

1 ENGROSSED SENATE
2 BILL NO. 1339

By: David of the Senate

3 and

4 Cockroft and West (Kevin)
5 of the House

6 An Act relating to the Oklahoma Vehicle License and
7 Registration Act; amending 47 O.S. 2011, Sections
8 1112 and 1113, as last amended by Section 1, Chapter
9 331, O.S.L. 2017 (47 O.S. Supp. 2017, Section 1113),
10 which relate to motor vehicle registration; modifying
11 information required on application for vehicle
12 registration; establishing requirement that license
13 plate and registration certificate remain in the name
14 of vehicle owner after specified date; providing
15 procedures for registration upon sale or transfer;
16 requiring new owner to register vehicle and pay
17 applicable taxes and fees within specified time
18 period; providing for penalty; providing for transfer
19 of license plate upon death of spouse; authorizing
20 Oklahoma Tax Commission to promulgate rules;
21 requiring certain documentation to be in the
22 possession of operator and providing exception
23 thereto; conforming language; providing for
24 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 1112, is
amended to read as follows:

Section 1112. Every owner of a vehicle possessing a certificate
of title shall, before using the same in this state, make an
application for the registration of such vehicle with a motor
license agent. The application shall contain such information as

1 shall be required by the Oklahoma Tax Commission. Every owner, when
2 making application for registration, shall furnish the following
3 information:

4 1. A full description of the vehicle including the make, model,
5 color, manufacturer's serial or other identification number, any
6 security interest upon the vehicle, an odometer reading of the
7 vehicle when applicable, and the insurance security verification to
8 the vehicle;

9 2. The correct name and address, the name of the city, county
10 and state in which the person in whose name the vehicle is to be
11 registered resides, the driver license number of the owner if the
12 owner has a driver license or the Federal Employers Identification
13 Number of the owner if such owner is not an individual, and such
14 other information as may be prescribed by the Commission; and

15 3. a. The name of the carrier of the owner's insurance
16 policy for such vehicle,

17 b. The policy number of the owner's policy for such
18 vehicle, if available, or the name of the agent or
19 office where the existence of security may be
20 verified, if other than the carrier,

21 c. The effective dates of the owner's policy for such
22 vehicle, and
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1 d. A statement of the existence of a nonuse affidavit if
2 filed by the vehicle owner pursuant to the provisions
3 of Section 7-607 of this title.

4 In every case where a vehicle has been registered upon an
5 application containing any false statement of a fact required in
6 this section to be shown in an application for the registration
7 thereof, the Commission shall give written notice of at least five
8 (5) days to the owner of the vehicle, and shall require the owner to
9 appear before it for the purpose of showing cause why the
10 registration should not be canceled. Unless satisfactory
11 explanation is given by the owner concerning such false statement,
12 the Commission shall cancel the registration. The owner of the
13 vehicle shall then be required to immediately reregister the vehicle
14 and pay the required fees. The owner shall not be entitled to
15 refund or credit for the fees paid for registration of the motor
16 vehicle made under the application which contained any false
17 statement of fact.

18 The Commission shall insert in the application forms appropriate
19 notice to the applicant that any false statement of a fact required
20 to be shown in such application for registration subjects the
21 applicant to prosecution.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1112.2 of Title 47, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Effective July 1, 2019, the registration license plate and
2 certificate of registration shall be issued to, and remain in the
3 name of, the owner of the vehicle registered and the license plates
4 shall not be transferable between motor vehicle owners. When a
5 vehicle is sold or transferred in the state, the following
6 registration procedures shall apply:

7 1. When a current and valid Oklahoma motor vehicle license
8 plate has been obtained for use on a motor vehicle and the vehicle
9 has been sold or otherwise transferred to a new owner, the license
10 plate shall be removed from the vehicle and retained by the original
11 plate owner.

12 2. In the event an owner purchases, trades, exchanges, or
13 otherwise acquires another vehicle of the same license registration
14 classification, the Oklahoma Tax Commission shall authorize the
15 transfer of the current and valid license plate previously obtained
16 by the owner to the replacement vehicle for the remainder of the
17 current registration period. In the event the owner acquires a
18 vehicle requiring payment of additional registration fees, the owner
19 shall request a transfer of the license plate to the newly acquired
20 vehicle and pay the difference in registration fees. The fee shall
21 be calculated on a monthly prorated basis. The owner shall not be
22 entitled to a refund:

23 a. when the registration fee for the vehicle to which the
24 plate(s) is to be assigned is less than the

1 registration fee for that vehicle to which the license
2 plate(s) was last assigned, or

3 b. if the owner does not have or does not acquire another
4 vehicle to which the license plate may be transferred.

