

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3850 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Jeff Boatman

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED SUBCOMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 3850

By: Boatman

PROPOSED SUBCOMMITTEE SUBSTITUTE

An Act relating to revenue and taxation; amending 68 O.S. 2021, Section 2105, which relates to motor vehicle excise tax exemptions; creating an exemption for foreign exports; amending 47 O.S. 2021, Section 1105, which relates to certificate of titles; creating a foreign export certificate of title; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 68 O.S. 2021, Section 2105, is amended to read as follows:

Section 2105. An original or a transfer certificate of title or a foreign export certificate of title as provided for in paragraph 18 of this section shall be issued without the payment of the excise tax levied by Section 2101 et seq. of this title for:

1. Any vehicle owned by a nonresident person who operates principally in some other state but who is in Oklahoma only occasionally;

1        2. Any vehicle brought into this state by a person formerly  
2 living in another state, who has owned and registered the vehicle in  
3 such other state of residence at least sixty (60) days prior to the  
4 time it is required to be registered in this state; provided,  
5 however, this paragraph shall not apply to businesses engaged in  
6 renting cars without a driver;

7        3. Any vehicle registered by the State of Oklahoma, by any of  
8 the political subdivisions thereof, or by a fire department  
9 organized pursuant to Section 592 of Title 18 of the Oklahoma  
10 Statutes to be used for the purposes of the fire department, or a  
11 vehicle which is the subject of a lease or lease-purchase agreement  
12 executed between the person seeking an original or transfer  
13 certificate of title for the vehicle and a municipality, county,  
14 school district, or fire protection district. The person seeking an  
15 original or transfer certificate of title shall provide adequate  
16 proof that the vehicle is subject to a lease or lease-purchase  
17 agreement with a municipality, county, school district, or fire  
18 protection district at the time the excise tax levied would  
19 otherwise be payable. The Oklahoma Tax Commission shall have the  
20 authority to determine what constitutes adequate proof as required  
21 by this section;

22        4. Any vehicle, the legal ownership of which is obtained by the  
23 applicant for a certificate of title by inheritance;  
24

1       5. Any used motor vehicle, travel trailer, or commercial  
2 trailer which is owned and being offered for sale by a person  
3 licensed as a dealer to sell the same, under the provisions of the  
4 Oklahoma Vehicle License and Registration Act:

5           a. if such vehicle, travel trailer, or commercial trailer  
6 has been registered in Oklahoma and the excise tax  
7 paid thereon, or

8           b. when such vehicle, travel trailer, or commercial  
9 trailer has been registered in some other state but is  
10 not the latest manufactured model.

11       Provided, the provisions of this paragraph shall not be  
12 construed as allowing an exemption to any person not licensed as a  
13 dealer of used motor vehicles, travel trailers, or commercial  
14 trailers, or as an automotive dismantler and parts recycler in this  
15 state;

16       6. Any vehicle which was purchased by a person licensed to sell  
17 new or used motor vehicles in another state:

18           a. if such vehicle is not purchased for operation or  
19 resale in this state, and

20           b. the state from which the dealer is licensed offers  
21 reciprocal privileges to a dealer licensed in this  
22 state, pursuant to a reciprocal agreement between the  
23 duly authorized agent of the Tax Commission and the  
24 licensing state;

1       7. Any vehicle, the ownership of which was obtained by the  
2       lienholder or mortgagee under or by foreclosure of a lien or  
3       mortgage in the manner provided by law or to the insurer under  
4       subrogated rights arising by reason of loss under an insurance  
5       contract;

6       8. Any vehicle which is taxed on an ad valorem basis;

7       9. Any vehicle or motor vehicle, the legal ownership of which  
8       is obtained by transfers:

9           a. from one corporation to another corporation pursuant  
10           to a reorganization. As used in this subsection the  
11           term "reorganization" means:

12           (1) a statutory merger or consolidation, or

13           (2) the acquisition by a corporation of substantially  
14           all of the properties of another corporation when  
15           the consideration is solely all or a part of the  
16           voting stock of the acquiring corporation, or of  
17           its parent or subsidiary corporation,

