

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2649

By: Vaughan

AS INTRODUCED

An Act relating to motor vehicles; amending 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), which relates to definitions used in the Oklahoma Vehicle License and Registration Act; defining term; modifying definition; 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. "All-terrain vehicle" means a vehicle manufactured and used exclusively for off-highway use traveling on four or more non-highway tires, and being fifty (50) inches or less in width;

2. "Carrying capacity" means the carrying capacity of a vehicle as determined or declared in tons of cargo or payload by the owner; provided, that such declared capacity shall not be less than the

1 minimum tonnage capacity fixed, listed or advertised by the
2 manufacturer of any vehicle;

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

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

17 5. "Combined laden weight" means the weight of a truck or
18 station wagon and its cargo or payload transported thereon, or the
19 weight of a truck or truck-tractor plus the weight of any trailers
20 or semitrailers together with the cargo or payload transported
21 thereon;

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

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

6 8. "Commercial vehicle" means any vehicle over eight thousand
7 (8,000) pounds combined laden weight used primarily for business or
8 commercial purposes. Each motor vehicle being registered pursuant
9 to the provisions of this section shall have the name of the
10 commercial establishment or the words "Commercial Vehicle"
11 permanently and prominently displayed upon the outside of the
12 vehicle in letters not less than two (2) inches high. Such letters
13 shall be in sharp contrast to the background and shall be of
14 sufficient shape and color as to be readily legible during daylight
15 hours, from a distance of fifty (50) feet while the vehicle is not
16 in motion;

17 9. "Commission" or "Tax Commission" means the Oklahoma Tax
18 Commission;

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

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

8 12. "Living quarters" means a portion of a trailer that
9 includes a minimum of a sleeping area and bathroom facilities;

10 13. "Mini-truck" means a foreign-manufactured import or
11 domestic-manufactured vehicle powered by an internal combustion
12 engine with a piston or rotor displacement of one thousand cubic
13 centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches
14 or less in width, with an unladen dry weight of three thousand four
15 hundred (3,400) pounds or less, traveling on four or more tires,
16 having a top speed of approximately fifty-five (55) miles per hour,
17 equipped with a bed or compartment for hauling, and having an
18 enclosed passenger cab;

19 ~~13.~~ 14. "Interstate commerce" means any commerce moving between
20 any place in a state and any place in another state or between
21 places in the same state through another state;

22 ~~14.~~ 15. "Laden weight" means the combined weight of a vehicle
23 when fully equipped for use and the cargo or payload transported
24 thereon; provided, that in no event shall the laden weight be less

1 than the unladen weight of the vehicle fully equipped for use, plus
2 the manufacturer's rated carrying capacity;

3 ~~15.~~ 16. "Local authorities" means every county, municipality or
4 local board or body having authority to adopt police regulations
5 under the Constitution and laws of this state;

6 ~~16.~~ 17. "Low-speed electrical vehicle" means any four-wheeled
7 electrical vehicle that is powered by an electric motor that draws
8 current from rechargeable storage batteries or other sources of
9 electrical current and whose top speed is greater than twenty (20)
10 miles per hour but not greater than twenty-five (25) miles per hour
11 and is manufactured in compliance with the National Highway Traffic
12 Safety Administration standards for low-speed vehicles in 49 C.F.R.
13 571.500;

14 ~~17.~~ 18. "Manufactured home" means a residential dwelling built
15 in accordance with the National Manufactured Housing Construction
16 and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.,
17 and rules promulgated pursuant thereto and the rules promulgated by
18 the Oklahoma Used Motor Vehicle and Parts Commission pursuant to
19 Section 582 of this title. Manufactured home shall not mean a park
20 model recreational vehicle as defined in this section;

21 ~~18.~~ 19. "Manufactured home dealer" means any person, firm or
22 corporation engaged in the business of selling any new and unused,
23 or used, or both new and used manufactured homes. Such information
24 and a valid franchise letter as proof of authorization to sell any

