

1 **SENATE FLOOR VERSION**

2 February 25, 2020

3 **AS AMENDED**

4 SENATE BILL NO. 1188

5 By: Standridge

6 [Oklahoma Vehicle License and Registration Act -
7 license plates - physically disabled and standard
8 issue plate - fee - effective date]
9

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

11 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1116, is
12 amended to read as follows:

13 Section 1116. A. Twelve registration periods shall be
14 established for vehicles required to be registered on a staggered
15 basis. The registration periods shall start on the first day of
16 each calendar month and shall end on the last day of that month.
17 Unless otherwise provided, all such vehicles where the date of
18 execution of transfer of ownership occurs in this state at any time
19 during a calendar month shall be subject to registration and payment
20 of the fee for the registration period commencing the first day of
21 the month of such date of execution of transfer.

22 B. A person who registers more than one vehicle may have all of
23 such vehicles initially registered at the same time or at separate
24 times. Any person who obtains a vehicle may, upon registration,

1 have the registration period adjusted to allow future registration
2 of all such vehicles at the same period or at a different period.

3 C. On and after January 1, 2021, if a physically disabled
4 license plate is issued pursuant to paragraph 3 of subsection B of
5 Section 1135.1 of this title for a vehicle which is subject to the
6 requirements of Section 1132 of this title, the registration periods
7 for the vehicle may be combined into a single registration period.
8 The Oklahoma Tax Commission shall determine, by rule, a method for
9 adjusting the twelve-month period.

10 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1132, as
11 amended by Section 2, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2019,
12 Section 1132), is amended to read as follows:

13 Section 1132. A. For all vehicles, unless otherwise
14 specifically provided by the Oklahoma Vehicle License and
15 Registration Act, a registration fee shall be assessed at the time
16 of initial registration by the owner and annually thereafter, for
17 the use of the avenues of public access within this state in the
18 following amounts:

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

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

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

1 4. For the thirteenth through the sixteenth year of
2 registration in this state or any other state, Thirty-five Dollars
3 (\$35.00); and

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

6 The registration fee provided for in this subsection shall be in
7 lieu of all other taxes, general or local, unless otherwise
8 specifically provided.

9 On and after January 1, 2021, if a physically disabled license
10 plate is issued pursuant to paragraph 3 of subsection B of Section
11 1135.1 of this title, any registration fee required for such plate
12 and the fee required pursuant to this subsection shall be remitted
13 at the same time and subject to a single registration period. Upon
14 receipt of a physically disabled license plate, the standard issue
15 plate must be surrendered to the Oklahoma Tax Commission or motor
16 license agent. The physically disabled plate must be properly
17 displayed as required for a standard issue and will be the sole
18 plate issued and assigned to the vehicle. The Oklahoma Tax
19 Commission shall determine, by rule, a method for making required
20 fee adjustments when a physically disabled license plate is obtained
21 during a twelve-month period for which a registration fee has
22 already been remitted pursuant to this subsection. The combination
23 of fees in a single remittance shall not alter the apportionment
24 otherwise provided for by law.

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~~ the Oklahoma Vehicle License and Registration Act. No new decal
23 shall be issued to the registrant. Thereafter, the owner shall
24 register the vehicle annually on the anniversary date of its initial

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

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

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

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

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

20 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1135.1, as
21 amended by Section 1, Chapter 26, O.S.L. 2016 (47 O.S. Supp. 2019,
22 Section 1135.1), is amended to read as follows:
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1 Section 1135.1. A. The Oklahoma Tax Commission is hereby
2 authorized to design and issue appropriate official special license
3 plates to persons as provided by this section.

4 Special license plates shall not be transferred to any other
5 person but shall be removed from the vehicle upon transfer of
6 ownership and retained. The special license plate may then be used
7 on another vehicle but only after such other vehicle has been
8 registered for the current year.

9 Except as provided in subsection B of this section, special
10 license plates shall be renewed each year by the Tax Commission or a
11 motor license agent. The Tax Commission shall annually notify by
12 mail all persons issued special license plates. The notice shall
13 contain all necessary information and shall contain instructions for
14 the renewal procedure upon presentation to a motor license agent or
15 the Tax Commission. The license plates shall be issued on a
16 staggered system. The motor license agent fees shall be paid out of
17 the Oklahoma Tax Commission Reimbursement Fund.

18 On and after January 1, 2021, if a physically disabled license
19 plate is issued pursuant to paragraph 3 of subsection B of this
20 section, any registration fee required for such plate pursuant to
21 this section and the fee required pursuant to Section 1132 of this
22 title shall be remitted at the same time and subject to a single
23 registration period. The Oklahoma Tax Commission shall determine,
24 by rule, a method for making required fee and registration period

1 adjustments if a physically disabled license plate is obtained
2 during a twelve-month period for which a registration fee has
3 already been remitted pursuant to Section 1132 of this title. The
4 combination of fees in a single remittance shall not alter the
5 apportionment otherwise provided for in this section.

