

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2754 _____
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

2nd Session of the 56th Legislature (2018)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 2754

By: Osborn (Leslie)

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2011, Sections 1113, as last amended by Section 1, Chapter 331, O.S.L. 2017, and 1115.3 (47 O.S. Supp. 2017, Section 1113), which relate to motor vehicle registration; modifying provisions related to registration of utility vehicles; requiring annual registration of utility vehicles; creating Developmental Disability Waiver Program Revolving Fund; providing for apportionment of revenues; stating purpose of expenditures; authorizing counties to restrict operation of utility vehicles on county roads or highways; authorizing municipalities to restrict operation of utility vehicles on municipal roads; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1113, as last amended by Section 1, Chapter 331, O.S.L. 2017 (47 O.S. Supp. 2017, Section 1113), is amended to read as follows:

Section 1113. A. 1. Except for all-terrain vehicles, ~~utility vehicles~~ and motorcycles used exclusively off roads and highways,

1 upon the filing of a registration application and the payment of the
2 fees provided for in the Oklahoma Vehicle License and Registration
3 Act, the Oklahoma Tax Commission or Corporation Commission, as
4 applicable, shall assign to the vehicle described in the application
5 a distinctive number, and issue to the owner of the vehicle a
6 certificate of registration, one license plate and a yearly decal.
7 The Oklahoma Tax Commission shall assign an all-terrain vehicle,
8 ~~utility vehicle~~ or motorcycle used exclusively off roads and
9 highways a distinctive number and issue to the owner a certificate
10 of registration and a decal but not a license plate. For each
11 subsequent registration year, the Tax Commission shall issue a
12 yearly decal to be affixed to the license plate, except for an all-
13 terrain vehicle,~~utility vehicle~~ or motorcycle used exclusively off
14 roads and highways. The initial decal for an all-terrain vehicle,
15 ~~utility vehicle~~ or motorcycle shall be attached to the front of the
16 vehicle and shall be in clear view. The decal shall be on the front
17 or on the front fork of the motorcycle used exclusively off roads
18 and highways and the decal shall be in clear view. The yearly decal
19 shall have an identification number and the last two numbers of the
20 registration year for which it shall expire. Except as provided by
21 Section 1113A of this title, the license plate shall be affixed to
22 the exterior of the vehicle until a replacement license plate is
23 applied for. If the owner applies for a replacement license plate,
24 the Tax Commission shall charge the fee provided for in Section 1114

1 of this title. The yearly decal will validate the license plate for
2 each registration period other than the year the license plate is
3 issued. The license plate and decal shall be of such size, color,
4 design and numbering as the Tax Commission may direct. However,
5 yearly decals issued to the owner of a vehicle who has filed an
6 affidavit with the appropriate motor license agent in accordance
7 with Section 7-607 of this title shall be a separate and distinct
8 color from all other decals issued under this section. Before the
9 effective date of this act, the Tax Commission shall also issue a
10 monthly decal which shall include a two-letter abbreviation
11 corresponding to the county in which the vehicle is registered. The
12 Tax Commission shall issue all decals in the possession of the Tax
13 Commission on the effective date of this act before issuing any
14 decals which do not contain the county abbreviation.

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

1 with any material, whether such material be clear, translucent,
2 tinted or opaque, shall be a violation of this paragraph.

3 3. Upon payment of the annual registration fee provided in
4 Section 1133 of this title, the Tax Commission or Corporation
5 Commission, as applicable, or a motor license agent may issue a
6 permanent nonexpiring license plate to an owner of one hundred or
7 more commercial motor vehicles and for vehicles registered under the
8 provisions of Section 1120 of this title. Upon payment of the
9 annual registration fee, the Tax Commission or Corporation
10 Commission shall issue a certificate of registration that shall be
11 carried at all times in the vehicle for which it is issued.
12 Provided, if the registrant submits its application through
13 electronic means, such qualified owners of one hundred or more
14 commercial motor vehicles, properly registered pursuant to the
15 provisions of Section 1133 of this title, may elect to receive a
16 permanent certificate of registration that shall be carried at all
17 times in the vehicle for which it is issued.

18 4. Every vehicle owned by an agency of this state shall be
19 exempt from the payment of registration fees required by this title.
20 Provided, such vehicle shall be registered and shall otherwise
21 comply with the provisions of the Oklahoma Vehicle License and
22 Registration Act.

