

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1449

By: Roberts (Dustin) of the House and Bice of the Senate

Title: Motor vehicles; registration fee for electric drive motor vehicles; apportionment; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendments No. 1, No. 2, No. 3 and No. 4; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Allen _____
 Bass _____
 Bergstrom _____
 Bice _____
 Boggs _____
 Brecheen _____
 Brown _____
 Dahm _____
 Daniels _____
 David _____
 Dossett _____
 Dugger _____
 Fields _____
 Floyd _____
 Fry _____
 Griffin _____
 Holt _____
 Jech _____
 Kidd _____
 Leewright _____
 Marlatt _____
 Matthews _____
 McCortney _____
 Newberry _____

Newhouse _____
 Paxton _____
 Pederson _____
 Pemberton _____
 Pittman _____
 Pugh _____
 Quinn _____
 Rader _____
 Scott _____
 Sharp _____
 Shaw _____
 Silk _____
 Simpson _____
 Smalley _____
 Sparks _____
 Standridge _____
 Stanislawski _____
 Sykes _____
 Thompson _____
 Yen _____

House Action _____ Date _____

Senate Action _____ Date _____

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1449

By: Roberts (Dustin) of the
House

and

Bice of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

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 1521, as last amended by Section
93, Chapter 15, O.S.L. 2013 (69 O.S. Supp. 2016,
Section 1521), which relates to the Rebuilding
Oklahoma Access and Driver Safety Fund; modifying
calculation of certain annual apportionments;
clarifying language; authorizing certain
expenditures; providing for codification; and
providing an effective date.

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 1132.7 of Title 47, unless there
is created a duplication in numbering, reads as follows:

1 A. In addition to other vehicle registration fees specified by
2 law, for the year beginning January 1, 2018, and for each year
3 thereafter, there is hereby levied and there shall be paid to the
4 Oklahoma Tax Commission a Motor Fuels Tax Fee of:

5 1. One Hundred Dollars (\$100.00) upon every electric-drive
6 motor vehicle to be registered; and

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

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

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

20 C. Revenue from the fee provided for in subsection A of this
21 section shall be deposited in the State Treasury to the credit of
22 the Rebuilding Oklahoma Access and Driver Safety Fund created in
23 Section 1521 of Title 69 of the Oklahoma Statutes.

24 D. For purposes of this section:

1 1. "Electric-drive motor vehicle" means a vehicle subject to a
2 registration fee as provided for in subsection A of Section 1132 of
3 Title 47 of the Oklahoma Statutes that is propelled solely by
4 electrical energy and is not capable of using gasoline, diesel or
5 any other fuel for propulsion; and

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

14 SECTION 2. AMENDATORY 69 O.S. 2011, Section 1521, as
15 last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp.
16 2016, Section 1521), is amended to read as follows:

17 Section 1521. A. There is hereby created in the State Treasury
18 a fund to be known as the "Rebuilding Oklahoma Access and Driver
19 Safety Fund". The fund shall be a continuing fund, not subject to
20 fiscal year limitations, and shall consist of all appropriations and
21 transfers made by the Legislature. All monies accruing to the
22 credit of the fund are hereby appropriated and may be budgeted and
23 expended each fiscal year by the Department of Transportation for
24 the purposes authorized by subsection G of this section.

1 Expenditures from the fund shall be made upon warrants issued by the
2 State Treasurer against claims filed as prescribed by law with the
3 Director of the Office of Management and Enterprise Services for
4 approval and payment.

5 B. ~~There~~ Beginning July 1, 2017, except for an amount
6 equivalent to the amount of revenue apportioned pursuant to Section
7 1 of this act, there shall be apportioned to the funds specified in
8 this subsection from the monies that would otherwise be apportioned
9 to the General Revenue Fund by Section 2352 of Title 68 of the
10 Oklahoma Statutes from the revenues derived pursuant to subsections
11 A, B and E of Section 2355 of Title 68 of the Oklahoma Statutes
12 amounts as follows:

13 1. For each fiscal year, subject to the provisions of paragraph
14 3 of this subsection, and, except for the amount prescribed by
15 subparagraph a of this paragraph, subject to any reductions required
16 by subsection F of this section, there shall be apportioned to the
17 Rebuilding Oklahoma Access and Driver Safety Fund:

