

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 3317

By: Fetgatter of the House

and

Thompson of the Senate

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2011, Sections 1102, as last amended by Section 1, Chapter 57, O.S.L. 2016 and 1136.2(47 O.S. Supp. 2017, Section 1102), which relate to the Oklahoma Vehicle License and Registration Act; defining term; providing conditions under which certain former military vehicles may be titled and registered; requiring the registration and titling of High Mobility Multipurpose Wheeled Vehicles; requiring the promulgation of certain rules; authorizing certain operation of High Mobility Multipurpose Wheeled Vehicles; requiring compliance with certain regulations and rules; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1102, as last amended by Section 1, Chapter 57, O.S.L. 2016 (47 O.S. Supp. 2017, Section 1102), is amended to read as follows:

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

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

4 2. "Carrying capacity" means the carrying capacity of a vehicle
5 as determined or declared in tons of cargo or payload by the owner;
6 provided, that such declared capacity shall not be less than the
7 minimum tonnage capacity fixed, listed or advertised by the
8 manufacturer of any vehicle;

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

12 4. "Chips and oil" or the term "road oil and crushed rock"
13 means, with respect to materials authorized for use in the surfacing
14 of roads or highways in this title or in any equivalent statute
15 pertaining to road or highway surfacing in the State of Oklahoma,
16 any asphaltic materials. Wherever chips and oil or road oil and
17 crushed rock are authorized for use in the surfacing of roads or
18 highways in this state, whether by the Department of Transportation,
19 or by the county commissioners, or other road building authority
20 subject to the Oklahoma Vehicle License and Registration Act,
21 asphaltic materials are also authorized for use in such surfacing
22 and construction;

23 5. "Combined laden weight" means the weight of a truck or
24 station wagon and its cargo or payload transported thereon, or the

1 weight of a truck or truck-tractor plus the weight of any trailers
2 or semitrailers together with the cargo or payload transported
3 thereon;

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

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

11 8. "Commercial vehicle" means any vehicle over eight thousand
12 (8,000) pounds combined laden weight used primarily for business or
13 commercial purposes. Each motor vehicle being registered pursuant
14 to the provisions of this section shall have the name of the
15 commercial establishment or the words "Commercial Vehicle"
16 permanently and prominently displayed upon the outside of the
17 vehicle in letters not less than two (2) inches high. Such letters
18 shall be in sharp contrast to the background and shall be of
19 sufficient shape and color as to be readily legible during daylight
20 hours, from a distance of fifty (50) feet while the vehicle is not
21 in motion;

22 9. "Commission" or "Tax Commission" means the Oklahoma Tax
23 Commission;

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

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

13 12. "High Mobility Multipurpose Wheeled Vehicle" and "HMMWV"
14 shall mean a four-wheel drive tactical military vehicle that can
15 carry a wide variety of military hardware, a vehicle more commonly
16 known as a Humvee;

17 13. "Mini-truck" means a foreign-manufactured import or
18 domestic-manufactured vehicle powered by an internal combustion
19 engine with a piston or rotor displacement of one thousand cubic
20 centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches
21 or less in width, with an unladen dry weight of three thousand four
22 hundred (3,400) pounds or less, traveling on four or more tires,
23 having a top speed of approximately fifty-five (55) miles per hour,
24

1 equipped with a bed or compartment for hauling, and having an
2 enclosed passenger cab;

3 ~~13.~~ 14. "Interstate commerce" means any commerce moving between
4 any place in a state and any place in another state or between
5 places in the same state through another state;

6 ~~14.~~ 15. "Laden weight" means the combined weight of a vehicle
7 when fully equipped for use and the cargo or payload transported
8 thereon; provided, that in no event shall the laden weight be less
9 than the unladen weight of the vehicle fully equipped for use, plus
10 the manufacturer's rated carrying capacity;

11 ~~15.~~ 16. "Local authorities" means every county, municipality or
12 local board or body having authority to adopt police regulations
13 under the Constitution and laws of this state;

14 ~~16.~~ 17. "Low-speed electrical vehicle" means any four-wheeled
15 electrical vehicle that is powered by an electric motor that draws
16 current from rechargeable storage batteries or other sources of
17 electrical current and whose top speed is greater than twenty (20)
18 miles per hour but not greater than twenty-five (25) miles per hour
19 and is manufactured in compliance with the National Highway Traffic
20 Safety Administration standards for low-speed vehicles in 49 C.F.R.
21 571.500;