18           b. in connection with the winding up, dissolution, or  
19           liquidation of a corporation only when there is a  
20           distribution in kind to the shareholders of the  
21           property of such corporation,

22           c. to a corporation where the former owners of the  
23           vehicle or motor vehicle transferred are, immediately  
24           after the transfer, in control of the corporation, and

- 1 the stock or securities received by each is  
2 substantially in proportion to the interest in the  
3 vehicle or motor vehicle prior to the transfer,
- 4 d. to a partnership if the former owners of the vehicle  
5 or motor vehicle transferred are, immediately after  
6 the transfer, members of such partnership and the  
7 interest in the partnership received by each is  
8 substantially in proportion to the interest in the  
9 vehicle or motor vehicle prior to the transfer,
- 10 e. from a partnership to the members thereof when made in  
11 the dissolution of such partnership,
- 12 f. to a limited liability company if the former owners of  
13 the vehicle or motor vehicle transferred are,  
14 immediately after the transfer, members of the limited  
15 liability company and the interest in the limited  
16 liability company received by each is substantially in  
17 proportion to the interest in the vehicle or motor  
18 vehicle prior to the transfer, or
- 19 g. from a limited liability company to the members  
20 thereof when made in the dissolution of such  
21 partnership;

22 10. Any vehicle which is purchased by a person to be used by a  
23 business engaged in renting motor vehicles without a driver,  
24 provided:

- 1           a.    the vehicle shall not be rented to the same person for  
2                a period exceeding ninety (90) days,
- 3           b.    any such vehicle exempted from the excise tax by these  
4                provisions shall not be placed under any type of lease  
5                agreement,
- 6           c.    on any such vehicle exempted from the excise tax by  
7                this subsection that is reregistered in this state,  
8                without a prior sale or transfer to the persons  
9                specified in divisions (1) and (2) of this  
10              subparagraph, at any time prior to the expiration of  
11              twelve (12) months from the date of issuance of the  
12              original title, the seller shall pay immediately the  
13              amount of excise tax which would have been due had  
14              this exemption not been granted plus a penalty of  
15              twenty percent (20%). No such excise tax or penalty  
16              shall become due and payable if the vehicle is sold or  
17              transferred in a condition either physical or  
18              mechanical which would render it eligible for a  
19              salvage title pursuant to law or if the vehicle is  
20              sold and transferred in this state at any time prior  
21              to the expiration of twelve (12) months:
- 22                (1) to the manufacturer of the vehicle or its  
23                    controlled financing arm, or
- 24

- 1                   (2) to a factory authorized franchised new motor  
2                   vehicle dealer which holds a franchise of the  
3                   same line-make of the vehicle being purchased, or  
4       d. when this exemption is claimed, the Tax Commission  
5           shall issue a special title which shall restrict the  
6           transfer of the title only within this state prior to  
7           the expiration of twelve (12) months unless:  
8           (1) payment of the excise tax plus penalty as  
9           provided in this section is made,  
10          (2) the sale is made to a person specified in  
11           division (1) or (2) of subparagraph c of this  
12           paragraph, or  
13          (3) the vehicle is eligible for a salvage title.

14       For all other tax purposes vehicles herein exempted shall be  
15       treated as though the excise tax has been paid;

16       11. Any vehicle of the latest manufactured model, registered  
17       from a title in the name of the original manufacturer or assigned to  
18       the original manufacturer and issued by any state and transferred to  
19       a licensed, franchised Oklahoma motor vehicle dealer, as defined by  
20       Section 1102 of Title 47 of the Oklahoma Statutes, which holds a  
21       franchise of the same line-make as the vehicle being registered;

22       12. Any new motor vehicle, registered in the name of a  
23       manufacturer or dealer of new motor vehicles, for which a license  
24       plate has been issued pursuant to Section 1116.1 of Title 47 of the



1 Oklahoma Statutes, if such vehicle is authorized by the manufacturer  
2 or dealer for personal use by an individual. The authorization for  
3 such use shall not exceed four (4) months which shall not be renewed  
4 or the exemption provided by this subsection shall not be  
5 applicable. The exemption provided by this subsection shall not be  
6 applicable to a transfer of ownership or registration subsequent to  
7 the first registration of the vehicle by a manufacturer or dealer;

