

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2375 _____
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: Leslie Osborn

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 2375

By: Osborn (Leslie) and Wallace
of the House

and

David and Fields of the
Senate

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; providing for biennial registration of vehicles; requiring implementation by the Oklahoma Tax Commission; limiting scope; identifying vehicles subject to biennial registration during certain periods; prohibiting refunds of registration fees under certain conditions; clarifying expiration and application requirements; describing calculation of biennial registration fee amount; stating that registration is in lieu of other obligations; amending 47 O.S. 2011, Section 1113.2, as last amended by Section 7 of Enrolled House Bill No. 1845 of the 1st Session of the 56th Oklahoma Legislature, which relates to reissue of official vehicle license plate; providing that certain fee may be applicable on a multiyear basis; amending 47 O.S. 2011, Section 1115, as amended by Section 1, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2016, Section 1115), which relates to registration schedule and delinquent registration penalties; modifying penalty application; amending 47 O.S. 2011, Sections 1131, 1132, as amended by Section 2, Chapter 337, O.S.L. 2012, 1132.1, 1132.4 and 1132.6 (47 O.S. Supp. 2016, Section 1132), which relate to vehicle registration; providing that certain fees may be applicable on a multiyear basis; authorizing certain notice be provided on a multiyear basis; providing exception;

1 stating certain purpose; apportioning fees and
2 penalties to certain fund; establishing amount;
3 requiring monthly transfers; amending 47 O.S. 2011,
4 Sections 1140 and 1141.1, as amended by Section 4,
5 Chapter 158, O.S.L. 2012 (47 O.S. Supp. 2016, Section
6 1141.1), which relate to motor license agents;
7 providing that certain fee be applicable on a
8 multiyear basis; authorizing retention of certain fee
9 on a multiyear basis; creating the Criminal Justice
10 Coordinating Council; establishing membership and
11 chairmanship; providing purpose and duties; limiting
12 authority; providing that membership shall not result
13 in disqualification or forfeiture; requiring
14 preparation and transmission of a report by a certain
15 date; creating the Criminal Justice Coordinating
16 Council Fund; making fund continuing; exempting fund
17 from certain budgetary limitations; identifying
18 source of funding; providing that funds be considered
19 appropriated; requiring certain budgetary procedures;
20 and providing an effective date.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1115A of Title 47, unless there
is created a duplication in numbering, reads as follows:

A. Effective January 1, 2018, the Oklahoma Tax Commission shall
implement a biennial registration as provided in this section for
all vehicles subject to the registration fee provided in Section
1132 of Title 47 of the Oklahoma Statutes.

B. The biennial registration period shall be implemented as
follows:

1 1. For all initial registrations, on or after January 1, 2018,
2 a biennial registration fee shall be assessed as provided in this
3 section.

4 2. Renewal registrations shall be assessed as follows:

5 a. for vehicles with a license plate ending with an odd
6 number, which expires between January 1, 2018, and
7 December 31, 2018, a biennial registration fee shall
8 be assessed. At the end of such time period such
9 vehicle shall be subject to biennial registration,

10 b. for vehicles with a license plate ending with an even
11 number, which expires between January 1, 2018, and
12 December 31, 2018, an annual registration fee shall be
13 assessed. At the end of such time period such vehicle
14 shall be subject to biennial registration;

15 3. Beginning January 1, 2019, all vehicles shall be registered
16 for twenty-four (24) consecutive months. Expiration of such
17 registration shall occur on the final day of the final month covered
18 by the registration. The registration shall be renewed biennially
19 upon application by the owner and payment of fees required by law to
20 take effect on the first day of the month following the expiration
21 of the registration being renewed;

22 4. The Oklahoma Tax Commission shall issue no refund of a
23 biennial registration fee to a person who has paid the fee and moves
24 out of state, transfers ownership of the vehicle to another party,

1 changes registration classification, or suffers a loss of the
2 vehicle due to damage or theft during the biennial registration
3 period;

4 5. Except as provided otherwise in this section, the biennial
5 registration fee shall be assessed at the time of initial
6 registration by the owner and every two (2) years thereafter, for
7 the use of the avenues of public access within this state, in an
8 amount that is twice the registration fees provided in Section 1132
9 of this title. Further, any additional license and registration
10 fees to be paid at the time of registration , as provided in Title
11 47 of the Oklahoma Statutes, shall be assessed and collected for
12 each year of registration; and

13 6. The registration provided for in this Section shall be in
14 lieu of all other taxes, general or local, unless otherwise
15 specifically provided.

16 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1113.2, as
17 last amended by Section 7 of Enrolled House Bill No. 1845 of the 1st
18 Session of the 56th Oklahoma Legislature, is amended to read as
19 follows:

20 Section 1113.2 A. The Executive Director of the Oklahoma Tax
21 Commission shall initiate the reissue of the official vehicle
22 license plates and substitute therefor a new license plate designed
23 by the Oklahoma Tourism and Recreation Department with the approval
24 of the Department of Public Safety.

1 B. 1. In addition to all other vehicle registration fees
2 specified by law, beginning July 1, 2016, there is levied and there
3 shall be paid to the Oklahoma Tax Commission a fee of Five Dollars
4 (\$5.00) for each year of registration upon every vehicle to be
5 registered.