22 ~~17.~~ 18. "Manufactured home" means a residential dwelling built
23 in accordance with the National Manufactured Housing Construction
24 and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.,

1 and rules promulgated pursuant thereto and the rules promulgated by
2 the Oklahoma Used Motor Vehicle and Parts Commission pursuant to
3 Section 582 of this title. Manufactured home shall not mean a park
4 model recreational vehicle as defined in this section;

5 ~~18.~~ 19. "Manufactured home dealer" means any person, firm or
6 corporation engaged in the business of selling any new and unused,
7 or used, or both new and used manufactured homes. Such information
8 and a valid franchise letter as proof of authorization to sell any
9 such new manufactured home product line or lines shall be attached
10 to the application for a dealer license to sell manufactured homes.
11 "Manufactured home dealer" shall not include any person, firm or
12 corporation who sells or contracts for the sale of the dealer's own
13 personally titled manufactured home or homes. No person, firm or
14 corporation shall be considered a manufactured home dealer as to any
15 manufactured home purchased or acquired by such person, firm or
16 corporation for purposes other than resale; provided, that the
17 restriction set forth in this sentence shall not prevent an
18 otherwise qualified person, firm or corporation from utilizing a
19 single manufactured home as a sales office;

20 ~~19.~~ 20. "Medium-speed electrical vehicle" means any self-
21 propelled, electrically powered four-wheeled motor vehicle, equipped
22 with a roll cage or crush-proof body design, whose speed attainable
23 in one (1) mile is more than thirty (30) miles per hour but not
24 greater than thirty-five (35) miles per hour;

1 ~~20.~~ 21. "Motor license agent" means any person appointed,
2 designated or authorized by the Oklahoma Tax Commission to collect
3 the fees and to enforce the provisions provided for in the Oklahoma
4 Vehicle License and Registration Act;

5 ~~21.~~ 22. "New vehicle" or "unused vehicle" means a vehicle which
6 has been in the possession of the manufacturer, distributor or
7 wholesaler or has been sold only by the manufacturer, distributor or
8 wholesaler to a dealer;

9 ~~22.~~ 23. "Nonresident" means any person who is not a resident of
10 this state;

11 ~~23.~~ 24. "Off-road motorcycle" means any motorcycle, as defined
12 in Section 1-135 of this title, when such motorcycle has been
13 manufactured for and used exclusively off roads, highways and any
14 other paved surfaces;

15 ~~24.~~ 25. "Owner" means any person owning, operating or
16 possessing any vehicle herein defined;

17 ~~25.~~ 26. "Park model recreational vehicle" means a vehicle that
18 is:

- 19 a. designed and marketed as temporary living quarters for
- 20 camping, recreational, seasonal or travel use,
- 21 b. not permanently affixed to real property for use as a
- 22 permanent dwelling,
- 23
- 24

1 c. built on a single chassis mounted on wheels with a
2 gross trailer area not exceeding four hundred (400)
3 square feet in the setup mode, and

4 d. certified by the manufacturer as complying with
5 standard A119.5 of the American National Standards
6 Institute, Inc.;

7 ~~26.~~ 27. "Person" means any individual, copartner, joint
8 venture, association, corporation, limited liability company,
9 estate, trust, business trust, syndicate, the State of Oklahoma, or
10 any county, city, municipality, school district or other political
11 subdivision thereof, or any group or combination acting as a unit,
12 or any receiver appointed by the state or federal court;

13 ~~27.~~ 28. "Rebodied vehicle" means a vehicle:

14 a. which has been assembled using a new body or new major
15 component which is of the identical type as the
16 original vehicle and is licensed by the manufacturer
17 of the original vehicle and other original, new or
18 reconditioned parts. For purposes of this paragraph,
19 "new body or new major component" means a new body,
20 cab, frame, front end clip or rear end clip,

21 b. which is not a salvage, rebuilt, or junked vehicle as
22 defined by paragraph 1, 2, or 6 of subsection A of
23 Section 1105 of this title, and
24