8 13. Any vehicle, travel trailer, or commercial trailer of the  
9 latest manufacturer model purchased by a franchised Oklahoma dealer  
10 licensed to sell the same which holds a franchise of the same line-  
11 make as the vehicle, travel trailer, or commercial trailer being  
12 registered;

13 14. Any vehicle which is the subject of a lease or lease-  
14 purchase agreement and which the ownership of such vehicle is being  
15 obtained by the lessee, if the vehicle excise tax was paid at the  
16 time of the initial lease or lease-purchase agreement;

17 15. Any vehicle which:

18 a. is purchased by a private, nonprofit organization  
19 which is exempt from taxation pursuant to the  
20 provisions of Section 501(c)(3) of the Internal  
21 Revenue Code, 26 U.S.C., Section 501(c)(3), and which  
22 is primarily funded by a fraternal or civic service  
23 organization with at least one hundred local chapters  
24 or clubs, and

1           b.    is designed and used to provide mobile health  
2                screening services to the general public at no cost to  
3                the recipient, and for which no reimbursement of any  
4                kind is received from any health insurance provider,  
5                health maintenance organization, or governmental  
6                program;

7        16.   Any vehicle which is purchased by an individual who has  
8   been honorably discharged from active service in any branch of the  
9   Armed Forces of the United States or Oklahoma National Guard and who  
10   has been certified by the United States Department of Veterans  
11   Affairs, its successor, or the Armed Forces of the United States to  
12   be a disabled veteran in receipt of compensation at the one-hundred-  
13   percent rate for a permanent disability sustained through military  
14   action or accident resulting from disease contracted while in such  
15   active service and registered with the veterans registry created by  
16   the Oklahoma Department of Veterans Affairs; provided, that if the  
17   veteran has previously received exemption pursuant to this  
18   paragraph, no registration with the veterans registry shall be  
19   required. This exemption may not be claimed by an individual for  
20   more than one vehicle in a consecutive three-year period, unless the  
21   vehicle is a replacement for a vehicle which was destroyed and  
22   declared by the insurer to be a total loss claim. The Tax  
23   Commission shall promulgate any rules necessary to implement the  
24   provisions of this section; ~~or~~

1        17. Any vehicle on which ownership is transferred by a  
2        reposessor directly back to the owner or owners from whom the  
3        vehicle was repossessed; provided, ownership shall be assigned by  
4        the reposessor within thirty (30) days of issuance of the  
5        repossession title and shall be identical to that reflected in the  
6        vehicle title record immediately prior to the repossession; or

7        18. Any vehicle which is purchased by an individual or entity  
8        doing business in this state if the vehicle is contracted to be  
9        shipped to a destination outside of the United States or its  
10       territories within one hundred twenty (120) days of purchase. The  
11       Oklahoma Tax Commission shall prescribe a form to be completed and  
12       submitted under oath together with the purchase contract for the  
13       vehicle and proof of commitment to ship the vehicle by common  
14       carrier vessel, air, rail, or any other common carrier for hire.  
15       Upon approval for the exemption provided for by this section and  
16       payment of the required certificate of title fee, the Tax Commission  
17       shall issue a foreign export certificate of title.

18       SECTION 2.        AMENDATORY        47 O.S. 2021, Section 1105, is  
19       amended to read as follows:

20       Section 1105. A. As used in the Oklahoma Vehicle License and  
21       Registration Act:

22       1. "Salvage vehicle" means any vehicle which is within the last  
23       ten (10) model years and which has been damaged by collision or  
24       other occurrence to the extent that the cost of repairing the

1 vehicle for safe operation on the highway exceeds sixty percent  
2 (60%) of its fair market value, as defined by Section 1111 of this  
3 title, immediately prior to the damage. For purposes of this  
4 section, actual repair costs shall only include labor and parts for  
5 actual damage to the suspension, motor, transmission, frame or  
6 unibody and designated structural components;

