

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1188

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Vehicle License and
8 Registration Act; amending 47 O.S. 2011, Sections
9 1116, 1132, as amended by Section 2, Chapter 337,
10 O.S.L. 2012 and 1135.1, as amended by Section 1,
11 Chapter 26, O.S.L. 2016, (47 O.S. Supp. 2019,
12 Sections 1132 and 1135.1), which relate to issuance
13 of license plates; after specified date, authorizing
14 single registration period when physically disabled
15 license plate and standard license plate are issued;
16 requiring certain rulemaking by Oklahoma Tax
17 Commission; after specified date, providing for
18 single fee, registration period and plate issue for
19 physically disabled license plate; requiring
20 surrender of standard issue plate under specified
21 circumstances; construing provision with respect to
22 apportionment; updating statutory reference; and
23 providing an effective date.
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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

21 Section 1116. A. Twelve registration periods shall be
22 established for vehicles required to be registered on a staggered
23 basis. The registration periods shall start on the first day of
24 each calendar month and shall end on the last day of that month.
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1 Unless otherwise provided, all such vehicles where the date of
2 execution of transfer of ownership occurs in this state at any time
3 during a calendar month shall be subject to registration and payment
4 of the fee for the registration period commencing the first day of
5 the month of such date of execution of transfer.

6 B. A person who registers more than one vehicle may have all of
7 such vehicles initially registered at the same time or at separate
8 times. Any person who obtains a vehicle may, upon registration,
9 have the registration period adjusted to allow future registration
10 of all such vehicles at the same period or at a different period.

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

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

21 Section 1132. A. For all vehicles, unless otherwise
22 specifically provided by the Oklahoma Vehicle License and
23 Registration Act, a registration fee shall be assessed at the time
24 of initial registration by the owner and annually thereafter, for

1 the use of the avenues of public access within this state in the
2 following amounts:

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

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

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

9 4. For the thirteenth through the sixteenth year of
10 registration in this state or any other state, Thirty-five Dollars
11 (\$35.00); and

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

14 The registration fee provided for in this subsection shall be in
15 lieu of all other taxes, general or local, unless otherwise
16 specifically provided.

17 On and after January 1, 2021, if a physically disabled license
18 plate is issued pursuant to paragraph 3 of subsection B of Section
19 1135.1 of this title, any registration fee required for such plate
20 and the fee required pursuant to this subsection shall be remitted
21 at the same time and subject to a single registration period. Upon
22 receipt of a physically disabled license plate, the standard issue
23 plate must be surrendered to the Oklahoma Tax Commission or motor
24 license agent. The physically disabled plate must be properly

1 displayed as required for a standard issue and will be the sole
2 plate issued and assigned to the vehicle. The Oklahoma Tax
3 Commission shall determine, by rule, a method for making required
4 fee adjustments when a physically disabled license plate is obtained
5 during a twelve-month period for which a registration fee has
6 already been remitted pursuant to this subsection. The combination
7 of fees in a single remittance shall not alter the apportionment
8 otherwise provided for by law.

9 B. For all-terrain vehicles and motorcycles used exclusively
10 for use off roads or highways purchased on or after July 1, 2005,
11 and for all-terrain vehicles and motorcycles used exclusively for
12 use off roads or highways purchased prior to July 1, 2005, which the
13 owner chooses to register pursuant to the provisions of Section
14 1115.3 of this title, an initial and nonrecurring registration fee
15 of Eleven Dollars (\$11.00) shall be assessed at the time of initial
16 registration by the owner. Nine Dollars (\$9.00) of the registration
17 fee shall be deposited in the Oklahoma Tax Commission Reimbursement
18 Fund. Two Dollars (\$2.00) of the registration fee shall be retained
19 by the motor license agent. The fees required by subsection A of
20 this section shall not be required for all-terrain vehicles or
21 motorcycles used exclusively off roads and highways.