1 c. for which the Tax Commission has assigned or will
2 assign a new identifying number;

3 ~~28.~~ 29. "Recreational off-highway vehicle" means a vehicle
4 manufactured and used exclusively for off-highway use, traveling on
5 four or more non-highway tires, and being sixty-five (65) inches or
6 less in width;

7 ~~29.~~ 30. "Recreational vehicle" means every vehicle which is
8 built on or permanently attached to a self-propelled motor chassis
9 or chassis cab which becomes an integral part of the completed
10 vehicle and is capable of being operated on the highways. In order
11 to qualify as a recreational vehicle pursuant to this paragraph such
12 vehicle shall be permanently constructed and equipped for human
13 habitation, having its own sleeping and kitchen facilities,
14 including permanently affixed cooking facilities, water tanks and
15 holding tank with permanent toilet facilities. Recreational vehicle
16 shall not include manufactured homes or any vehicle with portable
17 sleeping, toilet and kitchen facilities which are designed to be
18 removed from such vehicle. Recreational vehicle shall include park
19 model recreational vehicles as defined in this section;

20 ~~30.~~ 31. "Remanufactured vehicle" means a vehicle which has been
21 assembled by a vehicle remanufacturer using a new body and which may
22 include original, reconditioned, or remanufactured parts, and which
23 is not a salvage, rebuilt, or junked vehicle as defined by
24

1 paragraphs 1, 2, and 6, respectively, of subsection A of Section
2 1105 of this title;

3 ~~31.~~ 32. "Rental trailer" means all small or utility trailers or
4 semitrailers constructed and suitable for towing by a passenger
5 automobile and designed only for carrying property, when the
6 trailers or semitrailers are owned by, or are in the possession of,
7 any person engaged in renting or leasing such trailers or
8 semitrailers for intrastate or interstate use or combined intrastate
9 and interstate use;

10 ~~32.~~ 33. "Special mobilized machinery" means special purpose
11 machines or devices, either self-propelled or drawn as trailers or
12 semitrailers, which derive no revenue from the transportation of
13 persons or property, whose use of the highway is only incidental,
14 and whose useful revenue producing service is performed at
15 destinations in an area away from the traveled surface of an
16 established open highway;

17 ~~33.~~ 34. "State" means the State of Oklahoma;

18 ~~34.~~ 35. "Station wagon" means any passenger vehicle which does
19 not have a separate luggage compartment or trunk and which does not
20 have open beds, and has one or more rear seats readily lifted out or
21 folded, whether same is called a station wagon or ranch wagon;

22 ~~35.~~ 36. "Travel trailer" means any vehicular portable structure
23 built on a chassis, used as a temporary dwelling for travel,
24 recreational or vacational use, and, when factory-equipped for the

1 road, it shall have a body width not exceeding eight (8) feet and an
2 overall length not exceeding forty (40) feet, including the hitch or
3 coupling;

4 ~~36.~~ 37. "Travel trailer dealer" means any person, firm or
5 corporation engaged in the business of selling any new and unused,
6 or used, or both new and used travel trailers. Such information and
7 a valid franchise letter as proof of authorization to sell any such
8 new travel trailer product line or lines shall be attached to the
9 application for a dealer license to sell travel trailers. "Travel
10 trailer dealer" shall not include any person, firm or corporation
11 who sells or contracts for the sale of his or her own personally
12 titled travel trailer or trailers. No person, firm or corporation
13 shall be considered as a travel trailer dealer as to any travel
14 trailer purchased or acquired by such person, firm or corporation
15 for purposes other than resale;

16 ~~37.~~ 38. "Used motor vehicle dealer" means "used motor vehicle
17 dealer" as defined in Section 581 of this title;

18 ~~38.~~ 39. "Used vehicle" means any vehicle which has been sold,
19 bargained, exchanged or given away, or used to the extent that it
20 has become what is commonly known, and generally recognized, as a
21 "secondhand" vehicle. This shall also include any vehicle other
22 than a remanufactured vehicle, regardless of age, owned by any
23 person who is not a dealer;

1 ~~39.~~ 40. "Utility vehicle" means a vehicle powered by an

2 internal combustion engine, manufactured and used exclusively for
3 off-highway use, equipped with seating for two or more people and a
4 steering wheel, traveling on four or more wheels;

