

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3082

By: Cockroft

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2011, Sections 1115, as amended by Section 1, Chapter 337, O.S.L. 2012, 1131 and 1132, as amended by Section 2, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2016, Sections 1115 and 1132), which relate to vehicle registrations; adjusting notice requirement; authorizing optional biennial registration of certain types of vehicles; providing calculation for biennial registration fee; creating biennial registration convenience fee; establishing fee amount; providing for convenience fee distribution; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1115, as amended by Section 1, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2017, Section 1115), is amended to read as follows:

Section 1115. A. Unless provided otherwise by statute, the following vehicles shall be registered annually: manufactured homes, vehicles registered with a permanent nonexpiring license plate pursuant to Section 1113 of this title, and commercial vehicles registered pursuant to the installment plan provided in

subsection H of Section 1133 of this title. The following schedule shall apply for such vehicle purchased in this state or brought into this state by residents of this state:

1. Between January 1 and March 31, the payment of the full annual fee shall be required;

2. Between April 1 and June 30, the payment of three-fourths (3/4) the annual fee shall be required;

3. Between July 1 and September 30, the payment of one-half (1/2) the annual fee shall be required; and

4. Between October 1 and November 30, one-fourth (1/4) the annual fee shall be required.

License plates or decals for each year shall be made available on December 1 of each preceding year for such vehicles. Any person who purchases such vehicle or manufactured home between December 1 and December 31 of any year shall register it within thirty (30) days from date of purchase and obtain a license plate or Manufactured Home License Registration Decal, as appropriate, for the following calendar year upon payment of the full annual fee. Unless provided otherwise by statute, all annual license, registration and other fees for such vehicles shall be due and payable on January 1 of each year and if not paid by February 1 shall be deemed delinquent.

B. 1. All vehicles, other than those required to be registered pursuant to the provisions of subsection A of this section, shall be

1 registered on a staggered system of registration and licensing on a
2 monthly series basis to distribute the work of registering such
3 vehicles as uniformly and expeditiously as practicable throughout
4 the calendar year. After the end of the month following the
5 expiration date, the license and registration fees for the new
6 registration period shall become delinquent.

7 2. All fleet vehicles registered pursuant to new applications
8 approved pursuant to the provisions of Section 1120 of this title
9 shall be registered on a staggered system monthly basis.

10 3. Applicants seeking to establish Oklahoma as the base
11 jurisdiction for registering apportioned fleet vehicles shall have a
12 one-time option of registering for a period of not less than six (6)
13 months nor greater than eighteen (18) months. Subsequent renewals
14 for these registrants will be for twelve (12) months, expiring on
15 the last day of the month chosen by the registrant under the one-
16 time option as provided herein. In addition, registrants with
17 multiple fleets may designate a different registration month of
18 expiration for each fleet.

19 As used in this section, "fleet" shall have the same meaning as
20 set forth in the International Registration Plan.

21 4. Effective January 1, 2004, all motorcycles and mopeds shall
22 be registered on a staggered system of registration. The Oklahoma
23 Tax Commission shall notify in writing, prior to December 1, 2003,
24 all owners of motorcycles or mopeds registered as of such date, who

1 shall have a one-time option of registering for a period of not less
2 than three (3) months nor greater than fifteen (15) months.

3 Subsequent renewals for these registrants ~~will~~ shall be for twelve
4 (12) months or twenty-four (24) months, expiring on the last day of
5 the month chosen by the registrant under the one-time option as
6 provided herein. All motorcycles and mopeds registered pursuant to
7 new applications received on or after December 1, 2003, shall also
8 be registered pursuant to the provisions of this paragraph.

9 C. The following penalties shall apply for delinquent
10 registration fees:

11 1. For fleet vehicles required to be registered pursuant to the
12 provisions of Section 1120 of this title for which a properly
13 completed application for registration has not been received by the
14 Corporation Commission by the last day of the month following the
15 registration expiration date, a penalty of thirty percent (30%) of
16 the Oklahoma portion of the annual registration fee, or Two Hundred
17 Dollars (\$200.00), whichever is greater, shall be assessed. The
18 license and registration cards issued by the Corporation Commission
19 for each fleet vehicle shall be valid until two (2) months after the
20 registration expiration date;

21 2. For commercial vehicles registered under the provisions of
22 subsection B of this section, except those vehicles registered
23 pursuant to Section 1133.1 of this title, a penalty shall be
24 assessed after the last day of the month following the registration