1 B. The license plates required under the provisions of this
2 title shall conform to the requirements and specifications listed
3 hereinafter:

4 1. Each license plate shall have a space for the placement of
5 the yearly decals for each succeeding year of registration after the
6 initial issue;

7 2. The provisions of the Oklahoma Vehicle License and
8 Registration Act regarding the issuance of yearly decals shall not
9 apply to the issuance of apportioned license plates, including
10 license plates for state vehicles, and exempt plates for
11 governmental entities and fire departments organized pursuant to
12 Section 592 of Title 18 of the Oklahoma Statutes;

13 3. All license plates and decals shall be made with
14 reflectorized material as a background to the letters, numbers and
15 characters displayed thereon. The reflectorized material shall be
16 of such a nature as to provide effective and dependable brightness
17 during the service period for which the license plate or decal is
18 issued;

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

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

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

15 7. Within the limits prescribed in this section, the Tax
16 Commission shall design appropriate official license plates for
17 vehicles of the Oklahoma Department of Corrections. Such license
18 plates shall contain the letters "DOC" followed by the Department of
19 Corrections badge and three numbers or letters or combination of
20 both as designated by the Director of the agency. The words
21 "Department of Corrections" shall also be included on such license
22 plates; and

23 8. Within the limits prescribed in this section, the Oklahoma
24 Tourism and Recreation Department shall design any license plates

1 required by the initiation of a license plate reissuance by the
2 Oklahoma Tax Commission at the request of the Department of Public
3 Safety pursuant to the provisions of Section 1113.2 of this title.
4 Any such new designs shall be submitted by the Oklahoma Tourism and
5 Recreation Department to the Department of Public Safety for its
6 approval prior to being issued by the Oklahoma Tax Commission.

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

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

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

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

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

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

1 evidence of payment of ad valorem taxes. The Tax Commission shall
2 issue decals to the various county treasurers of the state in order
3 for a manufactured home owner to obtain such decal each year. Upon
4 presentation of a valid ad valorem tax receipt, the manufactured
5 home owner shall be issued the annual decal.

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

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

20 The application for registration shall also include the school
21 district in which the manufactured home is located or is to be
22 located. The information shall be entered into a computer data
23 system which shall be used by the Tax Commission to provide
24 information to county assessors upon request by the assessor. The

1 assessor may request any information from the system in order to
2 properly assess a manufactured home for ad valorem taxation.

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

5 Section 1115.3 A. As used in this section, "utility vehicle"
6 means a device having four wheels, a steering wheel, seating
7 designed for occupancy by at least two persons including the driver,
8 propelled by an internal combustion engine, having a maximum speed
9 of forty-five miles per hour (45 mph) and which is designed and
10 manufactured primarily for use off public roads and highways.

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

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

21 ~~C.~~ D. For utility vehicles used exclusively off roads or
22 highways ~~purchased prior to July 1, 2008,~~ registration, ~~as otherwise~~
23 ~~required by~~ pursuant to Section 1115 of this title, shall ~~not~~ be
24

1 required ~~but shall be allowed at the option of the owner of the~~
2 ~~utility vehicle used exclusively off roads or highways~~ annually.

3 ~~D. E.~~ All-terrain vehicles, ~~utility vehicles~~ or motorcycles
4 used exclusively off roads or highways owned or purchased by a
5 person that possesses an agricultural exemption pursuant to Section
6 1358.1 of Title 68 of the Oklahoma Statutes may be registered as
7 provided by this section, but shall not require registration.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1115.3-1 of Title 47, unless
10 there is created a duplication in numbering, reads as follows:

11 All revenues derived from the annual registration fees for
12 utility vehicles, as defined by Section 1115.3 of Title 47 of the
13 Oklahoma Statutes, shall be apportioned to the Developmental
14 Disability Waiver Program Revolving Fund created pursuant to Section
15 4 of this act.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1011.100 of Title 56, unless
18 there is created a duplication in numbering, reads as follows:

19 There is hereby created in the State Treasury a revolving fund
20 for the Department of Human Services to be designated the
21 "Developmental Disability Waiver Program Revolving Fund". The fund
22 shall be a continuing fund, not subject to fiscal year limitations,
23 and shall consist of all monies received by the Department of Human
24 Services from registration fees for utility vehicles as defined by

1 Section 1115.3 of Title 47 of the Oklahoma Statutes. All monies
2 accruing to the credit of said fund are hereby appropriated and may
3 be budgeted and expended by the Department of Human Services for the
4 purpose of implementing the developmental disability waiver program.
5 Expenditures from said fund shall be made upon warrants issued by
6 the State Treasurer against claims filed as prescribed by law with
7 the Director of the Office of Management and Enterprise Services for
8 approval and payment.

9 SECTION 5. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 7501 of Title 63, unless there
11 is created a duplication in numbering, reads as follows:

12 A. A county may restrict the operation of a utility vehicle,
13 as defined by Section 1115.3 of Title 47 of the Oklahoma Statutes,
14 on county roads and county highways pursuant to resolution or
15 ordinance adopted by the board of county commissioners.

16 B. A city or town may restrict the operation of a utility
17 vehicle, as defined by Section 1115.3 of Title 47 of the Oklahoma
18 Statutes, on municipal roads pursuant to ordinances adopted by the
19 governing board of the municipality.

20 SECTION 6. This act shall become effective July 1, 2018.

21 SECTION 7. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
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24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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