6 2. Beginning July 1, 2016, and ending June 30, 2017:

7 a. eighty percent (80%) of all monies collected under the
8 provisions of this subsection shall be deposited by
9 the Oklahoma Tax Commission in the State Treasury to
10 the credit of the State Public Safety Fund created in
11 Section 2-147 of this title, and

12 b. twenty percent (20%) of all monies collected under the
13 provisions of this subsection shall be deposited by
14 the Oklahoma Tax Commission to the credit of the
15 Oklahoma Tax Commission Fund created in Section 221 of
16 Title 62 of the Oklahoma Statutes.

17 3. Beginning July 1, 2017, all monies collected under the
18 provisions of this subsection shall be deposited by the Oklahoma Tax
19 Commission to the credit of the State Public Safety Fund created in
20 Section 2-147 of this title.

21 C. In addition to the monies apportioned by Section 1104 of
22 this title, the following amounts of monies shall be placed to the
23 credit of the Oklahoma Tax Commission Fund for the purpose of
24

conducting a new general issue of license plates commencing January 1, 2017:

1. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, the first One Million Eight Hundred Thousand Dollars (\$1,800,000.00) collected or received by the Tax Commission pursuant to the registration of vehicles as provided by the Oklahoma Vehicle License and Registration Act; and

2. For the fiscal year beginning July 1, 2017, and ending June 30, 2018, the first Two Million Dollars (\$2,000,000.00) collected or received by the Tax Commission pursuant to the registration of vehicles as provided by the Oklahoma Vehicle License and Registration Act.

D. Subject to the Oklahoma Tax Commission Fund receiving credit for the funds referenced in subsection C of this section, the Executive Director shall devise a numbering system suitable for a new general issue of license plates commencing January 1, 2017. Unless otherwise provided by the Oklahoma Vehicle License and Registration Act, new license plates will be issued to all registrants applying for an original or renewal registration on or after January 1, 2017, and will continue until all previously issued license plates have been replaced. Upon receipt of the new general issue license plate, registrants shall replace any previously issued Oklahoma general issue license plate currently displayed on their vehicle.

1 E. The Tax Commission shall have the authority to promulgate
2 any rules necessary to implement such a new general issue.

3 F. Except for vehicles registered pursuant to the provisions of
4 Section 1120 of this title and certain official special license
5 plates, the new license plate design provided for in subsection A of
6 this section shall be a part of all license plates issued on or
7 after January 1, 2017. The Oklahoma Tax Commission may establish
8 procedures for the purpose of allowing current registrants to
9 reserve their present general issue or personalized license plate
10 numbers for a fee of Fifteen Dollars (\$15.00), provided payment of
11 the fees is received by the Tax Commission on or before November 1,
12 2016. The fees shall be deposited into the Oklahoma Tax Commission
13 Reimbursement Fund for the purpose of conducting the new general
14 issue of license plates.

15 G. The license plates shall be issued with identification
16 numbers and letters in a color that provides a distinct contrast
17 with a light-colored background in the plate identification area.
18 All license plates and decals shall be made with reflectorized
19 material as a background to the letters, numbers and characters
20 displayed thereon. The reflectorized material shall be of such a
21 nature as to provide effective and dependable brightness during the
22 service period for which the license plate or decal is issued.

23 H. In furtherance of the public safety of Oklahoma drivers, the
24 Department of Public Safety may request that the Oklahoma Tax

1 Commission initiate subsequent reissues of the official vehicle
2 license plate. Provided however, such request shall not occur more
3 frequently than five (5) years following the most recent reissue.
4 Upon such request and subject to the Tax Commission receiving the
5 necessary funds the Tax Commission shall initiate the reissue.

6 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1115, as
7 amended by Section 1, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2016,
8 Section 1115), is amended to read as follows:

9 Section 1115. A. Unless provided otherwise by statute, the
10 following vehicles shall be registered annually: manufactured
11 homes, vehicles registered with a permanent nonexpiring license
12 plate pursuant to Section 1113 of this title, and commercial
13 vehicles registered pursuant to the installment plan provided in
14 subsection H of Section 1133 of this title. The following schedule
15 shall apply for such vehicle purchased in this state or brought into
16 this state by residents of this state:

17 1. Between January 1 and March 31, the payment of the full
18 annual fee shall be required;

19 2. Between April 1 and June 30, the payment of three-fourths
20 (3/4) the annual fee shall be required;

21 3. Between July 1 and September 30, the payment of one-half
22 (1/2) the annual fee shall be required; and

23 4. Between October 1 and November 30, one-fourth (1/4) the
24 annual fee shall be required.

1 License plates or decals for each year shall be made available
2 on December 1 of each preceding year for such vehicles. Any person
3 who purchases such vehicle or manufactured home between December 1
4 and December 31 of any year shall register it within thirty (30)
5 days from date of purchase and obtain a license plate or
6 Manufactured Home License Registration Decal, as appropriate, for
7 the following calendar year upon payment of the full annual fee.
8 Unless provided otherwise by statute, all annual license,
9 registration and other fees for such vehicles shall be due and
10 payable on January 1 of each year and if not paid by February 1
11 shall be deemed delinquent.

12 B. 1. All vehicles, other than those required to be registered
13 pursuant to the provisions of subsection A of this section, shall be
14 registered on a staggered system of registration and licensing on a
15 monthly series basis to distribute the work of registering such
16 vehicles as uniformly and expeditiously as practicable throughout
17 the calendar year. After the end of the month following the
18 expiration date, the license and registration fees for the new
19 registration period shall become delinquent.