1 such new manufactured home product line or lines shall be attached
2 to the application for a dealer license to sell manufactured homes.
3 "Manufactured home dealer" shall not include any person, firm or
4 corporation who sells or contracts for the sale of the dealer's own
5 personally titled manufactured home or homes. No person, firm or
6 corporation shall be considered a manufactured home dealer as to any
7 manufactured home purchased or acquired by such person, firm or
8 corporation for purposes other than resale; provided, that the
9 restriction set forth in this sentence shall not prevent an
10 otherwise qualified person, firm or corporation from utilizing a
11 single manufactured home as a sales office;

12 ~~19.~~ 20. "Medium-speed electrical vehicle" means any self-
13 propelled, electrically powered four-wheeled motor vehicle, equipped
14 with a roll cage or crush-proof body design, whose speed attainable
15 in one (1) mile is more than thirty (30) miles per hour but not
16 greater than thirty-five (35) miles per hour;

17 ~~20.~~ 21. "Motor license agent" means any person appointed,
18 designated or authorized by the Oklahoma Tax Commission to collect
19 the fees and to enforce the provisions provided for in the Oklahoma
20 Vehicle License and Registration Act;

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

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

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

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

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

- a. designed and marketed as temporary living quarters for camping, recreational, seasonal or travel use,
- b. not permanently affixed to real property for use as a permanent dwelling,
- c. built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred (400) square feet in the setup mode, and
- d. certified by the manufacturer as complying with standard A119.5 of the American National Standards Institute, Inc.;

~~26.~~ 27. "Person" means any individual, copartner, joint venture, association, corporation, limited liability company, estate, trust, business trust, syndicate, the State of Oklahoma, or any county, city, municipality, school district or other political

1 subdivision thereof, or any group or combination acting as a unit,
2 or any receiver appointed by the state or federal court;

3 ~~27.~~ 28. "Rebodied vehicle" means a vehicle:

- 4 a. which has been assembled using a new body or new major
5 component which is of the identical type as the
6 original vehicle and is licensed by the manufacturer
7 of the original vehicle and other original, new or
8 reconditioned parts. For purposes of this paragraph,
9 "new body or new major component" means a new body,
10 cab, frame, front end clip or rear end clip,
- 11 b. which is not a salvage, rebuilt, or junked vehicle as
12 defined by paragraph 1, 2, or 6 of subsection A of
13 Section 1105 of this title, and
- 14 c. for which the Tax Commission has assigned or will
15 assign a new identifying number;

16 ~~28.~~ 29. "Recreational off-highway vehicle" means a vehicle
17 manufactured and used exclusively for off-highway use, traveling on
18 four or more non-highway tires, and being sixty-five (65) inches or
19 less in width;

20 ~~29.~~ 30. "Recreational vehicle" means every vehicle which is
21 built on or permanently attached to a self-propelled motor chassis
22 or chassis cab which becomes an integral part of the completed
23 vehicle and is capable of being operated on the highways. In order
24 to qualify as a recreational vehicle pursuant to this paragraph such

1 vehicle shall be permanently constructed and equipped for human
2 habitation, having its own sleeping and kitchen facilities,
3 including permanently affixed cooking facilities, water tanks and
4 holding tank with permanent toilet facilities. Recreational vehicle
5 shall not include manufactured homes or any vehicle with portable
6 sleeping, toilet and kitchen facilities which are designed to be
7 removed from such vehicle. Recreational vehicle shall include park
8 model recreational vehicles as defined in this section;

9 ~~30.~~ 31. "Remanufactured vehicle" means a vehicle which has been
10 assembled by a vehicle remanufacturer using a new body and which may
11 include original, reconditioned, or remanufactured parts, and which
12 is not a salvage, rebuilt, or junked vehicle as defined by
13 paragraphs 1, 2, and 6, respectively, of subsection A of Section
14 1105 of this title;

