

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2638

By: Roberts (Dustin)

AS INTRODUCED

An Act relating to motor vehicle registrations; creating the Motor Fuels Tax Fee; establishing fee as a registration fee for certain types of vehicles; providing fee amount; clarifying circumstances and manner in which fee shall be paid; making fee a prerequisite to licensing and registration; apportioning fee revenue; defining terms; amending 69 O.S. 2011, Section 1501, as amended by Section 2, Chapter 347, O.S.L. 2017 (69 O.S. Supp. 2017, Section 1501), which relates to the State Highway Construction and Maintenance Fund; removing language in legislation struck down by the Supreme Court; allowing fund to receive certain apportionment; authorizing certain expenditures; repealing Section 1, Chapter 347, O.S.L. 2017 (47 O.S. Supp. 2017, Section 1132.7), which relates to Motor Fuels Tax Fee for electric-drive and hybrid-drive motor vehicles; and providing for codification.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1132.8 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. In addition to other vehicle registration fees specified by law, for the year beginning January 1, 2019, and for each year

1 thereafter, there is hereby levied and there shall be paid to the  
2 Oklahoma Tax Commission a Motor Fuels Tax Fee of:

3 1. One Hundred Fifty Dollars (\$150.00) upon every electric-  
4 drive motor vehicle to be registered; and

5 2. Thirty Dollars (\$30.00) upon every hybrid-drive motor  
6 vehicle to be registered.

7 The fee shall accrue and shall be collectible upon each  
8 electric-drive motor vehicle and hybrid-drive motor vehicle under  
9 the same circumstances and shall be payable in the same manner and  
10 times as apply to vehicle registrations under the provisions of the  
11 Oklahoma Vehicle License and Registration Act; provided, the fee  
12 shall be paid in full for the then current year at the time any  
13 electric-drive motor vehicle or hybrid-drive motor vehicle is first  
14 registered in a calendar year.

15 B. The collection and payment of the fee specified in this  
16 section shall be a prerequisite to licensing or registration of any  
17 electric-drive motor vehicle or hybrid-drive motor vehicle.

18 C. Revenue from the fee provided for in subsection A of this  
19 section shall be deposited in the State Treasury to the credit of  
20 the State Highway Construction and Maintenance Fund created in  
21 Section 1501 of Title 69 of the Oklahoma Statutes.

22 D. For purposes of this section:

23 1. "Electric-drive motor vehicle" means a vehicle subject to a  
24 registration fee as provided for in subsection A of Section 1132 of

1 Title 47 of the Oklahoma Statutes that is propelled solely by  
2 electrical energy and is not capable of using gasoline, diesel or  
3 any other fuel for propulsion; and

4 2. "Hybrid-drive motor vehicle" means a vehicle subject to a  
5 registration fee as provided for in subsection A of Section 1132 of  
6 Title 47 of the Oklahoma Statutes that is capable of being propelled  
7 at least in part by electrical energy through the use of a battery  
8 storage system of at least four (4) kilowatt-hours, is capable of  
9 being recharged from an external source of electricity and is also  
10 capable of using gasoline, diesel fuel or alternative fuel to propel  
11 the vehicle.

12 SECTION 2. AMENDATORY 69 O.S. 2011, Section 1501, as  
13 amended by Section 2, Chapter 347, O.S.L. 2017 (69 O.S. Supp. 2017,  
14 Section 1501), is amended to read as follows:

15 Section 1501. (a) All monies received by taxation or otherwise  
16 for use on the state highways of this state shall, unless otherwise  
17 provided by law, be placed in the State Treasury in a fund to be  
18 known as the State Highway Construction and Maintenance Fund. ~~The~~  
19 ~~fund shall also consist of revenues specifically apportioned to such~~  
20 ~~fund by provisions of the Oklahoma Statutes.~~ The fund shall also  
21 consist of revenues specifically apportioned to such fund by  
22 provisions of the Oklahoma Statutes.

23 (b) All monies remaining in the State Highway Construction and  
24 Maintenance Fund created by 69 O.S. 1961, Section 44(d), when this

1 Code becomes effective, and all other assets thereof, and all taxes,  
2 revenue and other funds payable to or required to be deposited in  
3 such fund under the provisions of other laws when this Code becomes  
4 effective, shall be transferred to, be deposited in and be a part of  
5 the State Highway Construction and Maintenance Fund created by this  
6 section; and the latter fund shall be liable for the payment of all  
7 outstanding obligations existing against the former fund.

8 (c) ~~Of the monies deposited in the State Highway Construction~~  
9 ~~and Maintenance Fund pursuant to the apportionment of Motor Fuels~~  
10 ~~Tax Fees provided in Section 1 of this act, the lesser of Ten~~  
11 ~~Thousand Dollars (\$10,000.00) and one and one-half percent (1 1/2%)~~  
12 ~~of such monies may be used for the development and maintenance of~~  
13 ~~alternative fuel corridors as defined by the Federal Highway~~  
14 ~~Administration~~ Of the monies deposited in the State Highway  
15 Construction and Maintenance Fund pursuant to the apportionment of  
16 Motor Fuels Tax Fees provided in Section 1 of this act, the lesser  
17 of Ten Thousand Dollars (\$10,000.00) and one and one-half percent (1  
18 1/2%) of such monies may be used for the development and maintenance  
19 of alternative fuel corridors as defined by the Federal Highway  
20 Administration.

21 SECTION 3. REPEALER Section 1, Chapter 347, O.S.L. 2017  
22 (47 O.S. Supp. 2017, Section 1132.7), is hereby repealed.  
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24 56-2-8825 JM 12/27/17