7 2. "Rebuilt vehicle" means any salvage vehicle which has been  
8 rebuilt and inspected for the purpose of registration and title;

9 3. "Flood-damaged vehicle" means a salvage or rebuilt vehicle  
10 which was damaged by flooding or a vehicle which was submerged at a  
11 level to or above the dashboard of the vehicle and on which an  
12 amount of loss was paid by the insurer;

13 4. "Unrecovered-theft vehicle" means a vehicle which has been  
14 stolen and not yet recovered;

15 5. "Recovered-theft vehicle" means a vehicle, including a  
16 salvage or rebuilt vehicle, which was recovered from a theft; and

17 6. "Junked vehicle" means any vehicle which is incapable of  
18 operation or use on the highway, has no resale value except as a  
19 source of parts or scrap and has an eighty percent (80%) loss in  
20 fair market value.

21 B. The owner of every vehicle in this state shall possess a  
22 certificate of title as proof of ownership of such vehicle, except  
23 those vehicles registered pursuant to Section 1120 of this title and  
24 trailers registered pursuant to Section 1133 of this title,

1 previously titled by anyone in another state and engaged in  
2 interstate commerce, and except as provided in subsection M of this  
3 section. Except for owners that possess an agricultural exemption  
4 permit pursuant to Section 1358.1 of Title 68 of the Oklahoma  
5 Statutes, the owner of an all-terrain vehicle or a motorcycle used  
6 exclusively off roads or highways in this state which is purchased  
7 or the ownership of which is transferred on or after July 1, 2005,  
8 and the owner of a utility vehicle used exclusively off roads and  
9 highways in this state which is purchased or the ownership of which  
10 is transferred on or after July 1, 2008, shall possess a certificate  
11 of title as proof of ownership. Any person possessing an  
12 agricultural exemption permit and owning an all-terrain vehicle or a  
13 motorcycle used exclusively off roads or highways in this state  
14 which is purchased or the ownership of which is transferred on or  
15 after July 1, 2008, shall possess a certificate of title as proof of  
16 ownership. Upon receipt of proper application information by such  
17 owner, the Oklahoma Tax Commission shall issue an original or  
18 transfer certificate of title. Until July 1, 2008, any security  
19 interest in an all-terrain vehicle that attached and was perfected  
20 before July 1, 2005, and that has not otherwise terminated shall  
21 remain perfected, and shall take priority over any subsequently  
22 perfected security interest in the same all-terrain vehicle,  
23 notwithstanding that a certificate of title may have been issued  
24 with respect to the same all-terrain vehicle on or after July 1,

1 2005, and that a lien may have been recorded on said certificate of  
2 title. There shall be ~~eight~~ nine types of certificates of title:

3 1. Original title for any motor vehicle which is not a  
4 remanufactured, salvage, unrecovered-theft, rebuilt, rebodied,  
5 foreign export, or junked vehicle;

6 2. Salvage title for any motor vehicle which is a salvage  
7 vehicle or is specified as a salvage vehicle or the equivalent  
8 thereof on a certificate of title from another state;

9 3. Rebuilt title for any motor vehicle which is a rebuilt  
10 vehicle;

11 4. Junked title for any motor vehicle which is a junked vehicle  
12 or is specified as a junked vehicle or the equivalent thereof on a  
13 certificate of title from another state;

14 5. Classic title for any motor vehicle, except a junked  
15 vehicle, which is twenty-five (25) model years or older;

16 6. Remanufactured title for any vehicle which is a  
17 remanufactured vehicle;

18 7. Unrecovered-theft title for any motor vehicle which has been  
19 stolen and not recovered; ~~and~~

20 8. Rebodied title for any motor vehicle which is a rebodied  
21 vehicle; and

22 9. Foreign export title for any motor vehicle which is  
23 purchased by an individual or entity doing business in Oklahoma for  
24

1 the sole purpose of exporting the vehicle outside of the United  
2 States or its territories.

