

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                   1st Extraordinary Session of the 56th Legislature (2017)

4   HOUSE BILL 1074

                              By: Cleveland

7                               AS INTRODUCED

8                   An Act relating to revenue and taxation; amending 68  
9                   O.S. 2011, Section 2103, as amended by Section 4,  
10                  Chapter 316, O.S.L. 2012 (68 O.S. Supp. 2017, Section  
11                  2103), which relates to taxes on transfers of  
                  vehicles; providing that certain excise tax payment  
                  on certain vehicles be in lieu of all sales and use  
                  taxes; and declaring an emergency.

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

15           SECTION 1.       AMENDATORY       68 O.S. 2011, Section 2103, as  
16   amended by Section 4, Chapter 316, O.S.L. 2012 (68 O.S. Supp. 2017,  
17   Section 2103), is amended to read as follows:

18           Section 2103.   A.   1.   Except as otherwise provided in Sections  
19   2101 through 2108 of this title, there shall be levied an excise tax  
20   upon the transfer of legal ownership of any vehicle registered in  
21   this state and upon the use of any vehicle registered in this state  
22   and upon the use of any vehicle registered for the first time in  
23   this state.   Except for persons that possess an agricultural  
24   exemption pursuant to Section 1358.1 of this title, the excise tax

1 shall be levied upon transfers of legal ownership of all-terrain  
2 vehicles and motorcycles used exclusively off roads and highways  
3 which occur on or after July 1, 2005, and upon transfers of legal  
4 ownership of utility vehicles used exclusively off roads and  
5 highways which occur on or after July 1, 2008. The excise tax for  
6 new and used all-terrain vehicles, utility vehicles and motorcycles  
7 used exclusively off roads and highways shall be levied at four and  
8 one-half percent (4 1/2%) of the actual sales price of each new and  
9 used all-terrain vehicle and motorcycle used exclusively off roads  
10 and highways before any discounts or credits are given for a trade-  
11 in. Provided, the minimum excise tax assessment for such all-  
12 terrain vehicles, utility vehicles and motorcycles used exclusively  
13 off roads and highways shall be Five Dollars (\$5.00). The excise  
14 tax for new vehicles shall be levied at three and one-fourth percent  
15 (3 1/4%) of the value of each new vehicle. The excise tax for used  
16 vehicles shall be as follows:

- 17 a. from October 1, 2000, until June 30, 2001, Twenty  
18 Dollars (\$20.00) on the first One Thousand Dollars  
19 (\$1,000.00) or less of value of such vehicle, and  
20 three and one-fourth percent (3 1/4%) of the remaining  
21 value of such vehicle,
- 22 b. for the year beginning July 1, 2001, and ending June  
23 30, 2002, Twenty Dollars (\$20.00) on the first One  
24 Thousand Two Hundred Fifty Dollars (\$1,250.00) or less

1 of value of such vehicle, and three and one-fourth  
2 percent (3 1/4%) of the remaining value of such  
3 vehicle, and

- 4 c. for the year beginning July 1, 2002, and all  
5 subsequent years, Twenty Dollars (\$20.00) on the first  
6 One Thousand Five Hundred Dollars (\$1,500.00) or less  
7 of value of such vehicle, and three and one-fourth  
8 percent (3 1/4%) of the remaining value of such  
9 vehicle.

10 2. There shall be levied an excise tax of Ten Dollars (\$10.00)  
11 for any:

- 12 a. truck or truck-tractor registered under the provisions  
13 of subsection A of Section 1133 of Title 47 of the  
14 Oklahoma Statutes, for a laden weight or combined  
15 laden weight of fifty-five thousand (55,000) pounds or  
16 more,  
17 b. trailer or semitrailer registered under subsection C  
18 of Section 1133 of Title 47 of the Oklahoma Statutes,  
19 which is primarily designed to transport cargo over  
20 the highways of this state and generally recognized as  
21 such, and  
22 c. frac tank, as defined by Section 54 of Title 17 of the  
23 Oklahoma Statutes, and registered under subsection C  
24 of Section 1133 of Title 47 of the Oklahoma Statutes.

1 Except for frac tanks, the excise tax levied pursuant to this  
2 paragraph shall not apply to special mobilized machinery, trailers,  
3 or semitrailers manufactured, modified or remanufactured for the  
4 purpose of providing services other than transporting cargo over the  
5 highways of this state. The excise tax levied pursuant to this  
6 paragraph shall also not apply to pickup trucks, vans, or sport  
7 utility vehicles.