22 C. For utility vehicles used exclusively for use off roads or
23 highways purchased on or after July 1, 2008, and for utility
24 vehicles used exclusively for use off roads or highways purchased

1 prior to July 1, 2008, which the owner chooses to register pursuant
2 to the provisions of Section 1115.3 of this title, an initial and
3 nonrecurring registration fee of Eleven Dollars (\$11.00) shall be
4 assessed at the time of initial registration by the owner. Nine
5 Dollars (\$9.00) of the registration fee shall be deposited in the
6 Oklahoma Tax Commission Reimbursement Fund. Two Dollars (\$2.00) of
7 the registration fee shall be retained by the motor license agent.
8 The fees required by subsection A of this section shall not be
9 required for utility vehicles used exclusively off roads and
10 highways.

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

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

17 2. A defective new original vehicle returned by the
18 purchaser/registrant to the seller within six (6) months of the date
19 of purchase of the defective new original vehicle as certified by
20 the manufacturer.

21 The credit shall be in the amount of the fee for registration
22 which was paid for the new original vehicle and shall be applied to
23 the registration fee for the replacement vehicle. In no event will
24 the credit be refunded.

1 E. Upon every transfer or change of ownership of a vehicle, the
2 new owner shall obtain title for and, except in the case of salvage
3 vehicles and manufactured homes, register the vehicle within thirty
4 (30) days of change of ownership and pay a transfer fee of Fifteen
5 Dollars (\$15.00) in addition to any other fees provided for in ~~this~~
6 act the Oklahoma Vehicle License and Registration Act. No new decal
7 shall be issued to the registrant. Thereafter, the owner shall
8 register the vehicle annually on the anniversary date of its initial
9 registration in this state and shall pay the fees provided in
10 subsection A of this section and receive a decal evidencing such
11 payment. Provided, used motor vehicle dealers shall be exempt from
12 the provisions of this section.

13 F. In the event a new or used vehicle is not registered, titled
14 and tagged within thirty (30) days from the date of transfer of
15 ownership, the penalty for the failure of the owner of the vehicle
16 to register the vehicle within thirty (30) days shall be One Dollar
17 (\$1.00) per day, provided that in no event shall the penalty exceed
18 One Hundred Dollars (\$100.00). No penalty shall be waived by the
19 Oklahoma Tax Commission or any motor license agent except as
20 provided in subsection C of Section 1127 of this title. Of each
21 dollar penalty collected pursuant to this subsection:

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

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

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

5 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1135.1, as
6 amended by Section 1, Chapter 26, O.S.L. 2016 (47 O.S. Supp. 2019,
7 Section 1135.1), is amended to read as follows:

8 Section 1135.1. A. The Oklahoma Tax Commission is hereby
9 authorized to design and issue appropriate official special license
10 plates to persons as provided by this section.

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

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

1 On and after January 1, 2021, if a physically disabled license
2 plate is issued pursuant to paragraph 3 of subsection B of this
3 section, any registration fee required for such plate pursuant to
4 this section and the fee required pursuant to Section 1132 of this
5 title shall be remitted at the same time and subject to a single
6 registration period. The Oklahoma Tax Commission shall determine,
7 by rule, a method for making required fee and registration period
8 adjustments if a physically disabled license plate is obtained
9 during a twelve-month period for which a registration fee has
10 already been remitted pursuant to Section 1132 of this title. The
11 combination of fees in a single remittance shall not alter the
12 apportionment otherwise provided for in this section.

13 B. The special license plates provided by this section are as
14 follows:

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

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

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

- 6 a. any motor bus, manufactured home, or mobile chapel and
7 power unit owned and operated by a religious
8 corporation or society of this state holding a valid
9 exemption from taxation issued pursuant to Section
10 501(a) of the Internal Revenue Code, 26 U.S.C.,
11 Section 501(a), and listed as an exempt organization
12 in Section 501(c)(3) of the Internal Revenue Code, as
13 amended, 26 U.S.C., Section 501(c)(3), and that is
14 used by the corporation or society solely for the
15 furtherance of its religious functions,
- 16 b. any vehicle owned and operated only by nonprofit
17 organizations devoted exclusively to youth programs
18 including, but not limited to, the Girl Scouts and Boy
19 Scouts of America,
- 20 c. any vehicle, except passenger automobiles, owned or
21 operated by nonprofit organizations actually involved
22 in programs for the employment of the handicapped and
23 used exclusively in the transportation of goods or
24 materials for such organization,