3       Application for a certificate of title, whether the initial  
4 certificate of title or a duplicate, may be made to the Tax  
5 Commission or any motor license agent. When application is made  
6 with a motor license agent, the application information shall be  
7 transmitted either electronically or by mail to the Tax Commission  
8 by the motor license agent. If the application information is  
9 transmitted electronically, the motor license agent shall forward  
10 the required application along with evidence of ownership, where  
11 required, by mail. Where the transmission of application  
12 information cannot be performed electronically, the Tax Commission  
13 is authorized to provide postage paid envelopes to motor license  
14 agents for the purpose of mailing the application along with  
15 evidence of ownership, where required. The Tax Commission shall  
16 upon receipt of proper application information issue an Oklahoma  
17 certificate of title. The certificates may be mailed to the  
18 applicant. Upon issuance of a certificate of title, the Tax  
19 Commission shall provide the appropriate motor license agent with  
20 confirmation of such issuance.

21       C. 1. The application for certificate of title shall be upon a  
22 blank form furnished by the Tax Commission, containing:

23           a. a full description of the vehicle,  
24

- b. the manufacturer's serial or other identification number,
- c. the motor number and the date on which first sold by the manufacturer or dealer to the owner,
- d. any distinguishing marks,
- e. a statement of the applicant's source of title,
- f. any security interest upon the vehicle, and
- g. such other information as the Tax Commission may require.

2. The application for a certificate of title for a vehicle which is within the last seven (7) model years shall require a declaration as to whether the vehicle has been damaged by collision or other occurrence and whether the vehicle has been recovered from theft and the extent of the damage to the vehicle. The declaration shall be made by the owner of a vehicle if:

- a. the vehicle has been damaged or stolen,
- b. the owner did or did not receive any payment for the loss from an insurer, or
- c. the vehicle is titled or registered in a state that does not classify the vehicle or brand the title because of damage to or loss of the vehicle similar to the classifications or brands utilized by this state.

The declaration shall be based upon the best information and knowledge of the owner and shall be in addition to the requirements



1 specified in paragraph 1 of this subsection. The Tax Commission  
2 shall not issue a certificate of title for a vehicle which is  
3 subject to the provisions of this paragraph without the required  
4 declaration, completed and signed by the owner of the vehicle. Upon  
5 receipt of an application without the properly completed  
6 declaration, the Tax Commission shall return the application to the  
7 applicant with notice that the title may not be issued without the  
8 required declaration. Nothing in this paragraph shall prohibit the  
9 Tax Commission from recognizing the type of or brand on a title or  
10 other ownership document issued by another state or the inspection  
11 conducted in another state and issuing the appropriate certificate  
12 of title for the vehicle.

13 3. The certificate of title shall have the following security  
14 features:

- 15 a. intaglio printing or security thread, with or without
- 16 watermark,
- 17 b. latent images,
- 18 c. fluorescent inks,
- 19 d. micro print,
- 20 e. void background, and
- 21 f. color coding.

22 4. Each title issued pursuant to the provisions of the Oklahoma  
23 Vehicle License and Registration Act shall be color coded as  
24 determined by the Tax Commission.

1        5. The certificate of title shall be of such size and design  
2 and color as the Tax Commission may direct pursuant to the  
3 provisions of this section. The title shall be on colored paper or  
4 other material as designated by the Tax Commission and be of such  
5 intensity or hue as will allow easy identification as to whether the  
6 title is an original title, a salvage title, a rebuilt title,  
7 remanufactured title, rebodied title ~~or~~, a junked title, or a  
8 foreign export title. The type of title shall be identified on the  
9 front of the certificate of title. The original title, rebuilt  
10 title, remanufactured title, an unrecovered-theft title, rebodied  
11 title, foreign export title, or classic title shall be identified by  
12 the word "Original", "Rebuilt", "Remanufactured", "Unrecovered  
13 Theft", "Rebodied", "Foreign Export", or "Classic" printed in the  
14 upper right quadrant of the certificate of title, in the space which  
15 is currently captioned "type of title". A rebodied title shall also  
16 identify on the front of the title the year, make and model of the  
17 originally manufactured vehicle which has been rebodied and display  
18 a notation that reads as follows: "This vehicle has been assembled  
19 with new major components licensed by the original manufacturer".