8 3. The tax levied pursuant to this section shall be due at the  
9 time of the transfer of legal ownership or first registration in  
10 this state of such vehicle; provided, the tax shall not be due at  
11 the time of the issuance of a certificate of title for an all-  
12 terrain vehicle, utility vehicle or motorcycle used exclusively off  
13 roads and highways which is not required to be registered but which  
14 the owner chooses to register pursuant to the provisions of  
15 subsection B of Section 1115.3 of Title 47 of the Oklahoma Statutes,  
16 and shall be collected by the Oklahoma Tax Commission or Corporation  
17 Commission, as applicable, or an appointed motor license agent, at  
18 the time of the issuance of a certificate of title for any such  
19 vehicle. In the event an excise tax is collected on the transfer of  
20 legal ownership or use of the vehicle during any calendar year, then  
21 an additional excise tax must be collected upon all subsequent  
22 transfers of legal ownership. In computing the motor vehicle excise  
23 tax, the amount collected shall be rounded to the nearest dollar.  
24 The excise tax levied by this section shall be delinquent from and

1 after the thirtieth day after the legal ownership or possession of  
2 any vehicle is obtained. Any person failing or refusing to pay the  
3 tax as herein provided on or before date of delinquency shall pay in  
4 addition to the tax a penalty of One Dollar (\$1.00) per day for each  
5 day of delinquency, but such penalty shall in no event exceed the  
6 amount of the tax. Of each dollar penalty collected pursuant to  
7 this subsection:

8 a. twenty-five cents (\$0.25) shall be apportioned as  
9 provided in Section 1104 of this title;

10 b. twenty-five cents (\$0.25) shall be retained by the  
11 motor license agent; and

12 c. fifty cents (\$0.50) shall be deposited in the General  
13 Revenue Fund for the fiscal year beginning on July 1,  
14 2011, and for all subsequent fiscal years, shall be  
15 deposited in the State Highway Construction and  
16 Maintenance Fund.

17 B. The excise tax levied in subsection A of this section  
18 assessed on all commercial vehicles registered pursuant to Section  
19 1120 of Title 47 of the Oklahoma Statutes, trucks and truck-tractors  
20 registered under subsection A of Section 1133 of Title 47 of the  
21 Oklahoma Statutes for a laden weight or combined laden weight of  
22 fifty-five thousand (55,000) pounds or more, trailers and  
23 semitrailers registered under subsection C of Section 1133 of Title  
24 47 of the Oklahoma Statutes to transport cargo over the highways of

1 this state, and frac tanks registered under subsection C of Section  
2 1133 of Title 47 of the Oklahoma Statutes shall be in lieu of all  
3 sales and use taxes levied pursuant to the Sales Tax Code or the Use  
4 Tax Code. The transfer of legal ownership of any motor vehicle as  
5 used in this section and the Sales Tax Code and the Use Tax Code  
6 shall include the lease, lease purchase or lease finance agreement  
7 involving any truck in excess of eight thousand (8,000) pounds  
8 combined laden weight or any truck-tractor provided the vehicle is  
9 registered in Oklahoma pursuant to Section 1120 of Title 47 of the  
10 Oklahoma Statutes or any frac tank, trailer, semitrailer or open  
11 commercial vehicle registered pursuant to Section 1133 of Title 47  
12 of the Oklahoma Statutes. The excise tax levied pursuant to this  
13 section shall not be subsequently collected at the end of the lease  
14 period if the lessee acquires complete legal title of the vehicle.

15 C. The provisions of this section shall not apply to transfers  
16 made without consideration between:

- 17 1. Husband and wife;
- 18 2. Parent and child; or
- 19 3. An individual and an express trust which that individual or  
20 the spouse, child or parent of that individual has a right to  
21 revoke.

22 D. 1. There shall be a credit allowed with respect to the  
23 excise tax paid for a new vehicle which is a replacement for:  
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- 1           a.    a new original vehicle which is stolen from the  
2                    purchaser/registrant within ninety (90) days of the  
3                    date of purchase of the original vehicle as certified  
4                    by a police report or other documentation as required  
5                    by the Tax Commission, or  
6           b.    a defective new original vehicle returned by the  
7                    purchaser/registrant to the seller within six (6)  
8                    months of the date of purchase of the defective new  
9                    original vehicle as certified by the manufacturer.

10        2.    The credit allowed pursuant to paragraph 1 of this  
11 subsection shall be in the amount of the excise tax which was paid  
12 for the new original vehicle and shall be applied to the excise tax  
13 due on the replacement vehicle. In no event shall the credit be  
14 refunded.

15        E.    Despite any other definitions of the terms "new vehicle" and  
16 "used vehicle", to the contrary, contained in any other law, the  
17 term "new vehicle" as used in this section shall also include any  
18 vehicle of the latest manufactured model which is owned or acquired  
19 by a licensed used motor vehicle dealer which has not previously  
20 been registered in this state and upon which the motor vehicle  
21 excise tax as set forth in this section has not been paid. However,  
22 upon the sale or transfer by a licensed used motor vehicle dealer  
23 located in this state of any such vehicle which is the latest  
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1 manufactured model, the vehicle shall be considered a used vehicle  
2 for purposes of determining excise tax.

3 F. The provisions of this section shall not apply to state  
4 government entities.

5 SECTION 2. It being immediately necessary for the preservation  
6 of the public peace, health or safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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10 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 10-24-2017 - DO PASS,  
11 As Coauthored.

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