20 2. All fleet vehicles registered pursuant to new applications
21 approved pursuant to the provisions of Section 1120 of this title
22 shall be registered on a staggered system monthly basis.

23 3. Applicants seeking to establish Oklahoma as the base
24 jurisdiction for registering apportioned fleet vehicles shall have a

1 one-time option of registering for a period of not less than six (6)
2 months nor greater than eighteen (18) months. Subsequent renewals
3 for these registrants will be for twelve (12) months, expiring on
4 the last day of the month chosen by the registrant under the one-
5 time option as provided herein. In addition, registrants with
6 multiple fleets may designate a different registration month of
7 expiration for each fleet.

8 As used in this section, "fleet" shall have the same meaning as
9 set forth in the International Registration Plan.

10 4. Effective January 1, 2004, all motorcycles and mopeds shall
11 be registered on a staggered system of registration. The Oklahoma
12 Tax Commission shall notify in writing, prior to December 1, 2003,
13 all owners of motorcycles or mopeds registered as of such date, who
14 shall have a one-time option of registering for a period of not less
15 than three (3) months nor greater than fifteen (15) months.
16 Subsequent renewals for these registrants will be for twelve (12)
17 months, expiring on the last day of the month chosen by the
18 registrant under the one-time option as provided herein. All
19 motorcycles and mopeds registered pursuant to new applications
20 received on or after December 1, 2003, shall also be registered
21 pursuant to the provisions of this paragraph.

22 C. The following penalties shall apply for delinquent
23 registration fees:
24

1 1. For fleet vehicles required to be registered pursuant to the
2 provisions of Section 1120 of this title for which a properly
3 completed application for registration has not been received by the
4 Corporation Commission by the last day of the month following the
5 registration expiration date, a penalty of thirty percent (30%) of
6 the Oklahoma portion of the annual registration fee, or Two Hundred
7 Dollars (\$200.00), whichever is greater, shall be assessed. The
8 license and registration cards issued by the Corporation Commission
9 for each fleet vehicle shall be valid until two (2) months after the
10 registration expiration date;

11 2. For commercial vehicles registered under the provisions of
12 subsection B of this section, except those vehicles registered
13 pursuant to Section 1133.1 of this title, a penalty shall be
14 assessed after the last day of the month following the registration
15 expiration date. A penalty of twenty-five cents (\$0.25) per day
16 shall be added to the license fee of such vehicle and shall accrue
17 for one (1) month. Thereafter, the penalty shall be thirty percent
18 (30%) of the annual registration fee, or Two Hundred Dollars
19 (\$200.00), whichever is greater;

20 3. For new or used manufactured homes, not registered within
21 thirty (30) days from date of purchase or date such manufactured
22 home was brought into this state, a penalty equal to the
23 registration fee shall be assessed; or
24

1 4. For all vehicles a penalty shall be assessed after the last
2 day of the month following the expiration date and no penalty shall
3 be waived by the Oklahoma Tax Commission or any motor license agent
4 except as provided for in subsection H of Section 1133 and
5 subsection C of Section 1127 of this title. A penalty of One Dollar
6 (\$1.00) per day shall be added to the license fee of such vehicle,
7 provided that the penalty shall not exceed One Hundred Dollars
8 (\$100.00). Of each dollar penalty collected pursuant to this
9 subsection:

10 a. twenty-one cents (\$0.21) shall be apportioned as
11 provided in Section 1104 of this title,

12 b. twenty-one cents (\$0.21) shall be retained by the
13 motor license agent, and

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

16 D. In addition to all other penalties provided in the Oklahoma
17 Vehicle License and Registration Act, the following penalties shall
18 be imposed and collected by any Enforcement Officer of the
19 Corporation Commission upon finding any commercial vehicle being
20 operated in violation of the provisions of the Oklahoma Vehicle
21 License and Registration Act.

22 The penalties shall apply to any commercial vehicle found to be
23 operating in violation of the following provisions:
24

1 1. A penalty of not less than Fifty Dollars (\$50.00) shall be
2 imposed upon any person found to be operating a commercial vehicle
3 sixty (60) days after the end of the month in which the license
4 plate or registration credentials expire without the current year
5 license plate or registration credential displayed. Such penalty
6 shall not exceed the amount established by the Corporation
7 Commission pursuant to the provisions of subsection A of Section
8 1167 of this title. Revenue from such penalties shall be
9 apportioned as provided in Section 1167 of this title;

10 2. A penalty of not less than Fifty Dollars (\$50.00) shall be
11 imposed for any person operating a commercial vehicle subject to the
12 provisions of Section 1120 or Section 1133 of this title without the
13 proper display of, or, carrying in such commercial vehicle, the
14 identification credentials issued by the Corporation Commission as
15 evidence of payment of the fee or tax as provided in Section 1120 or
16 Section 1133 of this title. Such penalty shall not exceed the
17 amount established by the Corporation Commission pursuant to the
18 provisions of subsection A of Section 1167 of this title. Revenue
19 from such penalties shall be apportioned as provided in Section 1167
20 of this title; and

21 3. A penalty of not less than One Hundred Dollars (\$100.00)
22 shall be imposed for any person that fails to register any
23 commercial vehicle subject to the Oklahoma Vehicle License and
24 Registration Act. Such penalty shall not exceed the amount

1 established by the Corporation Commission pursuant to the provisions
2 of subsection A of Section 1167 of this title. Revenue from such
3 penalties shall be apportioned as provided in Section 1167 of this
4 title.