1 expiration date. A penalty of twenty-five cents (\$0.25) per day
2 shall be added to the license fee of such vehicle and shall accrue
3 for one (1) month. Thereafter, the penalty shall be thirty percent
4 (30%) of the annual registration fee, or Two Hundred Dollars
5 (\$200.00), whichever is greater;

6 3. For new or used manufactured homes, not registered within
7 thirty (30) days from date of purchase or date such manufactured
8 home was brought into this state, a penalty equal to the
9 registration fee shall be assessed; or

10 4. For all vehicles a penalty shall be assessed after the last
11 day of the month following the expiration date and no penalty shall
12 be waived by the Oklahoma Tax Commission or any motor license agent
13 except as provided for in subsection H of Section 1133 and
14 subsection C of Section 1127 of this title. A penalty of One Dollar
15 (\$1.00) per day shall be added to the license fee of such vehicle,
16 provided that the penalty shall not exceed One Hundred Dollars
17 (\$100.00). Of each dollar penalty collected pursuant to this
18 subsection:

- 19 a. twenty-one cents (\$0.21) shall be apportioned as
20 provided in Section 1104 of this title,
- 21 b. twenty-one cents (\$0.21) shall be retained by the
22 motor license agent, and
- 23 c. fifty-eight cents (\$0.58) shall be deposited in the
24 General Revenue Fund.

1 D. In addition to all other penalties provided in the Oklahoma
2 Vehicle License and Registration Act, the following penalties shall
3 be imposed and collected by any Enforcement Officer of the
4 Corporation Commission upon finding any commercial vehicle being
5 operated in violation of the provisions of the Oklahoma Vehicle
6 License and Registration Act.

7 The penalties shall apply to any commercial vehicle found to be
8 operating in violation of the following provisions:

9 1. A penalty of not less than Fifty Dollars (\$50.00) shall be
10 imposed upon any person found to be operating a commercial vehicle
11 sixty (60) days after the end of the month in which the license
12 plate or registration credentials expire without the current year
13 license plate or registration credential displayed. Such penalty
14 shall not exceed the amount established by the Corporation
15 Commission pursuant to the provisions of subsection A of Section
16 1167 of this title. Revenue from such penalties shall be
17 apportioned as provided in Section 1167 of this title;

18 2. A penalty of not less than Fifty Dollars (\$50.00) shall be
19 imposed for any person operating a commercial vehicle subject to the
20 provisions of Section 1120 or Section 1133 of this title without the
21 proper display of, or, carrying in such commercial vehicle, the
22 identification credentials issued by the Corporation Commission as
23 evidence of payment of the fee or tax as provided in Section 1120 or
24 Section 1133 of this title. Such penalty shall not exceed the

1 amount established by the Corporation Commission pursuant to the
2 provisions of subsection A of Section 1167 of this title. Revenue
3 from such penalties shall be apportioned as provided in Section 1167
4 of this title; and

5 3. A penalty of not less than One Hundred Dollars (\$100.00)
6 shall be imposed for any person that fails to register any
7 commercial vehicle subject to the Oklahoma Vehicle License and
8 Registration Act. Such penalty shall not exceed the amount
9 established by the Corporation Commission pursuant to the provisions
10 of subsection A of Section 1167 of this title. Revenue from such
11 penalties shall be apportioned as provided in Section 1167 of this
12 title.

13 E. The Tax Commission, or Corporation Commission with respect
14 to vehicles registered under Section 1120 or Section 1133 of this
15 title, shall assess the registration fees and penalties for the year
16 or years a vehicle was not registered. For vehicles not registered
17 for two (2) or more years, the registration fees and penalties shall
18 be due only for the current year and one (1) previous year.

19 F. In addition to any other penalty prescribed by law, there
20 shall be a penalty of not less than Twenty Dollars (\$20.00) upon a
21 finding by an enforcement officer that:

22 1. The registration of a vehicle registered pursuant to Section
23 1132 of this title is expired and it is sixty (60) or more days
24 after the end of the month of expiration; or

1 2. The registration fees for a vehicle that is subject to the
2 registration fees pursuant to Section 1132 of this title have not
3 been paid.

4 Such penalty shall not exceed the amount established by the
5 Corporation Commission pursuant to the provisions of subsection A of
6 Section 1167 of this title. Revenue from such penalties shall be
7 apportioned as provided in Section 1167 of this title.