6 B. The special license plates provided by this section are as
7 follows:

8 1. Political Subdivision Plates - such plates shall be designed
9 for any vehicle owned by any political subdivision of this state
10 having obtained a proper Oklahoma certificate of title. Such
11 political subdivisions shall file an annual report with the Tax
12 Commission stating the agency where such vehicle is located. Such
13 license plates shall be permanent in nature and designed in such a
14 manner as to remain with the vehicle for the duration of the life
15 span of the vehicle or until the title is transferred to an owner
16 who is not a political subdivision.

17 The registration fee shall be Eight Dollars (\$8.00) and shall be
18 in addition to all other registration fees provided by law, except
19 the registration fees levied by Section 1132 of this title;

20 2. Tax-Exempt or Nonprofit License Plates - such plates shall
21 be designed for:

22 a. any motor bus, manufactured home, or mobile chapel and
23 power unit owned and operated by a religious
24 corporation or society of this state holding a valid

1 exemption from taxation issued pursuant to Section
2 501(a) of the Internal Revenue Code, 26 U.S.C.,
3 Section 501(a), and listed as an exempt organization
4 in Section 501(c)(3) of the Internal Revenue Code, as
5 amended, 26 U.S.C., Section 501(c)(3), and that is
6 used by the corporation or society solely for the
7 furtherance of its religious functions,

8 b. any vehicle owned and operated only by nonprofit
9 organizations devoted exclusively to youth programs
10 including, but not limited to, the Girl Scouts and Boy
11 Scouts of America,

12 c. any vehicle, except passenger automobiles, owned or
13 operated by nonprofit organizations actually involved
14 in programs for the employment of the handicapped and
15 used exclusively in the transportation of goods or
16 materials for such organization,

17 d. any vehicle owned and operated by a nonprofit
18 organization that provides older persons
19 transportation to and from medical, dental and
20 religious services and relief from business and social
21 isolation,

22 e. any vehicle owned and operated by a private nonprofit
23 organization that:

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- 1 (1) warehouses and distributes surplus foods to other
- 2 nonprofit agencies and organizations, and
- 3 (2) holds a valid exemption from taxation issued
- 4 pursuant to Section 501(c) of the Internal
- 5 Revenue Code, as amended, 26 U.S.C., Section
- 6 501(c), and listed as an exempt organization in
- 7 Section 501(c)(3) of the Internal Revenue Code,
- 8 as amended, and
- 9 (3) uses such vehicle exclusively for the
- 10 transportation of such surplus foods,

11 f. any vehicle which:

- 12 (1) is owned and operated by a private, nonprofit
- 13 organization which is exempt from taxation
- 14 pursuant to the provisions of Section 501(c)(3)
- 15 of the Internal Revenue Code, 26 U.S.C., Section
- 16 501(c)(3), and which is primarily funded by a
- 17 fraternal or civic service organization with at
- 18 least one hundred local chapters or clubs, and
- 19 (2) is designed and used to provide mobile health
- 20 screening services to the general public at no
- 21 cost to the recipient, and for which no
- 22 reimbursement of any kind is received from any
- 23 health insurance provider, health maintenance
- 24 organization or governmental program, or

1 g. any vehicle owned and operated by the Civil Air
2 Patrol, a congressionally chartered corporation that
3 also serves an auxiliary of the United States Air
4 Force and which is exempt from taxation pursuant to
5 the provisions of Section 501(c)(3) of the Internal
6 Revenue Code, 26 U.S.C., Section 501(c)(3), and is
7 used exclusively for its corporate missions of
8 aerospace education, cadet programs and emergency
9 services. Such license plates shall be permanent in
10 nature and designed in such a manner as to remain with
11 the vehicle for the duration of the life span of the
12 vehicle or until the title to such vehicle is
13 transferred to an owner who is not subject to this
14 exemption. Such vehicles shall be exempt from the
15 registration fees levied under Section 1132 of this
16 title, except that an initial registration fee of
17 Twenty-five Dollars (\$25.00) shall apply to each
18 vehicle.

19 Any person claiming to be eligible for a tax-exempt or nonprofit
20 license plate under the provisions of this paragraph must have the
21 name of the tax-exempt or nonprofit organization prominently
22 displayed upon the outside of the vehicle, except those vehicles
23 registered pursuant to the provisions of subparagraph b of this
24 paragraph, unless such display is prohibited by federal or state law

1 or by state agency rules. No vehicle shall be licensed as a tax-
2 exempt or nonprofit vehicle unless the vehicle has affixed on each
3 side thereof, in letters not less than two (2) inches high and two
4 (2) inches wide, the name of the tax-exempt or nonprofit
5 organization or the insignia or other symbol of such organization
6 which shall be of sufficient size, shape and color as to be readily
7 legible during daylight hours from a distance of fifty (50) feet
8 while the vehicle is not in motion.