15 ~~31.~~ 32. "Rental trailer" means all small or utility trailers or
16 semitrailers constructed and suitable for towing by a passenger
17 automobile and designed only for carrying property, when the
18 trailers or semitrailers are owned by, or are in the possession of,
19 any person engaged in renting or leasing such trailers or
20 semitrailers for intrastate or interstate use or combined intrastate
21 and interstate use;

22 ~~32.~~ 33. "Special mobilized machinery" means special purpose
23 machines or devices, either self-propelled or drawn as trailers or
24 semitrailers, which derive no revenue from the transportation of

1 persons or property, whose use of the highway is only incidental,
2 and whose useful revenue producing service is performed at
3 destinations in an area away from the traveled surface of an
4 established open highway;

5 ~~33.~~ 34. "State" means the State of Oklahoma;

6 ~~34.~~ 35. "Station wagon" means any passenger vehicle which does
7 not have a separate luggage compartment or trunk and which does not
8 have open beds, and has one or more rear seats readily lifted out or
9 folded, whether same is called a station wagon or ranch wagon;

10 ~~35.~~ 36. "Travel trailer" means any vehicular portable structure
11 built on a chassis, used as a temporary dwelling for travel,
12 recreational or vacational use, and, when factory-equipped for the
13 road, it shall have a body width not exceeding eight (8) feet and an
14 overall length not exceeding forty (40) feet, including the hitch or
15 coupling;

16 ~~36.~~ 37. "Travel trailer dealer" means any person, firm or
17 corporation engaged in the business of selling any new and unused,
18 or used, or both new and used travel trailers. Such information and
19 a valid franchise letter as proof of authorization to sell any such
20 new travel trailer product line or lines shall be attached to the
21 application for a dealer license to sell travel trailers. "Travel
22 trailer dealer" shall not include any person, firm or corporation
23 who sells or contracts for the sale of his or her own personally
24 titled travel trailer or trailers. No person, firm or corporation

1 shall be considered as a travel trailer dealer as to any travel
2 trailer purchased or acquired by such person, firm or corporation
3 for purposes other than resale;

4 ~~37.~~ 38. "Used motor vehicle dealer" means "used motor vehicle
5 dealer" as defined in Section 581 of this title;

6 ~~38.~~ 39. "Used vehicle" means any vehicle which has been sold,
7 bargained, exchanged or given away, or used to the extent that it
8 has become what is commonly known, and generally recognized, as a
9 "secondhand" vehicle. This shall also include any vehicle other
10 than a remanufactured vehicle, regardless of age, owned by any
11 person who is not a dealer;

12 ~~39.~~ 40. "Utility vehicle" means a vehicle powered by an
13 internal combustion engine, manufactured and used exclusively for
14 off-highway use, equipped with seating for two or more people and a
15 steering wheel, traveling on four or more wheels;

16 ~~40.~~ 41. "Vehicle" means any type of conveyance or device in,
17 upon or by which a person or property is or may be transported from
18 one location to another upon the avenues of public access within the
19 state. "Vehicle" does not include bicycles, trailers except travel
20 trailers, livestock trailers that include living quarters with a
21 Manufacturer's Suggested Retail Price (MSRP) equal to or greater
22 than Sixty-five Thousand Dollars (\$65,000.00) and rental trailers,
23 or implements of husbandry as defined in Section 1-125 of this
24 title. All implements of husbandry used as conveyances shall be

1 required to display the owner's driver license number or license
2 plate number of any vehicle owned by the owner of the implement of
3 husbandry on the rear of the implement in numbers not less than two
4 (2) inches in height. The use of the owner's Social Security number
5 on the rear of the implement of husbandry shall not be required; and

6 ~~41.~~ 42. "Vehicle remanufacturer" means a commercial entity
7 which assembles remanufactured vehicles.

8 SECTION 2. This act shall become effective November 1, 2018.

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