5 E. The Tax Commission, or Corporation Commission with respect
6 to vehicles registered under Section 1120 or Section 1133 of this
7 title, shall assess the registration fees and penalties for the year
8 or years a vehicle was not registered. For vehicles not registered
9 for two (2) or more years, the registration fees and penalties shall
10 be due only for the current ~~year~~ and one (1) previous ~~year~~
11 registration period.

12 F. In addition to any other penalty prescribed by law, there
13 shall be a penalty of not less than Twenty Dollars (\$20.00) upon a
14 finding by an enforcement officer that:

15 1. The registration of a vehicle registered pursuant to Section
16 1132 of this title is expired and it is sixty (60) or more days
17 after the end of the month of expiration; or

18 2. The registration fees for a vehicle that is subject to the
19 registration fees pursuant to Section 1132 of this title have not
20 been paid.

21 Such penalty shall not exceed the amount established by the
22 Corporation Commission pursuant to the provisions of subsection A of
23 Section 1167 of this title. Revenue from such penalties shall be
24 apportioned as provided in Section 1167 of this title.

1 G. If a vehicle is donated to a nonprofit charitable
2 organization, the nonprofit charitable organization shall be exempt
3 from paying any current or past due registration fees, excise tax,
4 transfer fees, and penalties and interest. However, after the
5 donation, if the person donating the vehicle, or someone on behalf
6 of such person, purchases the same vehicle back from the nonprofit
7 charitable organization to which the vehicle was donated, such
8 person shall be liable for all current and past-due registration
9 fees, excise tax, title or transfer fees, and penalties and interest
10 on such vehicle.

11 SECTION 4. AMENDATORY 47 O.S. 2011, Section 1131, is
12 amended to read as follows:

13 Section 1131. The Oklahoma Tax Commission shall ~~annually~~ notify
14 all persons within the state who have a previous registration on
15 record of the period for registration renewal. The Tax Commission
16 shall send the notifications to the electronic mail address provided
17 by the person. If a person does not provide an electronic mail
18 address then the Tax Commission shall notify the person through the
19 mail. The notifications shall contain all necessary information for
20 such registration and licensing including a breakdown of all charges
21 to be paid by the owner and shall contain instructions as to the
22 procedure for renewal upon presentation to a motor license agent or
23 by return mail to the Commission's state office. The content and
24 form of the notice shall be determined by the Commission. Use of a

1 postcard or electronic mail type renewal notice is specifically
2 permitted. The Commission shall provide information on its public
3 website instructing persons on the procedure for obtaining ~~an annual~~
4 a notification via electronic mail, outlining all charges and fees
5 associated with the registration of a vehicle, as well as an
6 explanation of the apportionment of vehicle fees and penalties. The
7 cost of mailing shall be One Dollar (\$1.00) for each year of
8 registration for license plates and fifty cents (\$0.50) for each
9 year of registration for decals, titles or other forms or devices
10 provided in this act. Provided, that the Commission may adjust any
11 mailing costs as deemed appropriate to allow for increased or
12 additional fees charged by the United States Postal Service.

13 Failure by any applicant to receive notification of renewal as
14 provided by this act shall not excuse the applicant from properly
15 obtaining any registration or license at the proper time by
16 presenting proof of ownership to the Commission's state office or to
17 a motor license agent.

18 SECTION 5. AMENDATORY 47 O.S. 2011, Section 1132, as
19 amended by Section 2, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2016,
20 Section 1132), is amended to read as follows:

21 Section 1132. A. ~~For~~ Except as provided in Section 1 of this
22 act, for all vehicles, unless otherwise specifically provided by the
23 Oklahoma Vehicle License and Registration Act, a registration fee
24 shall be assessed at the time of initial registration by the owner

1 and annually thereafter, for the use of the avenues of public access
2 within this state and to fund programs related to criminal justice
3 in Oklahoma, in the following amounts:

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

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

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

10 4. For the thirteenth through the sixteenth year of
11 registration in this state or any other state, Thirty-five Dollars
12 (\$35.00); and

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

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

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

1 registration by the owner. Nine Dollars (\$9.00) of the registration
2 fee shall be deposited in the Oklahoma Tax Commission Reimbursement
3 Fund. Two Dollars (\$2.00) of the registration fee shall be retained
4 by the motor license agent. The fees required by subsection A of
5 this section shall not be required for all-terrain vehicles or
6 motorcycles used exclusively off roads and highways.

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

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

22 1. A new original vehicle which is stolen from the
23 purchaser/registrant within ninety (90) days of the date of purchase
24

1 of the original vehicle as certified by a police report or other
2 documentation as required by the Oklahoma Tax Commission; or

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

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

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

22 F. In the event a new or used vehicle is not registered, titled
23 and tagged within thirty (30) days from the date of transfer of
24 ownership, the penalty for the failure of the owner of the vehicle

1 to register the vehicle within thirty (30) days shall be One Dollar
2 (\$1.00) per day, provided that in no event shall the penalty exceed
3 One Hundred Dollars (\$100.00). No penalty shall be waived by the
4 Oklahoma Tax Commission or any motor license agent except as
5 provided in subsection C of Section 1127 of this title. Of each
6 dollar penalty collected pursuant to this subsection:

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

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

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

13 G. For a twelve-month period beginning January 1, 2018, Ten
14 Million Three Hundred Thousand Dollars (\$10,300,000.00) in fees and
15 penalties derived pursuant to the provisions of this section shall
16 be apportioned each month to the Criminal Justice Coordinating
17 Council Fund created in Section 11 of this act.