5 3. In the event the owner of a license plate purchases, trades,
6 exchanges or otherwise acquires a vehicle for which a license plate
7 has been issued during the current registration period, and the
8 license plate has not been removed by the previous owner in
9 accordance with this section, the new owner of the vehicle shall
10 remove and return the license plate to the Tax Commission or a motor
11 license agent. However, if the license plate has expired, the new
12 owner shall not be required to surrender the license plate.

13 4. If a person purchases a motor vehicle from which the number
14 plates have been removed pursuant to this section, the person may
15 operate the motor vehicle for five (5) days from the date of
16 purchase without number plates if a dated notarized bill of sale is
17 carried in the motor vehicle.

18 B. 1. The new owner of a motor vehicle shall, within thirty
19 (30) calendar days from the date of vehicle purchase or acquisition,
20 make application to record the registration of the vehicle by the
21 transfer to, or purchase of, a license plate for the newly acquired
22 vehicle with the Tax Commission or motor license agent and shall pay
23 all taxes and fees provided by law.

1 2. Any person failing to register a motor vehicle by timely
2 transferring the license plate as provided by this section shall pay
3 the penalty levied in Section 1132 of Title 47 of the Oklahoma
4 Statutes.

5 C. A surviving spouse, desiring to operate a vehicle devolving
6 from a deceased spouse, shall present an application for certificate
7 of title to the Tax Commission or motor license agent in his or her
8 name within thirty (30) days of obtaining ownership. The Tax
9 Commission or motor license agent shall then transfer the license
10 plate to the surviving spouse.

11 D. The Oklahoma Tax Commission shall be authorized to
12 promulgate such rules as may be required to implement the license
13 plate transfers authorized by this section; including, but not
14 limited to, such rules as may be required for a system under which
15 the license plate is registered to an individual and not a vehicle
16 for all license plates issued on or after July 1, 2019.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1112.3 of Title 47, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Except as otherwise provided in subsection B of this
21 section, at all times while a vehicle is being used or operated on
22 the roads of this state, the operator of the vehicle shall have in
23 his or her possession or carry in the vehicle and exhibit upon
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1 demand to any peace officer of the state or duly authorized employee
2 of the Department of Public Safety, either a:

3 1. Registration certificate or an official copy thereof;

4 2. True copy of rental or lease documentation issued for a
5 motor vehicle;

6 3. Registration certificate or an official copy thereof issued
7 for a replacement vehicle in the same registration period;

8 4. Temporary receipt printed upon self-initiated electronic
9 renewal of a registration via the Internet; or

10 5. Cab card issued for a vehicle registered under the
11 International Registration Plan.

12 B. The provisions of subsection A of this section shall not
13 apply to the first thirty (30) days after purchase of a replacement
14 vehicle.

15 SECTION 4. AMENDATORY 47 O.S. 2011, Section 1113, as
16 last amended by Section 1, Chapter 331, O.S.L. 2017 (47 O.S. Supp.
17 2017, Section 1113), is amended to read as follows:

18 Section 1113. A. 1. Except for all-terrain vehicles, utility
19 vehicles and motorcycles used exclusively off roads and highways,
20 upon the filing of a registration application and the payment of the
21 fees provided for in the Oklahoma Vehicle License and Registration
22 Act, the Oklahoma Tax Commission or Corporation Commission, as
23 applicable, shall assign to the vehicle described in the application
24 a distinctive number, and issue to the owner of the vehicle a