20        D. 1. To obtain an original certificate of title for a vehicle  
21 that is being registered for the first time in this state which has  
22 not been previously registered in any other state, the applicant  
23 shall be required to deliver, as evidence of ownership, a  
24 manufacturer's certificate of origin properly assigned by the

1 manufacturer, distributor, or dealer licensed in this or any other  
2 state shown thereon to be the last transferee to the applicant upon  
3 a form to be prescribed and approved by the Tax Commission. A  
4 manufacturer's certificate of origin shall contain:

- 5 a. the manufacturer's serial or other identification  
6 number,
- 7 b. date on which first sold by the manufacturer to the  
8 dealer,
- 9 c. any distinguishing marks including model and the year  
10 same was made,
- 11 d. a statement of any security interests upon the  
12 vehicle, and
- 13 e. such other information as the Tax Commission may  
14 require.

15 2. The manufacturer's certificate of origin shall have the  
16 following security features:

- 17 a. intaglio printing or security thread, with or without  
18 watermark,
- 19 b. latent images,
- 20 c. fluorescent inks,
- 21 d. micro print, and
- 22 e. void background.

23 E. In the absence of a dealer's or manufacturer's number, the  
24 Tax Commission may assign such identifying number to the vehicle,

1 which shall be permanently stamped, burned or pressed or attached  
2 into the vehicle, and a certificate of title shall be delivered to  
3 the applicant upon payment of all fees and taxes, and the remaining  
4 copies shall be permanently filed and indexed by the Tax Commission.  
5 The Tax Commission shall assign an identifying number to any rebuilt  
6 vehicle if the vehicle identification number displayed on the  
7 rebuilt vehicle does not accurately describe the vehicle as rebuilt.  
8 The motor license agent, at the time of inspection of the rebuilt  
9 vehicle pursuant to Section 1111 of this title, shall identify the  
10 make, model, and year for the body to accurately describe the  
11 rebuilt vehicle. At the time of the inspection, an appropriate  
12 identifying number shall be permanently stamped, burned, pressed, or  
13 attached on the rebuilt vehicle. The assigned identifying number  
14 shall be recorded on the certificate of title for the rebuilt  
15 vehicle. The dealer's or manufacturer's vehicle identification  
16 number on the rebuilt vehicle shall be preserved in the computer  
17 files of the Tax Commission for at least five (5) years.

18 F. When registering for the first time in this state a vehicle  
19 which was not originally manufactured for sale in the United States,  
20 to obtain a certificate of title, the Tax Commission shall require  
21 the applicant to deliver:

22 1. As evidence of ownership, if the vehicle has not previously  
23 been titled in the United States, the documents constituting valid  
24 proof of ownership in the country in which the vehicle was

1 originally purchased, together with a notarized translation of any  
2 such documents; and

3 2. As evidence of compliance with federal law, copies of the  
4 bond release letters for the vehicle issued by the United States  
5 Environmental Protection Agency and the United States Department of  
6 Transportation, together with a receipt issued by the Internal  
7 Revenue Service indicating that the applicable federal gas guzzler  
8 tax has been paid.

9 The Tax Commission shall not issue a certificate of title for a  
10 vehicle which is subject to the provisions of this paragraph without  
11 the required documentation from agencies of the United States and  
12 evidence of ownership. Upon receipt of an application without the  
13 required documentation, the Tax Commission shall return the  
14 application to the applicant with notice that the certificate of  
15 title may not be issued without the required documentation. Nothing  
16 in this paragraph shall prohibit the Tax Commission from issuing  
17 certificates of title for antique or classic vehicles not driven  
18 upon the public streets, roads, or highways, for mini-trucks  
19 registered pursuant to Section 1151.3 of this title, or for medium-  
20 speed electric vehicles.