18 SECTION 6. AMENDATORY 47 O.S. 2011, Section 1132.1, is
19 amended to read as follows:

20 Section 1132.1 A. There is levied and there shall be paid to
21 the Oklahoma Tax Commission a fee of Three Dollars (\$3.00) for each
22 year of registration upon every vehicle to be registered or
23 licensed, except for those licensed pursuant to subsection (c) of
24 Section 1210.34 of Title 70 of the Oklahoma Statutes. Said fee

1 shall accrue and shall be collectible upon each vehicle under the
2 same circumstances and shall be payable in the same manner and times
3 as apply to vehicle licenses and registrations under the provisions
4 of the Oklahoma Vehicle License and Registration Act; provided, said
5 fee shall be paid in full for the then current year at the time any
6 vehicle is first registered in a calendar year.

7 B. Two-thirds of the monies collected pursuant to this section
8 shall be transferred by the Tax Commission each month to the State
9 Treasurer for deposit in the General Revenue Fund. For the fiscal
10 year beginning July 1, 1999, of the remaining one-third of the
11 monies collected pursuant to this section each fiscal year, the
12 first Four Hundred Thousand Dollars (\$400,000.00) shall be
13 transferred by the Tax Commission to the State Treasurer for deposit
14 in the Motor Vehicle Driver Education Revolving Fund created in
15 Section 2 of this act and any amount in excess of Four Hundred
16 Thousand Dollars (\$400,000.00) shall be transferred by the Tax
17 Commission to the State Treasurer for deposit in the General Revenue
18 Fund. For the fiscal year beginning July 1, 2000, and for each
19 fiscal year thereafter, of the remaining one-third of the monies
20 collected pursuant to this section each fiscal year, the first Nine
21 Hundred Thousand Dollars (\$900,000.00) shall be transferred by the
22 Tax Commission to the State Treasurer for deposit in the Motor
23 Vehicle Driver Education Revolving Fund created in Section ~~2~~ 1132.2
24 of this ~~act~~ title and any amount in excess of Nine Hundred Thousand

1 Dollars (\$900,000.00) shall be transferred by the Tax Commission to
2 the State Treasurer for deposit in the General Revenue Fund.

3 C. The collection and payment of said fee shall be a
4 prerequisite to license or registration of any vehicle, except for
5 those licensed pursuant to subsection (c) of Section 1210.34 of
6 Title 70 of the Oklahoma Statutes.

7 SECTION 7. AMENDATORY 47 O.S. 2011, Section 1132.4, is
8 amended to read as follows:

9 Section 1132.4 A. In addition to other vehicle registration
10 fees specified by law, there is levied and there shall be paid to
11 the Oklahoma Tax Commission a fee of One Dollar (\$1.00) for each
12 year of registration upon every vehicle to be registered. The fee
13 shall accrue and shall be collectible upon each vehicle under the
14 same circumstances and shall be payable in the same manner and times
15 as apply to vehicle registrations under the provisions of the
16 Oklahoma Vehicle License and Registration Act; provided, the fee
17 shall be paid in full for the then current year at the time any
18 vehicle is first registered in a calendar year.

19 B. Revenue from the fee levied in subsection A of this section
20 shall be apportioned as follows:

21 1. Fifty percent (50%) of the revenues shall be credited to the
22 General Revenue Fund in the State Treasury; and

23 2. Fifty percent (50%) of the revenues shall be deposited to
24 the Oklahoma Law Enforcement Retirement Fund; provided, the first

1 Eight Hundred Fifty Thousand Dollars (\$850,000.00) of the revenues
2 apportioned pursuant to the provisions of this paragraph each fiscal
3 year shall be deposited to the Department of Public Safety Patrol
4 Vehicle Revolving Fund created in Section 2-143 of this title for
5 the purpose of purchasing patrol vehicles and aircraft.

6 C. The collection and payment of the fees specified in this
7 section shall be a prerequisite to license or registration of any
8 vehicles.

9 SECTION 8. AMENDATORY 47 O.S. 2011, Section 1132.6, is
10 amended to read as follows:

11 Section 1132.6 A. In addition to other vehicle registration
12 fees specified by law, there is levied and there shall be paid to
13 the Oklahoma Tax Commission a fee of Three Dollars (\$3.00) for each
14 year of registration upon every motorcycle registered pursuant to
15 Section 1132 of ~~Title 47 of the Oklahoma Statutes~~ this title for use
16 on roads and highways. The fee shall accrue and shall be
17 collectible upon each motorcycle registered for use on roads and
18 highways under the same circumstances and shall be payable in the
19 same manner and times as apply to the registration of motorcycles
20 for use on roads and highways under the provisions of the Oklahoma
21 Vehicle License and Registration Act; provided, the fee shall be
22 paid in full for the then current year at the time any vehicle is
23 first registered in a calendar year.