1 certificate of registration, one license plate and a yearly decal.
2 The Oklahoma Tax Commission shall assign an all-terrain vehicle,
3 utility vehicle or motorcycle used exclusively off roads and
4 highways a distinctive number and issue to the owner a certificate
5 of registration and a decal but not a license plate. For each
6 subsequent registration year, the Tax Commission shall issue a
7 yearly decal to be affixed to the license plate, except for an all-
8 terrain vehicle, utility vehicle or motorcycle used exclusively off
9 roads and highways. The initial decal for an all-terrain vehicle,
10 utility vehicle or motorcycle shall be attached to the front of the
11 vehicle and shall be in clear view. The decal shall be on the front
12 or on the front fork of the motorcycle used exclusively off roads
13 and highways and the decal shall be in clear view. The yearly decal
14 shall have an identification number and the last two numbers of the
15 registration year for which it shall expire. Except as provided by
16 Section 1113A of this title, the license plate shall be affixed to
17 the exterior of the vehicle until a replacement license plate is
18 applied for. If the owner applies for a replacement license plate,
19 the Tax Commission shall charge the fee provided for in Section 1114
20 of this title. The yearly decal will validate the license plate for
21 each registration period other than the year the license plate is
22 issued. The license plate and decal shall be of such size, color,
23 design and numbering as the Tax Commission may direct. However,
24 yearly decals issued to the owner of a vehicle who has filed an

1 affidavit with the appropriate motor license agent in accordance
2 with Section 7-607 of this title shall be a separate and distinct
3 color from all other decals issued under this section. Before the
4 effective date of this act, the Tax Commission shall also issue a
5 monthly decal which shall include a two-letter abbreviation
6 corresponding to the county in which the vehicle is registered. The
7 Tax Commission shall issue all decals in the possession of the Tax
8 Commission on the effective date of this act before issuing any
9 decals which do not contain the county abbreviation.

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

22 3. Upon payment of the annual registration fee provided in
23 Section 1133 of this title, the Tax Commission or Corporation
24 Commission, as applicable, or a motor license agent may issue a

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

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

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

21 1. Each license plate shall have a space for the placement of
22 the yearly decals for each succeeding year of registration after the
23 initial issue;
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1 2. The provisions of the Oklahoma Vehicle License and
2 Registration Act regarding the issuance of yearly decals shall not
3 apply to the issuance of apportioned license plates, including
4 license plates for state vehicles, and exempt plates for
5 governmental entities and fire departments organized pursuant to
6 Section 592 of Title 18 of the Oklahoma Statutes;

7 3. All license plates and decals shall be made with
8 reflectorized material as a background to the letters, numbers and
9 characters displayed thereon. The reflectorized material shall be
10 of such a nature as to provide effective and dependable brightness
11 during the service period for which the license plate or decal is
12 issued;

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

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

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

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

18 8. Within the limits prescribed in this section, the Oklahoma
19 Tourism and Recreation Department shall design any license plates
20 required by the initiation of a license plate reissuance by the
21 Oklahoma Tax Commission at the request of the Department of Public
22 Safety pursuant to the provisions of Section 1113.2 of this title.
23 Any such new designs shall be submitted by the Oklahoma Tourism and
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1 Recreation Department to the Department of Public Safety for its
2 approval prior to being issued by the Oklahoma Tax Commission.

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

14 D. The certificate of registration provided for in this section
15 shall be in convenient form, and the certificate of registration, or
16 a certified copy or photostatic copy thereof, duly authenticated by
17 the Tax Commission or Corporation Commission, as applicable, shall
18 be carried at all times in or upon ~~commercial~~ all vehicles so
19 registered, in such manner as to permit a ready examination thereof
20 upon demand by any peace officer of the state or duly authorized
21 employee of the Department of Public Safety. Any such officer or
22 agent may seize and hold such ~~commercial~~ vehicle when the operator
23 of the same does not have the registration certificate in the
24 operator's possession or when any such officer or agent determines

1 that the registration certificate has been obtained by
2 misrepresentation of any essential or material fact or when any
3 number or identifying information appearing on such certificate has
4 been changed, altered, obliterated or concealed in any way, until
5 the proper registration or identification of such vehicle has been
6 made or produced by the owner thereof.

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

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

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

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

8 1. The name of the owner of the manufactured home;

9 2. The serial number or identification number of the
10 manufactured home;

11 3. A legal description or address of the location for the home;

12 4. The actual retail selling price of the manufactured home
13 excluding Oklahoma taxes;

14 5. The certificate of title number for the home; and

15 6. Any other information which the Tax Commission deems to be
16 necessary.

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

24 SECTION 5. This act shall become effective July 1, 2019.

1 Passed the Senate the 13th day of March, 2018.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2018.

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8 _____
9 Presiding Officer of the House
10 of Representatives