18 a. for the fiscal year beginning July 1, 2011, the first
19 Thirty-five Million Seven Hundred Thousand Dollars
20 (\$35,700,000.00), for the fiscal year beginning July
21 1, 2012, the first Forty-one Million Seven Hundred
22 Thousand Dollars (\$41,700,000.00) and for the fiscal
23 year beginning July 1, 2013, and for each fiscal year
24 thereafter, Fifty-nine Million Seven Hundred Thousand

Dollars (\$59,700,000.00), which shall be allocated and used by the Department of Transportation first for the purpose of making any required payments for principal, interest or other costs of borrowing with respect to the obligations issued pursuant to Section 341 of Title 73 of the Oklahoma Statutes and after any such required payment has been made then for the purposes otherwise authorized by this section, plus

b. the total amount apportioned to the Rebuilding Oklahoma Access and Driver Safety Fund for the preceding fiscal year which, except for the amount prescribed by subparagraph a of this paragraph, shall be apportioned before any other amount is apportioned pursuant to Section 2352 of Title 68 of the Oklahoma Statutes, plus

c. an additional incremental amount which shall not be in excess of the amount prescribed by subparagraph a of this paragraph and that is required in order for the total apportionment to the Rebuilding Oklahoma Access and Driver Safety Fund from all sources for such fiscal year to equal Five Hundred Seventy-five Million Dollars (\$575,000,000.00).

All amounts apportioned pursuant to this paragraph shall be divided into twelve equal amounts to be apportioned each month

1 during the fiscal year except the amount specified in subparagraph a
2 of this paragraph which amount shall be allocated in its full amount
3 in cash not later than July 30 each year or such later date as may
4 be required in order for the amount to be allocated in cash;

5 2. For each fiscal year after the apportionments required by
6 paragraph 1 of this subsection have been made:

7 a. the next Two Million Dollars (\$2,000,000.00) shall be
8 apportioned to the Oklahoma Tourism and Passenger Rail
9 Revolving Fund created pursuant to Section 325 of
10 Title 66 of the Oklahoma Statutes to be used for
11 capital and operating costs for the "Heartland Flyer"
12 rail project, and

13 b. the next Three Million Dollars (\$3,000,000.00) shall
14 be apportioned to the Public Transit Revolving Fund
15 created pursuant to Section 4031 of this title to be
16 used for purposes authorized by law other than the
17 purpose described by subparagraph a of this paragraph.

18 All amounts apportioned pursuant to this paragraph shall be
19 divided into twelve equal amounts to be apportioned each month
20 during the fiscal year; and

21 3. For each fiscal year after the first fiscal year in which
22 the total apportionment to the Rebuilding Oklahoma Access and Driver
23 Safety Fund as provided by paragraph 1 of this subsection and from
24 other sources equals Five Hundred Seventy-five Million Dollars

1 (\$575,000,000.00), except for an amount equivalent to the amount of
2 revenue apportioned pursuant to Section 1 of this act, the first
3 Five Hundred Seventy-five Million Dollars (\$575,000,000.00)
4 collected pursuant to subsections A, B and E of Section 2355 of
5 Title 68 of the Oklahoma Statutes and apportioned pursuant to
6 Section 2352 of Title 68 of the Oklahoma Statutes that would
7 otherwise be apportioned to the General Revenue Fund shall be
8 apportioned to the Rebuilding Oklahoma Access and Driver Safety
9 Fund. With the exception of the amount prescribed by subparagraph a
10 of paragraph 1 of this subsection, all amounts apportioned pursuant
11 to this paragraph shall be divided into twelve equal amounts to be
12 apportioned each month during the fiscal year.

13 C. The apportionments of revenues required by subparagraphs a,
14 b and c of paragraph 1 of subsection B of this section shall be made
15 until the total annual apportionment from such sources in addition
16 to the apportionment made pursuant to Section 1 of this act to the
17 Rebuilding Oklahoma Access and Driver Safety Fund equals Five
18 Hundred Seventy-five Million Dollars (\$575,000,000.00). After such
19 annual apportionment level is reached, the apportionment to the fund
20 shall be governed by the provisions of paragraph 3 of subsection B
21 of this section.

22 D. The monies apportioned to the Rebuilding Oklahoma Access and
23 Driver Safety Fund shall not be used to supplant or replace existing
24 state funds used for transportation purposes.