1 d. any vehicle owned and operated by a nonprofit
2 organization that provides older persons
3 transportation to and from medical, dental and
4 religious services and relief from business and social
5 isolation,

6 e. any vehicle owned and operated by a private nonprofit
7 organization that:

8 (1) warehouses and distributes surplus foods to other
9 nonprofit agencies and organizations, and

10 (2) holds a valid exemption from taxation issued
11 pursuant to Section 501(c) of the Internal
12 Revenue Code, as amended, 26 U.S.C., Section
13 501(c), and listed as an exempt organization in
14 Section 501(c)(3) of the Internal Revenue Code,
15 as amended, and

16 (3) uses such vehicle exclusively for the
17 transportation of such surplus foods,

18 f. any vehicle which:

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

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

1 Twenty-five Dollars (\$25.00) shall apply to each
2 vehicle.

3 Any person claiming to be eligible for a tax-exempt or nonprofit
4 license plate under the provisions of this paragraph must have the
5 name of the tax-exempt or nonprofit organization prominently
6 displayed upon the outside of the vehicle, except those vehicles
7 registered pursuant to the provisions of subparagraph b of this
8 paragraph, unless such display is prohibited by federal or state law
9 or by state agency rules. No vehicle shall be licensed as a tax-
10 exempt or nonprofit vehicle unless the vehicle has affixed on each
11 side thereof, in letters not less than two (2) inches high and two
12 (2) inches wide, the name of the tax-exempt or nonprofit
13 organization or the insignia or other symbol of such organization
14 which shall be of sufficient size, shape and color as to be readily
15 legible during daylight hours from a distance of fifty (50) feet
16 while the vehicle is not in motion.

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

21 3. Physically Disabled License Plates - such plates shall be
22 designed for persons who are eligible for a physically disabled
23 placard under the provisions of Section 15-112 of this title. It
24 shall prominently display the international accessibility symbol,

1 which is a stylized human figure in a wheelchair. The Tax
2 Commission shall also design physically disabled license plates for
3 motorcycles owned by persons who are eligible for a physically
4 disabled placard pursuant to the provisions of Section 15-112 of
5 this title. Upon the death of the physically disabled person, the
6 disabled license plate shall be returned to the Tax Commission.
7 There shall be no fee for such plate in addition to the rate
8 provided by the Oklahoma Vehicle License and Registration Act for
9 the registration of the vehicle. For an additional fee of Ten
10 Dollars (\$10.00), a person eligible for a physically disabled
11 license plate shall have the option of purchasing a duplicate
12 physically disabled special license plate which shall be securely
13 attached to the front of the vehicle. The original physically
14 disabled special license plate shall be securely attached to the
15 rear of the vehicle at all times.

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

23 4. Indian Tribal License Plates - such plates shall be designed
24 for any vehicle of a native American Indian Tribal Association

1 exempted in Sections 201 through 204 of Public Law 97-473 and used
2 by the tribal association exclusively for the furtherance of its
3 tribal functions.

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

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

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

1 The registration fee shall be Eight Dollars (\$8.00) and shall be
2 in addition to all other registration fees provided by law, except
3 the registration fees levied by Section 1132 of this title. Any
4 person registering an antique or classic vehicle may elect to have
5 the vehicle registered for a ten-year period. The registration fee
6 for the elected ten-year registration shall be Seventy-five Dollars
7 (\$75.00). The motor license agent registering the antique or
8 classic vehicle for a ten-year period shall receive one hundred
9 percent (100%) of the fees the motor license agent would have
10 otherwise received pursuant to subsection A of Section 1141.1 of
11 this title if the antique or classic vehicle had been registered on
12 an annual basis; and

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

1 C. Special license plates provided by this section shall be
2 designed in such a manner as to identify the use or ownership of the
3 vehicle. Use of any vehicle possessing a special license plate
4 provided by this section for any purpose not specified herein shall
5 be grounds for revocation of the special license plate and
6 registration certificate.

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

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