21 G. When registering in this state a vehicle which was titled in  
22 another state and which title contains the name of a secured party  
23 on the face of the other state certificate of title, or such state  
24 certificate is being held by the secured party in that state or any

1 other state, the Tax Commission or the motor license agent shall  
2 complete a lien entry form as prescribed by the Tax Commission. The  
3 owner of such vehicle shall file an affidavit with the Tax  
4 Commission or the motor license agent stating that title to the  
5 vehicle is being held by a secured party, has not been issued  
6 pursuant to the laws of the state where titled, and that there is an  
7 existing lien or encumbrance on the vehicle. The current name and  
8 address of the secured party or lienholder shall also be stated in  
9 the affidavit. The form of the affidavit shall be prescribed by the  
10 Tax Commission and contain any other information deemed necessary by  
11 the Tax Commission. A statement of the lien or encumbrance shall be  
12 included on the Oklahoma certificate of title and the lien or  
13 encumbrance shall be deemed continuously perfected as though it had  
14 been perfected pursuant to Section 1110 of this title. For  
15 completing the lien entry form and recording the security interest  
16 on the certificate of title, the Tax Commission or the motor license  
17 agent shall collect a fee of Three Dollars (\$3.00) which shall be in  
18 addition to other fees provided by the Oklahoma Vehicle License and  
19 Registration Act. The fee, if collected by the motor license agent  
20 pursuant to this subsection, shall be retained by the motor license  
21 agent.

22 H. The charge for each certificate of title issued, except for  
23 junked and foreign export titles as defined in ~~paragraph 4 of~~  
24 subsection B of this section, shall be Eleven Dollars (\$11.00),

1 which charge shall be in addition to any other fees or taxes imposed  
2 by law for such vehicle. One Dollar (\$1.00) of each such charge  
3 shall be deposited in the Oklahoma Tax Commission Reimbursement  
4 Fund. However, the charge shall not apply to any vehicle which is  
5 to be registered in this state pursuant to the provisions of Section  
6 1120 or 1133 of this title and which was registered in another state  
7 at least sixty (60) days prior to the time it is required to be  
8 registered in this state. When an insurer requests a salvage or  
9 junk title in the name of the insurer resulting from the settlement  
10 of a total loss claim and upon presentation of appropriate proof of  
11 loss documentation as required by the Commission, such transfer may  
12 be processed as one title transaction, without first requiring  
13 issuance of a replacement certificate of title in the name of the  
14 vehicle owner. The fee shall be Twenty-two Dollars (\$22.00). Two  
15 Dollars (\$2.00) of this fee shall be deposited in the Oklahoma Tax  
16 Commission Reimbursement Fund. The charge for a foreign export  
17 title shall be One Hundred Dollars (\$100.00), which charge shall be  
18 in addition to any other fees or taxes imposed by law for such  
19 vehicle. One Dollar (\$1.00) of this fee shall be deposited in the  
20 Oklahoma Tax Commission Reimbursement Fund.

21 I. The vehicle identification number of a junked vehicle shall  
22 be preserved in the computer files of the Tax Commission for a  
23 period of not less than five (5) years. The charge of junked titles  
24 as defined in paragraph 4 of subsection B of this section shall be

1 Four Dollars (\$4.00). The fee remitted to the Tax Commission shall  
2 be deposited in the Oklahoma Tax Commission Reimbursement Fund.

3 J. If a vehicle is sold to a resident of another state,  
4 destroyed, dismantled, or ceases to be used as a vehicle, the owner  
5 shall immediately notify the Tax Commission. Absent evidence to the  
6 contrary, failure to notify the Tax Commission shall be prima facie  
7 evidence that the vehicle has been in continuous operation in this  
8 state.

9 K. If a vehicle is stolen, the owner shall immediately notify  
10 the appropriate law enforcement agency. Immediately after receiving  
11 such notification, the law enforcement agency shall notify the Tax  
12 Commission.