1 E. In order to ensure that the funds from the ROADS Fund are
2 used to enhance and not supplant state funding for the Department of
3 Transportation, the State Board of Equalization shall examine and
4 investigate expenditures from the fund each year. For purposes of
5 this examination, monies used to retire outstanding debt obligations
6 for which the Department of Transportation is responsible shall be
7 excluded. At the meeting of the State Board of Equalization held
8 within five (5) days after the monthly apportionment in February of
9 each year, the State Board of Equalization shall issue a finding and
10 report which shall state whether expenditures from the ROADS Fund
11 were used to enhance or supplant state funding for the Department of
12 Transportation. If the State Board of Equalization finds that state
13 funding for the Department of Transportation was supplanted by funds
14 from the ROADS Fund, the Board shall specify the amount by which
15 such funding was supplanted. In this event, the Legislature shall
16 not make any appropriations for the ensuing fiscal year until an
17 appropriation in that amount is made to replenish state funding for
18 the Department of Transportation.

19 F. In the event that the Director of the Office of Management
20 and Enterprise Services declares a General Revenue Fund revenue
21 failure pursuant to Section 34.49 of Title 62 of the Oklahoma
22 Statutes, and agency allocations are reduced pursuant to the
23 provisions of Section 34.49 of Title 62 of the Oklahoma Statutes,
24

1 the amounts that would otherwise be apportioned to the ROADS Fund
2 by:

3 1. Subparagraph a of paragraph 1 of subsection B of this
4 section, only to the extent that the amount is not required for debt
5 service related to the obligations authorized pursuant to Section
6 341 of Title 73 of the Oklahoma Statutes;

7 2. Subparagraphs b and c of paragraph 1 of subsection B of this
8 section; and

9 3. Subparagraphs a and b of paragraph 2 of subsection B of this
10 section,
11 shall be reduced by a percentage equal to that required of the
12 General Revenue Fund appropriations to state agencies and such
13 reductions shall occur during the entire fiscal year and for any
14 month during which such reductions are required by the Office of
15 Management and Enterprise Services and by the same percentage as
16 that required of the agencies for such General Revenue Fund
17 appropriations.

18 G. The Department of Transportation ~~shall~~:

19 1. Shall use the monies in the Rebuilding Oklahoma Access and
20 Driver Safety Fund for:

21 ~~1. The~~

22 a. the construction and maintenance of state roads,
23 bridges and highways~~+~~L

24 ~~2. The~~

b. the direct expenses of operating and maintaining the state highway system, including bridges~~+~~l

~~3. Direct~~

c. direct expenses incurred in constructing, repairing, and maintaining state highways, farm-to-market roads, county highways and bridges as authorized by law~~+~~l

~~4. Matching~~

d. matching federal funds~~+~~l

~~5. The~~

e. the purchase of materials, tools, machinery, motor vehicles, and equipment necessary or convenient for the construction and maintenance of the state highway system and bridges~~+~~l

~~6. Debt~~

f. debt service incurred prior to January 1, 2006, for Capital Improvement Program bonds sold pursuant to Section 2001 of this title~~+~~l and

~~7. Debt~~

g. debt service incurred on or after July 1, 2009, with respect to obligations authorized to be issued pursuant to Section 341 of Title 73 of the Oklahoma Statutes; and

2. Of the monies deposited in the Rebuilding Oklahoma Access

and Driver Safety Fund pursuant to the apportionment of Motor Fuels

1 Tax Fees provided in Section 1 of this act, the lesser of Ten
2 Thousand Dollars (\$10,000.00) and one and one-half percent (1 1/2%)
3 of such monies may be used for the development and maintenance of
4 alternative fuel corridors as defined by the Federal Highway
5 Administration.

6 H. From the monies allocated pursuant to the provisions of
7 subparagraph a of paragraph 1 of subsection B of this section each
8 fiscal year, the Department of Transportation shall make payments
9 required for the payment of principal, interest and other costs
10 related to the obligations issued by the Oklahoma Capitol
11 Improvement Authority as authorized by Section 341 of Title 73 of
12 the Oklahoma Statutes and such payments shall be made by the
13 Department each fiscal year before such monies are used for any
14 other purpose.

15 SECTION 3. This act shall become effective November 1, 2017.

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17 56-1-7913 JM 05/10/17
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