1 B. Revenue from the fee levied in subsection A of this section
2 shall be transferred each month to the Department of Public Safety
3 for deposit in the Motorcycle Safety and Education Program Revolving
4 Fund created pursuant to Section 40-123 of ~~Title 47 of the Oklahoma~~
5 ~~Statutes~~ this title.

6 C. The collection and payment of the fee specified in this
7 section shall be a prerequisite to licensing or registration of any
8 motorcycle.

9 SECTION 9. AMENDATORY 47 O.S. 2011, Section 1140, is
10 amended to read as follows:

11 Section 1140. A. The Oklahoma Tax Commission shall adopt rules
12 prescribing minimum qualifications and requirements for locating
13 motor license agencies and for persons applying for appointment as a
14 motor license agent; provided, after the effective date of this act
15 such qualifications and requirements shall apply to agents in all
16 areas of this state. Such qualifications and requirements shall
17 include, but not be limited to, the following:

- 18 1. Necessary job skills and experience;
- 19 2. Minimum office hours;
- 20 3. Provision for sufficient staffing, equipment, office space
21 and parking to provide maximum efficiency and maximum convenience to
22 the public;
- 23 4. Obtainment of a faithful performance surety bond as provided
24 for by law;

1 5. A requirement that operation of a motor license agency be
2 the primary source of income for said agent;

3 6. That the applicant has not been convicted of a felony and
4 that no felony charges are pending against the applicant;

5 7. That a complete financial statement be submitted by the
6 applicant on forms provided by the Tax Commission;

7 8. That a report of the applicant's credit history be obtained
8 through the appropriate credit bureau; and

9 9. That the location specified in the application for
10 appointment as a motor license agent not be owned by a member of the
11 Oklahoma Legislature or any person related to a member of the
12 Oklahoma Legislature within the third degree by consanguinity or
13 affinity and that the location not be within a three-mile radius of
14 an existing motor license agency unless the applicant is assuming
15 the location of an operating agency. The Tax Commission may, at its
16 discretion, approve the relocation of an existing agency within a
17 three-mile radius of another existing agency only if a naturally
18 intervening geographic barrier within that radius causes the
19 locations to be separated by not less than three (3) miles of
20 roadway by the most direct route.

21 After the necessary information has been forwarded to the Tax
22 Commission, each applicant shall be interviewed by the Tax
23 Commission or its designees and each item of information shall be
24 reviewed.

1 Any person making application to the Tax Commission for the
2 purpose of becoming a motor license agent shall pay when submitting
3 the application, a nonrefundable application fee of One Hundred
4 Dollars (\$100.00). All such application fees shall be deposited in
5 the Oklahoma Tax Commission Revolving Fund.

6 Upon application by a person to serve as a motor license agent,
7 in such counties, the Tax Commission shall make a determination
8 whether such person and such location meets the qualifications and
9 requirements prescribed herein and, if such be the case, shall
10 appoint such person to serve as a motor license agent.

11 A motor license agent, appointed pursuant to this subsection
12 shall be permitted to operate a motor license agency at a single
13 location and shall be prohibited from operating subagencies or
14 branch agencies, unless such subagencies or branch agencies were
15 established prior to June 1, 1985.

16 Unless otherwise specifically provided, motor license agents
17 appointed pursuant to this subsection shall be subject to all laws
18 relating to motor license agents and shall be subject to removal at
19 the will of the Tax Commission.

20 B. Before the effective date of this act, in all counties of
21 this state having a population of less than one hundred thirty
22 thousand (130,000) and in municipalities having a population of less
23 than eight thousand five hundred (8,500) located in a county having
24 a population in excess of one hundred thirty thousand (130,000),

1 according to the latest Federal Decennial Census, the Tax Commission
2 shall appoint as many motor license agents as it deems necessary to
3 carry out the provisions of the Motor Vehicle License and
4 Registration Act. Provided, that in counties with a population in
5 excess of twenty-five thousand (25,000) persons, according to the
6 latest Federal Decennial Census, having only one motor license agent
7 serving the county, the Tax Commission shall establish at least one
8 additional agency to serve the county. Any motor license agent
9 appointed pursuant to this subsection before the effective date of
10 this act may continue to serve until such agent vacates the position
11 by reason of resignation, removal, death or otherwise.

12 All motor license agents shall be self-employed independent
13 contractors and shall be under the supervision of the Tax
14 Commission; provided, any agent authorized to issue registrations
15 pursuant to the International Registration Plan shall also be under
16 the supervision of the Corporation Commission, subject to rules
17 promulgated by the Corporation Commission pursuant to the provisions
18 of subsection E of Section 1166 of this title. Any such agent, upon
19 being appointed, shall furnish and file with the Tax Commission a
20 bond in such amount as may be fixed by the Tax Commission. Such
21 agent shall be removable at the will of the Tax Commission. Such
22 agent shall perform all duties and do such things in the
23 administration of the laws of this state as shall be enjoined upon
24 and required by the Tax Commission or the Corporation Commission.

