or agent determines
9 that the registration certificate has been obtained by
10 misrepresentation of any essential or material fact or when any
11 number or identifying information appearing on such certificate has
12 been changed, altered, obliterated or concealed in any way, until
13 the proper registration or identification of such vehicle has been
14 made or produced by the owner thereof.

15 E. The purchaser of a new or used manufactured home shall,
16 within thirty (30) days of the date of purchase, register the home
17 with the Tax Commission or a motor license agent pursuant to the
18 provisions of Section 1117 of this title. For a new manufactured
19 home, it shall be the responsibility of the dealer selling the home
20 to place a temporary license plate on the home in the same manner as
21 provided in Section 1128 of this title for other new motor vehicles.
22 For the first year that any manufactured home is registered in this
23 state, the Tax Commission shall issue a metal license plate which
24 shall be affixed to the manufactured home. The temporary dealer

1 license plate or the metal license plate shall be displayed on the
2 manufactured home at all times when upon a public roadway; provided,
3 a repossession affidavit issued pursuant to Sections 1110 and 1126
4 of this title shall be permissible in lieu of a current license
5 plate and decal for the purposes of removing a repossessed
6 manufactured home to a secure location. Manufactured homes
7 previously registered and subject to ad valorem taxation as provided
8 by law shall have a decal affixed at the time ad valorem taxes are
9 paid for such manufactured home; provided, for a manufactured home
10 permanently affixed to real estate, no decal or license plate shall
11 be required to be affixed and the owner thereof shall be given a
12 receipt upon payment of ad valorem taxes due on the home. The Tax
13 Commission shall make sufficient plates and decals available to the
14 various motor license agents of the state in order for an owner of a
15 manufactured home to acquire the plate or decal. A one-dollar fee
16 shall be charged for issuance of any plate or decal. The fee shall
17 be apportioned each month to the General Revenue Fund of the State
18 Treasury.

19 F. The decal shall be easily visible for purposes of
20 verification by a county assessor that the manufactured home is
21 properly assessed for ad valorem taxation. In the first year of
22 registration, a decal shall be issued for placement on the license
23 plate indicating payment of applicable registration fees and excise
24 taxes. A duplicate manufactured home registration decal shall be

1 affixed inside the window nearest the front door of the manufactured
2 home. In the second and all subsequent years for which the
3 manufactured home is subject to ad valorem taxation, an annual decal
4 shall be affixed inside the window nearest the front door as
5 evidence of payment of ad valorem taxes. The Tax Commission shall
6 issue decals to the various county treasurers of the state in order
7 for a manufactured home owner to obtain such decal each year. Upon
8 presentation of a valid ad valorem tax receipt, the manufactured
9 home owner shall be issued the annual decal.

10 G. Upon the registration of a manufactured home in this state
11 for the first time or upon discovery of a manufactured home
12 previously registered within this state for which the information
13 required by this subsection is not known, the Tax Commission shall
14 obtain:

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

1 The application for registration shall also include the school
2 district in which the manufactured home is located or is to be
3 located. The information shall be entered into a computer data
4 system which shall be used by the Tax Commission to provide
5 information to county assessors upon request by the assessor. The
6 assessor may request any information from the system in order to
7 properly assess a manufactured home for ad valorem taxation.

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

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

14 B. For all-terrain vehicles or motorcycles used exclusively off
15 roads or highways purchased prior to July 1, 2005, registration, as
16 otherwise required by Section 1115 of this title, shall not be
17 required, but shall be allowed at the option of the owner of the
18 all-terrain vehicle or motorcycle used exclusively off roads or
19 highways.

20 C. For utility vehicles used exclusively off roads or highways
21 purchased prior to July 1, 2008, registration, as otherwise required
22 by Section 1115 of this title, shall not be required but shall be
23 allowed at the option of the owner of the utility vehicle used
24 exclusively off roads or highways.

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

6 E. Noncommercial trailers, as described in paragraph 1 of
7 subsection A of Section 1113 of this title, shall be registered with
8 the Oklahoma Tax Commission within thirty (30) days after purchase.

