

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1339, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator David

David-JCR-FS-Req#3498
3/12/2018 7:08 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 1339

By: David of the Senate

and

Cockroft and West (Kevin)
of the House

FLOOR SUBSTITUTE

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

1 Section 1112. Every owner of a vehicle possessing a certificate
2 of title shall, before using the same in this state, make an
3 application for the registration of such vehicle with a motor
4 license agent. The application shall contain such information as
5 shall be required by the Oklahoma Tax Commission. Every owner, when
6 making application for registration, shall furnish the following
7 information:

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

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

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

21 b. The policy number of the owner's policy for such
22 vehicle, if available, or the name of the agent or
23 office where the existence of security may be
24 verified, if other than the carrier,

1 c. The effective dates of the owner's policy for such
2 vehicle, and

3 d. A statement of the existence of a nonuse affidavit if
4 filed by the vehicle owner pursuant to the provisions
5 of Section 7-607 of this title.

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

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

SECTION 2. NEW LAW

A new section of law to be codified in the Oklahoma Statutes as Section 1112.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

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

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

2. In the event an owner purchases, trades, exchanges, or otherwise acquires another vehicle of the same license registration classification, the Oklahoma Tax Commission shall authorize the transfer of the current and valid license plate previously obtained by the owner to the replacement vehicle for the remainder of the current registration period. In the event the owner acquires a vehicle requiring payment of additional registration fees, the owner shall request a transfer of the license plate to the newly acquired vehicle and pay the difference in registration fees. The fee shall

1 be calculated on a monthly prorated basis. The owner shall not be
2 entitled to a refund:

3 a. when the registration fee for the vehicle to which the
4 plate(s) is to be assigned is less than the
5 registration fee for that vehicle to which the license
6 plate(s) was last assigned, or

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

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

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

22 B. 1. The new owner of a motor vehicle shall, within thirty
23 (30) calendar days from the date of vehicle purchase or acquisition,
24 make application to record the registration of the vehicle by the

1 transfer to, or purchase of, a license plate for the newly acquired
2 vehicle with the Tax Commission or motor license agent and shall pay
3 all taxes and fees provided by law.

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

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

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

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

23 A. Except as otherwise provided in subsection B of this
24 section, at all times while a vehicle is being used or operated on

1 the roads of this state, the operator of the vehicle shall have in
2 his or her possession or carry in the vehicle and exhibit upon
3 demand to any peace officer of the state or duly authorized employee
4 of the Department of Public Safety, either a:

5 1. Registration certificate or an official copy thereof;

6 2. True copy of rental or lease documentation issued for a
7 motor vehicle;

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

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

12 5. Cab card issued for a vehicle registered under the
13 International Registration Plan.

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

17 SECTION 4. AMENDATORY 47 O.S. 2011, Section 1113, as
18 last amended by Section 1, Chapter 331, O.S.L. 2017 (47 O.S. Supp.
19 2017, Section 1113), is amended to read as follows:

20 Section 1113. A. 1. Except for all-terrain vehicles, utility
21 vehicles and motorcycles used exclusively off roads and highways,
22 upon the filing of a registration application and the payment of the
23 fees provided for in the Oklahoma Vehicle License and Registration
24 Act, the Oklahoma Tax Commission or Corporation Commission, as

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

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

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

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

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

21 B. The license plates required under the provisions of this
22 title shall conform to the requirements and specifications listed
23 hereinafter:
24

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

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

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

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

22 5. Within the limits prescribed in this section, the Tax
23 Commission shall design appropriate official license plates for
24 vehicles of the Oklahoma Highway Patrol. The license plates shall

1 have the legend "Oklahoma OK" and shall contain the letters "OHP"
2 followed by the state seal and the badge number of the Highway
3 Patrol officer to whom the vehicle is assigned. The words "Oklahoma
4 Highway Patrol" shall also be included on such license plates;

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

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

20 8. Within the limits prescribed in this section, the Oklahoma
21 Tourism and Recreation Department shall design any license plates
22 required by the initiation of a license plate reissuance by the
23 Oklahoma Tax Commission at the request of the Department of Public
24 Safety pursuant to the provisions of Section 1113.2 of this title.

1 Any such new designs shall be submitted by the Oklahoma Tourism and
2 Recreation Department to the Department of Public Safety for its
3 approval prior to being issued by the Oklahoma Tax Commission.

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

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

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

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

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

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

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.

56-2-3498 JCR 3/12/2018 7:08:28 PM