5 ~~40.~~ 41. "Vehicle" means any type of conveyance or device in,

6 upon or by which a person or property is or may be transported from
7 one location to another upon the avenues of public access within the
8 state. "Vehicle" does not include bicycles, trailers except travel
9 trailers and rental trailers, or implements of husbandry as defined
10 in Section 1-125 of this title. All implements of husbandry used as
11 conveyances shall be required to display the owner's driver license
12 number or license plate number of any vehicle owned by the owner of
13 the implement of husbandry on the rear of the implement in numbers
14 not less than two (2) inches in height. The use of the owner's
15 Social Security number on the rear of the implement of husbandry
16 shall not be required; and

17 ~~41.~~ 42. "Vehicle remanufacturer" means a commercial entity

18 which assembles remanufactured vehicles.

19 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1136.2, is
20 amended to read as follows:

21 Section 1136.2. A. Except as provided in this section, former
22 military vehicles shall be exempt from the provisions of the
23 Oklahoma Vehicle License and Registration Act if:
24

1 1. The former military vehicle is used only for exhibitions,
2 club activities, parades, and other functions of public interest and
3 will not be used for regular transportation; and

4 2. The owner of the former military vehicle files with the
5 Oklahoma Tax Commission or a motor license agent a sworn affidavit,
6 signed by the owner, stating that the vehicle is a former military
7 vehicle and will be used solely for the purposes listed in paragraph
8 1 of this subsection.

9 B. Upon each former military vehicle, the annual license fee
10 shall be Twenty Dollars (\$20.00). Upon initial registration, the
11 owner shall make application for the flat license fee which
12 application shall include the year of manufacture and a description
13 of the vehicle containing information as may be required by the
14 Commission, including the information required in paragraphs 1 and 2
15 of subsection A of this section.

16 C. A former military vehicle shall not be required to display a
17 license plate if current proof of registration for the vehicle, in a
18 form prescribed by the Commission, is carried in the vehicle. In
19 addition, the vehicle shall display in a prominent location on the
20 vehicle a registration mark prescribed by the Commission. The
21 Commission shall allow the use of a unique identification mark
22 similar to the mark assigned that vehicle by the branch of the armed
23 forces in which the vehicle was used. If such a mark is not used,
24 the Commission shall designate a registration mark consisting of

1 numbers, letters, or numbers and letters in combination at least two
2 (2) inches in height. To the extent possible, the location and
3 design of the registration mark shall conform to the official
4 military design and markings of the vehicle.

5 D. A certificate of title shall be issued for a former military
6 vehicle, and the applicable fees for the issuance of a certificate
7 of title as provided pursuant to the Oklahoma Vehicle License and
8 Registration Act shall apply.

9 E. All penalties pursuant to the Oklahoma Vehicle License and
10 Registration Act relating to the failure to register a vehicle shall
11 apply to this section if the former military vehicle is not properly
12 registered or is used in a manner which violates the provisions of
13 paragraph 1 or 2 of subsection A of this section.

14 F. As used in this section, "former military vehicle" means a
15 vehicle which has been, but no longer is, used by the armed forces
16 of a national government and which displays markings indicating it
17 was a military vehicle.

18 G. 1. Former military vehicles designated and commonly
19 referred to as Humvees, that have been converted for safe operation
20 on the highway may be titled and registered under the following
21 conditions:

22 a. presentation of proper U.S. Government ownership
23 documentation identifying the vehicle by serial number
24 and designating the vehicle as a Humvee, and

b. presentation of a completed Oklahoma Tax Commission certificate of conversion confirming the vehicle has been equipped with all equipment necessary to bring the vehicle into full compliance with National Highway Traffic Safety Administration requirements pursuant to 49 CFR §571.101 et seq. The certificate of conversion shall include the name and address of those individuals or entities completing the conversion; and

2. Any Oklahoma certificate of title issued to a converted Humvee shall reflect the notation "Converted Military Humvee".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1151.5 of Title 47, unless there is created a duplication in numbering, reads as follows:

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

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

SECTION 4. This act shall become effective November 1, 2018.

56-2-3555 JCR 3/27/2018 4:08:04 PM