1 Provided, the Tax Commission may operate a motor license agency in
2 any county where a vacancy occurs.

3 C. In the event of a vacancy existing by reason of resignation,
4 removal, death or otherwise, in the position of any motor license
5 agent, the Tax Commission is hereby empowered and authorized to take
6 any and all actions it deems appropriate in order to provide for the
7 orderly transition and for the maintenance of operations of the
8 motor license agency including but not limited to the designation of
9 one of its regular employees to serve as "acting agent" without
10 bond, and to receive and expend all fees or charges authorized or
11 provided by law and exercise the same powers and authority as a
12 regularly appointed motor license agent. An acting agent may be
13 authorized by the Tax Commission equally as the preceding agent to
14 make disbursements from any balances in the preceding motor license
15 agent's operating account and the agent's operating funds for the
16 payment of expenses of operations and salaries and other overhead.
17 If such funds are insufficient, the Tax Commission is authorized to
18 expend from funds appropriated for the operation of the Tax
19 Commission such amounts as are necessary to maintain and continue
20 the operation of any such motor license agency until a successor
21 agent is appointed and qualified. The Tax Commission may require a
22 blanket fiduciary bond of the agency employees.

23 D. Any motor license agency operated by a motor license agent
24 who has been charged with a felony shall be closed immediately. The

1 State Auditor and Inspector shall immediately conduct an audit of
2 such motor license agency and forward the report of the audit to the
3 Tax Commission for review. The Tax Commission shall determine
4 whether the motor license agency shall be reopened and operated by
5 the motor license agent or whether the agency shall be reopened and
6 operated by the Tax Commission. The review of the audit and the Tax
7 Commission determination shall be effected as soon as possible to
8 prevent additional inconvenience to the public.

9 E. When an application for registration is made with the Tax
10 Commission, Corporation Commission or a motor license agent, a
11 registration fee of One Dollar and seventy-five cents (\$1.75) for
12 each year of registration shall be collected for each license plate
13 or decal issued. Such fees shall be in addition to the registration
14 fees on motor vehicles and when an application for registration is
15 made to the motor license agent such motor license agent shall
16 retain a fee as provided in Section 1141.1 of this title. When the
17 fee is paid by a person making application directly with the Tax
18 Commission or Corporation Commission, as applicable, the
19 registration fees shall be in the same amount as provided for motor
20 license agents and the fee provided by Section 1141.1 of this title
21 shall be deposited in the Oklahoma Tax Commission Revolving Fund or
22 as provided in Section 1167 of this title, as applicable. The Tax
23 Commission shall prepare schedules of registration fees and charges
24 for titles which shall include the fees for such agents and all fees

1 and charges paid by a person shall be listed separately on the
2 application and registration and totaled on the application and
3 registration. The motor license agents shall charge only such fees
4 as are specifically provided for by law, and all such authorized
5 fees shall be posted in such a manner that any person shall have
6 notice of all fees that are imposed by law.

7 F. No person shall be appointed as a motor license agent unless
8 the person has attested under oath that the person is not related by
9 affinity or consanguinity within the third degree to:

10 1. Any member of the Oklahoma Legislature;

11 2. Any person who has served as a member of the Oklahoma
12 Legislature within the two-year period preceding the date of
13 appointment as motor license agent; or

14 3. Any employee of the Tax Commission.

15 G. Any motor license agent appointed under the provisions of
16 this title shall be responsible for all costs incurred by the Tax
17 Commission when relocating an existing motor license agency. The
18 Tax Commission may waive payment of such costs in case of unforeseen
19 business or emergency conditions beyond the control of the agent.

20 SECTION 10. AMENDATORY 47 O.S. 2011, Section 1141.1, as
21 amended by Section 4, Chapter 158, O.S.L. 2012 (47 O.S. Supp. 2016,
22 Section 1141.1), is amended to read as follows:

23 Section 1141.1 A. Each motor license agent shall be entitled
24 to retain the following amounts from the taxes and fees collected by

1 such agent to be used to fund the operation of the office of such
2 motor license agent subject to the provisions of Sections 1140
3 through 1147 of this title:

4 1. Beginning July 1, 2005, Two Dollars and eighty-one cents
5 (\$2.81) for each vehicle registered and for each special license
6 plate issued pursuant to the Oklahoma Vehicle License and
7 Registration Act. Beginning July 1, 2006, and thereafter, Three
8 Dollars and fifty-six cents (\$3.56) for each year of registration
9 for each vehicle registered and for each special license plate
10 issued pursuant to the Oklahoma Vehicle License and Registration
11 Act;

12 2. One Dollar and twenty-five cents (\$1.25) for each
13 certificate of title issued for boats and motors pursuant to the
14 Oklahoma Statutes;

15 3. For each certificate of registration issued for boats and
16 motors pursuant to the Oklahoma Statutes, an amount determined
17 pursuant to the provisions of subsection B of this section;

18 4. Two Dollars and twenty-five cents (\$2.25) for each
19 certificate of title issued pursuant to the Oklahoma Vehicle License
20 and Registration Act. Provided, the fee retention amount for
21 certificates of title issued pursuant to the provisions of
22 subsection H of Section 1105 of this title, in which an insurer pays
23 the optional twenty-two-dollar fee amount, is Four Dollars and fifty
24 cents (\$4.50);

1 5. Beginning October 1, 2000, three percent (3%) of the vehicle
2 excise tax collected pursuant to Section 2103 of Title 68 of the
3 Oklahoma Statutes. Beginning July 1, 2001, each motor license agent
4 shall be entitled to retain three and one hundred twenty-five one-
5 thousandths percent (3.125%) of the vehicle excise tax collected
6 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.
7 Beginning July 1, 2002, and for all subsequent years, each motor
8 license agent shall be entitled to retain three and twenty-five one-
9 hundredths percent (3.25%) of the vehicle excise tax collected
10 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.
11 However, beginning July 1, 2003, the Legislature shall annually
12 review the percentage to be retained by the motor license agents
13 pursuant to this paragraph to determine whether such percentage
14 should be adjusted;