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

12 Section 1132. A. For all vehicles, unless otherwise
13 specifically provided by the Oklahoma Vehicle License and
14 Registration Act, a registration fee shall be assessed at the time
15 of initial registration by the owner and annually thereafter, for
16 the use of the avenues of public access within this state in the
17 following amounts:

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

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

22 3. For the ninth through the twelfth year of registration in
23 this state or any other state, Fifty-five Dollars (\$55.00);
24

1 4. For the thirteenth through the sixteenth year of
2 registration in this state or any other state, Thirty-five Dollars
3 (\$35.00); and

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

6 The registration fee provided for in this subsection shall be in
7 lieu of all other taxes, general or local, unless otherwise
8 specifically provided.

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

23 C. For utility vehicles used exclusively for use off roads or
24 highways purchased on or after July 1, 2008, and for utility

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

12 D. For noncommercial trailers as described in paragraph 1 of
13 subsection A of Section 1113 of this title, an initial and recurring
14 registration fee of Fifteen Dollars (\$15.00) shall be assessed at
15 the time of registration by the owner. Nine Dollars (\$9.00) of the
16 registration fee shall be deposited in the Oklahoma Tax Commission
17 Reimbursement Fund created in Section 113 of Title 68 of the
18 Oklahoma Statutes. Two Dollars (\$2.00) of the registration fee
19 shall be retained by the motor license agent. One Dollar and fifty
20 cents (\$1.50) of the registration fee shall be deposited in the
21 Firearms Instructors Revolving Fund created in Section 1290.14 of
22 Title 21 of the Oklahoma Statutes. One Dollar and fifty cents
23 (\$1.50) of the registration fee shall be deposited in the Oklahoma
24 Emergency Management Operations Revolving Fund, created in Section 4

1 of this act. One Dollar (\$1.00) of the registration fee shall be
2 deposited in the Oklahoma State University-Agricultural Extension
3 Division-Educational and General Operations Revolving Fund
4 established by Section 3901 of Title 70 of the Oklahoma Statutes.
5 The fees required by subsection A of this section shall not be
6 required for such noncommercial trailers.

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

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

13 2. A defective new original vehicle returned by the
14 purchaser/registrant to the seller within six (6) months of the date
15 of purchase of the defective new original vehicle as certified by
16 the manufacturer.

17 The credit shall be in the amount of the fee for registration
18 which was paid for the new original vehicle and shall be applied to
19 the registration fee for the replacement vehicle. In no event will
20 the credit be refunded.

21 ~~E.~~ F. Upon every transfer or change of ownership of a vehicle,
22 the new owner shall obtain title for and, except in the case of
23 salvage vehicles and manufactured homes, register the vehicle within
24 thirty (30) days of change of ownership and pay a transfer fee of

1 Fifteen Dollars (\$15.00) in addition to any other fees provided for
2 in this act. No new decal shall be issued to the registrant.
3 Thereafter, the owner shall register the vehicle annually on the
4 anniversary date of its initial registration in this state and shall
5 pay the fees provided in subsection A of this section and receive a
6 decal evidencing such payment. Provided, used motor vehicle dealers
7 shall be exempt from the provisions of this section.

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

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

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

21 3. Fifty-eight cents (\$0.58) shall be deposited in the General
22 Revenue Fund.
23
24

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

4 There is hereby created in the State Treasury a revolving fund
5 for the Oklahoma Department of Emergency Management, to be
6 designated the "Oklahoma Emergency Management Operations Revolving
7 Fund". The fund shall be a continuing fund, not subject to fiscal
8 year limitations, and shall consist of any monies designated to the
9 fund by law. All monies accruing to the credit of the Oklahoma
10 Emergency Management Operations Revolving Fund are hereby
11 appropriated and may be budgeted and expended by the Oklahoma
12 Department of Emergency Management as may be necessary to perform
13 the duties imposed upon the Department by law. Expenditures from
14 the Oklahoma Emergency Management Operations Revolving Fund shall be
15 made upon warrants issued by the State Treasurer against claims
16 filed as prescribed by law with the Director of the Office of
17 Management and Enterprise Services for approval and payment.

18 SECTION 5. REPEALER 47 O.S. 2011, Section 1133.3, is
19 hereby repealed.

20 SECTION 6. This act shall become effective November 1, 2017.
21

22 56-1-6988 JM 02/17/17
23
24