9 Except as provided in subparagraph g of this paragraph, the
10 registration fee shall be Eight Dollars (\$8.00) and shall be in
11 addition to all other registration fees provided by law, except the
12 registration fees levied by Section 1132 of this title;

13 3. Physically Disabled License Plates - such plates shall be
14 designed for persons who are eligible for a physically disabled
15 placard under the provisions of Section 15-112 of this title. It
16 shall prominently display the international accessibility symbol,
17 which is a stylized human figure in a wheelchair. The Tax
18 Commission shall also design physically disabled license plates for
19 motorcycles owned by persons who are eligible for a physically
20 disabled placard pursuant to the provisions of Section 15-112 of
21 this title. Upon the death of the physically disabled person, the
22 disabled license plate shall be returned to the Tax Commission.
23 There shall be no fee for such plate in addition to the rate
24 provided by the Oklahoma Vehicle License and Registration Act for

1 the registration of the vehicle. For an additional fee of Ten
2 Dollars (\$10.00), a person eligible for a physically disabled
3 license plate shall have the option of purchasing a duplicate
4 physically disabled special license plate which shall be securely
5 attached to the front of the vehicle. The original physically
6 disabled special license plate shall be securely attached to the
7 rear of the vehicle at all times.

8 Any person who is eligible for a physically disabled license
9 plate and whose vehicle has had modifications because of the
10 physical disability of the owner or of a family member within the
11 second degree of consanguinity of the owner, may register the
12 vehicle for a flat fee of Twenty-five Dollars (\$25.00). This fee
13 shall be in lieu of all other registration fees provided by the
14 Oklahoma Vehicle License and Registration Act;

15 4. Indian Tribal License Plates - such plates shall be designed
16 for any vehicle of a native American Indian Tribal Association
17 exempted in Sections 201 through 204 of Public Law 97-473 and used
18 by the tribal association exclusively for the furtherance of its
19 tribal functions.

20 The registration fee shall be Eight Dollars (\$8.00) and shall be
21 in addition to all other registration fees provided by law, except
22 the registration fees levied by Section 1132 of this title;

23 5. Hearing Impaired License Plates - such plates shall be
24 designed for persons who are hearing impaired. Such persons may

1 apply for a hearing-impaired license plate for each vehicle with a
2 rated carrying capacity of one (1) ton or less upon the presentment
3 of an application on a form furnished by the Tax Commission and
4 certified by a physician holding a valid license to practice
5 pursuant to the licensing provisions of Title 59 of the Oklahoma
6 Statutes, attesting that the person is hearing impaired. The
7 license plate shall be designed so that such persons may be readily
8 identified as being hearing impaired. There shall be no additional
9 fee for the plate, but all other registration fees provided by the
10 Oklahoma Vehicle License and Registration Act shall apply;

11 6. Antique or Classic Vehicles License Plates - such plates
12 shall be designed and issued for any vehicle twenty-five (25) years
13 of age or older, based upon the date of manufacture thereof and
14 which travels on the highways of this state primarily incidental to
15 historical or exhibition purposes only.

16 The registration fee shall be Eight Dollars (\$8.00) and shall be
17 in addition to all other registration fees provided by law, except
18 the registration fees levied by Section 1132 of this title. Any
19 person registering an antique or classic vehicle may elect to have
20 the vehicle registered for a ten-year period. The registration fee
21 for the elected ten-year registration shall be Seventy-five Dollars
22 (\$75.00). The motor license agent registering the antique or
23 classic vehicle for a ten-year period shall receive one hundred
24 percent (100%) of the fees the motor license agent would have

1 otherwise received pursuant to subsection A of Section 1141.1 of
2 this title if the antique or classic vehicle had been registered on
3 an annual basis; and

4 7. Honorary Consul License Plates - such plates shall be
5 designed to include the words "Honorary Consul" and issued to
6 persons who are honorary consuls authorized by the United States to
7 perform consular duties. Persons applying for such license plates
8 must show proof of standing as an honorary consul. The fee for such
9 plate shall be Eight Dollars (\$8.00) and shall be in addition to all
10 other registration fees required by the Oklahoma Vehicle License and
11 Registration Act. The owner of the vehicle that possesses such
12 license plates shall return the special license plates to the
13 Oklahoma Tax Commission if the owner disposes of the vehicle during
14 the registration year or ceases to be authorized to perform consular
15 duties.

16 C. Special license plates provided by this section shall be
17 designed in such a manner as to identify the use or ownership of the
18 vehicle. Use of any vehicle possessing a special license plate
19 provided by this section for any purpose not specified herein shall
20 be grounds for revocation of the special license plate and
21 registration certificate.

22 D. The fees provided by this section shall be deposited in the
23 Oklahoma Tax Commission Reimbursement Fund.

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1 SECTION 4. This act shall become effective November 1, 2020.

2 COMMITTEE REPORT BY: COMMITTEE ON FINANCE
3 February 25, 2020 - DO PASS AS AMENDED
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