8 G. If a vehicle is donated to a nonprofit charitable
9 organization, the nonprofit charitable organization shall be exempt
10 from paying any current or past due registration fees, excise tax,
11 transfer fees, and penalties and interest. However, after the
12 donation, if the person donating the vehicle, or someone on behalf
13 of such person, purchases the same vehicle back from the nonprofit
14 charitable organization to which the vehicle was donated, such
15 person shall be liable for all current and past-due registration
16 fees, excise tax, title or transfer fees, and penalties and interest
17 on such vehicle.

18 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1131, is
19 amended to read as follows:

20 Section 1131. The Oklahoma Tax Commission shall ~~annually~~ notify
21 all persons within the state who have a previous registration on
22 record of the period for registration renewal. The Tax Commission
23 shall send the notifications to the electronic mail address provided
24 by the person. If a person does not provide an electronic mail

1 address then the Tax Commission shall notify the person through the
2 mail. The notifications shall contain all necessary information for
3 such registration and licensing including a breakdown of all charges
4 to be paid by the owner and shall contain instructions as to the
5 procedure for renewal upon presentation to a motor license agent or
6 by return mail to the Commission's state office. The content and
7 form of the notice shall be determined by the Commission. Use of a
8 postcard or electronic mail type renewal notice is specifically
9 permitted. The Commission shall provide information on its public
10 website instructing persons on the procedure for obtaining ~~an annual~~
11 a notification via electronic mail, outlining all charges and fees
12 associated with the registration of a vehicle, as well as an
13 explanation of the apportionment of vehicle fees and penalties. The
14 cost of mailing shall be One Dollar (\$1.00) for license plates and
15 fifty cents (\$0.50) for decals, titles or other forms or devices
16 provided in this act. Provided, that the Commission may adjust any
17 mailing costs as deemed appropriate to allow for increased or
18 additional fees charged by the United States Postal Service.

19 Failure by any applicant to receive notification of renewal as
20 provided by this act shall not excuse the applicant from properly
21 obtaining any registration or license at the proper time by
22 presenting proof of ownership to the Commission's state office or to
23 a motor license agent.

1 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1132, as
2 amended by Section 2, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2017,
3 Section 1132), is amended to read as follows:

4 Section 1132. A. For all vehicles, unless otherwise
5 specifically provided by the Oklahoma Vehicle License and
6 Registration Act, a registration fee shall be assessed at the time
7 of initial registration by the owner and annually thereafter or
8 biennially as provided in subsection G of this section, for the use
9 of the avenues of public access within this state in the following
10 amounts:

11 1. For the first through the fourth year of registration in
12 this state or any other state, Eighty-five Dollars (\$85.00);

13 2. For the fifth through the eighth year of registration in
14 this state or any other state, Seventy-five Dollars (\$75.00);

15 3. For the ninth through the twelfth year of registration in
16 this state or any other state, Fifty-five Dollars (\$55.00);

17 4. For the thirteenth through the sixteenth year of
18 registration in this state or any other state, Thirty-five Dollars
19 (\$35.00); and

20 5. For the seventeenth and any following year of registration
21 in this state or any other state, Fifteen Dollars (\$15.00).

22 The registration fee provided for in this subsection shall be in
23 lieu of all other taxes, general or local, unless otherwise
24 specifically provided.

1 B. For all-terrain vehicles and motorcycles used exclusively
2 for use off roads or highways purchased on or after July 1, 2005,
3 and for all-terrain vehicles and motorcycles used exclusively for
4 use off roads or highways purchased prior to July 1, 2005, which the
5 owner chooses to register pursuant to the provisions of Section
6 1115.3 of this title, an initial and nonrecurring registration fee
7 of Eleven Dollars (\$11.00) shall be assessed at the time of initial
8 registration by the owner. Nine Dollars (\$9.00) of the registration
9 fee shall be deposited in the Oklahoma Tax Commission Reimbursement
10 Fund. Two Dollars (\$2.00) of the registration fee shall be retained
11 by the motor license agent. The fees required by subsection A of
12 this section shall not be required for all-terrain vehicles or
13 motorcycles used exclusively off roads and highways.