15 6. Four percent (4%) of the excise tax collected on the
16 transfer of boats and motors pursuant to the Oklahoma Statutes;

17 7. Two Dollars (\$2.00) for each driver license, endorsement,
18 identification license, or renewal or duplicate issued pursuant to
19 Section 6-101 et seq. of this title;

20 8. Two Dollars (\$2.00) for the recording of security interests
21 as provided in Section 1110 of this title;

22 9. Two Dollars (\$2.00) for each inspection conducted pursuant
23 to subsection L of Section 1105 of this title;
24

1 10. Three Dollars (\$3.00) for each inspection conducted
2 pursuant to subsection M of Section 1105 of this title;

3 11. One Dollar (\$1.00) for each certificate of ownership filed
4 pursuant to subsection R of Section 1105 of this title;

5 12. One Dollar (\$1.00) for each temporary permit issued
6 pursuant to Section 1124 of this title;

7 13. One Dollar and fifty cents (\$1.50) for each year of
8 registration for processing each proof of financial responsibility,
9 driver license information, insurance verification information, and
10 other additional information as provided in Section 7-602 of this
11 title;

12 14. The mailing fees and registration fees provided in Sections
13 1131 and 1140 of this title;

14 15. The notary fee provided in Section 1143 of this title;

15 16. Three Dollars (\$3.00) for each lien entry form completed
16 and recorded on a certificate of title pursuant to subsection G of
17 Section 1105 of this title;

18 17. Seven Dollars (\$7.00) for each notice of transfer as
19 provided by subsection B of Section 1107.4 of this title;

20 18. Seven Dollars (\$7.00) for each certificate of title or each
21 certificate of registration issued for repossessed vehicles pursuant
22 to Section 1126 of this title;

1 19. Any amount specifically authorized by law to be retained by
2 the motor license agent for the furnishing of a summary of a traffic
3 record; and

4 20. Beginning July 1, 2009, each motor license agent shall also
5 be entitled to a portion of the penalties for delinquent
6 registration or payment of excise tax as provided for in subsection
7 C of Section 1115, subsection F of Section 1132 and subsection C of
8 Section 1151 of this title and of subsection A of Section 2103 of
9 Title 68 of the Oklahoma Statutes.

10 The balance of the funds collected shall be remitted to the
11 Oklahoma Tax Commission as provided in Section 1142 of this title to
12 be apportioned pursuant to Section 1104 of this title.

13 B. For each certificate of registration issued for boats and
14 motors, each motor license agent shall be entitled to retain the
15 greater of One Dollar and twenty-five cents (\$1.25) or an amount to
16 be determined by the Tax Commission according to the provisions of
17 this subsection. At the end of fiscal year 1997 and each fiscal
18 year thereafter, the Tax Commission shall compute the average amount
19 of registration fees for all boats and motors registered in this
20 state during the fiscal year and shall multiply the result by six
21 and twenty-two one-hundredths percent (6.22%). The resulting
22 product shall be the amount which may be retained by each motor
23 license agent for each certificate of registration for boats and
24 motors issued during the following calendar year.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 20m of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the "Criminal Justice Coordinating Council".

B. The Council shall consist of six (6) members as follows:

1. The Attorney General or a designee, who shall also serve as the Council Chairman;

2. The Commissioner of the Department of Mental Health and Substance Abuse Services or a designee;

3. The Director of the Department of Corrections or a designee;

4. The Executive Coordinator of the District Attorneys Council or a designee;

5. The Administrative Director of the Courts or a designee; and

6. The Director of the Office of Management and Enterprise Services or a designee.

C. The Council shall not have the right to exercise any portion of the sovereign power of the state. A member of the Council shall not be disqualified from holding any public office or employment by reason of appointment or membership on the Council, nor shall the member forfeit the office or employment by reason of appointment to this Council.

D. The Council shall study, evaluate and make recommendations concerning the creation of diversion programs in Oklahoma including,

1 but not limited to, alternative sentencing, supervision and
2 treatment options for defendants who commit simple drug possession
3 crimes.

4 E. The Council shall prepare a report of its findings and
5 recommendations and transmit the report not later than December 1,
6 2018, to the Speaker of the Oklahoma House of Representatives and
7 the President Pro Tempore of the Oklahoma State Senate.

8 F. There is hereby created in the State Treasury a fund for the
9 Criminal Justice Coordinating Council to be designated the "Criminal
10 Justice Coordinating Council Fund". The fund shall be a continuing
11 fund, not subject to fiscal year limitations, and shall consist of
12 monies received pursuant to Section 1132 of Title 47 of the Oklahoma
13 Statutes and any monies designated to the fund by law. All monies
14 accruing to the credit of the fund are hereby appropriated and may
15 be budgeted and expended by the Criminal Justice Coordinating
16 Council for the purpose of fulfilling the Council's duties under the
17 provisions of this section. Expenditures from the fund shall be
18 made upon warrants issued by the State Treasurer against claims
19 filed as prescribed by law with the Director of the Office of
20 Management and Enterprise Services for approval and payment.

21 SECTION 12. This act shall become effective November 1, 2017.
22

23 56-1-7876 JM 05/09/17
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