14 C. For utility vehicles used exclusively for use off roads or
15 highways purchased on or after July 1, 2008, and for utility
16 vehicles used exclusively for use off roads or highways purchased
17 prior to July 1, 2008, which the owner chooses to register pursuant
18 to the provisions of Section 1115.3 of this title, an initial and
19 nonrecurring registration fee of Eleven Dollars (\$11.00) shall be
20 assessed at the time of initial registration by the owner. Nine
21 Dollars (\$9.00) of the registration fee shall be deposited in the
22 Oklahoma Tax Commission Reimbursement Fund. Two Dollars (\$2.00) of
23 the registration fee shall be retained by the motor license agent.
24 The fees required by subsection A of this section shall not be

1 required for utility vehicles used exclusively off roads and
2 highways.

3 D. There shall be a credit allowed with respect to the fee for
4 registration of a new vehicle which is a replacement for:

5 1. A new original vehicle which is stolen from the
6 purchaser/registrant within ninety (90) days of the date of purchase
7 of the original vehicle as certified by a police report or other
8 documentation as required by the Oklahoma Tax Commission; or

9 2. A defective new original vehicle returned by the
10 purchaser/registrant to the seller within six (6) months of the date
11 of purchase of the defective new original vehicle as certified by
12 the manufacturer.

13 The credit shall be in the amount of the fee for registration
14 which was paid for the new original vehicle and shall be applied to
15 the registration fee for the replacement vehicle. In no event will
16 the credit be refunded.

17 E. Upon every transfer or change of ownership of a vehicle, the
18 new owner shall obtain title for and, except in the case of salvage
19 vehicles and manufactured homes, register the vehicle within thirty
20 (30) days of change of ownership and pay a transfer fee of Fifteen
21 Dollars (\$15.00) in addition to any other fees provided for in this
22 act. No new decal shall be issued to the registrant. Thereafter,
23 the owner shall register the vehicle annually on the anniversary
24 date of its initial registration in this state and shall pay the

1 fees provided in subsection A of this section and receive a decal
2 evidencing such payment. Provided, used motor vehicle dealers shall
3 be exempt from the provisions of this section.

4 F. In the event a new or used vehicle is not registered, titled
5 and tagged within thirty (30) days from the date of transfer of
6 ownership, the penalty for the failure of the owner of the vehicle
7 to register the vehicle within thirty (30) days shall be One Dollar
8 (\$1.00) per day, provided that in no event shall the penalty exceed
9 One Hundred Dollars (\$100.00). No penalty shall be waived by the
10 Oklahoma Tax Commission or any motor license agent except as
11 provided in subsection C of Section 1127 of this title. Of each
12 dollar penalty collected pursuant to this subsection:

13 1. Twenty-one cents (\$0.21) shall be apportioned as provided in
14 Section 1104 of this title;

15 2. Twenty-one cents (\$0.21) shall be retained by the motor
16 license agent; and

17 3. Fifty-eight cents (\$0.58) shall be deposited in the General
18 Revenue Fund.

19 G. 1. The owner of a vehicle which is required to be
20 registered under the provisions of paragraph 1 or 4 of subsection B
21 of Section 1115 of this title may register such vehicle on a
22 biennial basis. The registration fee and any related administrative
23 fees for such a biennial registration shall be equal to the sum of
24 all annual registration fees and related administrative fees

1 provided for in this title that would have otherwise been applicable
2 if such vehicle were registered on an annual basis for the two-year
3 period covered by the biennial registration.

4 2. Each application for a biennial registration authorized by
5 this subsection shall be subject to a convenience fee of Twenty-five
6 Dollars (\$25.00).

7 3. Each convenience fee collected pursuant to the provisions of
8 paragraph 2 of this subsection shall be distributed as follows:

9 a. Eight Dollars and fifty cents (\$8.50) shall be
10 deposited in the State Treasury to the credit of the
11 State Transportation Fund created by Section 1501.1 of
12 Title 69 of the Oklahoma Statutes,

13 b. Eight Dollars and fifty cents (\$8.50) shall be
14 deposited in the State Treasury to the credit of the
15 Emergency and Transportation Revolving Fund created by
16 Section 687.3 of Title 69 of the Oklahoma Statutes,

17 c. Five Dollars (\$5.00) shall be deposited in the State
18 Treasury to the credit of the General Revenue Fund,
19 d. Two Dollars (\$2.00) shall be retained by the
20 collecting motor license agent, pursuant to Section
21 1141.1 of this title, and

22 e. One Dollar (\$1.00) shall be deposited in the State
23 Treasury to the credit of the Oklahoma Tax Commission
24

1 Fund created by Section 221 of Title 62 of the Oklahoma
2 Statutes.

3 SECTION 4. This act shall become effective January 1, 2019.

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