13 L. Except for all-terrain vehicles, utility vehicles and  
14 motorcycles used exclusively for off-road use, no title for an out-  
15 of-state vehicle, except any commercial truck or truck-tractor  
16 registered pursuant to Section 1120 of this title which is engaged  
17 in interstate commerce, ~~or~~ any trailer or semitrailer registered  
18 pursuant to Section 1133 of this title which is engaged in  
19 interstate commerce, or any vehicle titled as a foreign export,  
20 shall be issued without an inspection of such vehicle and payment of  
21 a fee of Four Dollars (\$4.00) for such inspection; provided, the Tax  
22 Commission may enter into reciprocal agreements with other states  
23 for such inspections to be performed at locations outside the  
24 boundaries of this state for vehicles which:



1        1. Are offered for sale at auction;

2        2. Have been solely used as vehicles for rent under the  
3 ownership of a licensed motor vehicle dealer or a person engaged in  
4 the business of renting motor vehicles; or

5        3. Have not been registered in this or any other state for more  
6 than one (1) year.

7 The inspection shall include a comparison of the vehicle  
8 identification number on the vehicle with the number recorded on the  
9 ownership records and the recording of the actual odometer reading  
10 on the vehicle. The four-dollar fee shall be collected by the motor  
11 license agent or Tax Commission when the title is issued. The motor  
12 license agent shall retain Two Dollars (\$2.00). The remaining Two  
13 Dollars (\$2.00) shall be deposited in the Oklahoma Tax Commission  
14 Reimbursement Fund.

15        The Tax Commission may allow the inspection to be performed at a  
16 location out-of-state by another state's department of motor  
17 vehicles or state police.

18        M. No title for any out-of-state vehicle offered for sale at  
19 salvage pools, salvage disposal sales, or an auction, or by a dealer  
20 or a licensed automotive dismantler and parts recycler, shall be  
21 issued without an inspection to compare the vehicle identification  
22 number on the vehicle with the number recorded on the ownership  
23 record and to record the actual odometer reading on the vehicle.  
24 Upon request of the seller, person or entity conducting an auction,

1 dealer or licensed dismantler, the inspection shall be conducted at  
2 the location or place of business of the sale, auction, dealer, or  
3 the dismantler. The inspection shall be conducted by any motor  
4 license agent or a duly authorized employee thereof; provided, if  
5 the vehicle identification number on the vehicle offered for sale at  
6 salvage pools, salvage disposal sales or a classic or antique  
7 auction does not match the number recorded on the ownership record,  
8 the inspection may be conducted at the location of or place of  
9 business of such sale or auction by any state, county or city law  
10 enforcement officer. The Tax Commission may enter into reciprocal  
11 agreements with other states for such inspections to be performed at  
12 locations outside the boundaries of this state for vehicles which:

- 13 1. Are offered for sale at auction;
- 14 2. Have been solely used as vehicles for rent under the  
15 ownership of a licensed motor vehicle dealer or a person engaged in  
16 the business of renting motor vehicles; or
- 17 3. Have not been registered in this or any other state for more  
18 than one (1) year.

19 The inspection shall be certified upon forms prescribed by the Tax  
20 Commission. The name and other identification of the authorized  
21 person conducting the inspection shall be legibly printed or typed  
22 on the form. Prior to any inspection by any employee of a motor  
23 license agent, the motor license agent shall notify the Tax  
24 Commission of the name and any other identification information

1 requested by the Tax Commission of the authorized person. A  
2 signature specimen of the authorized person shall be submitted to  
3 the Tax Commission by the employing motor license agent. If the  
4 authorization to inspect vehicles is withdrawn or the employer-  
5 employee relationship is terminated, the motor license agent,  
6 immediately, shall notify the Tax Commission and return any  
7 remaining inspection forms to the Tax Commission. The fee for the  
8 inspection shall be Four Dollars (\$4.00). The motor license agent  
9 shall retain Three Dollars (\$3.00) of the fee. Fees received by a  
10 motor license agent or an authorized employee thereof shall be  
11 handled and accounted for in the manner as prescribed by law for any  
12 other fees paid to or received by a motor license agent. Out-of-  
13 state vehicles brought into this state by a person licensed in  
14 another state to sell new or used vehicles to be sold within this  
15 state at a motor vehicle auction which is limited to dealer-to-  
16 dealer transactions shall not be required to be inspected, unless  
17 the vehicle is purchased by an Oklahoma dealer. Any person licensed  
18 in another state to sell new or used motor vehicles, who offers a  
19 motor vehicle for sale within this state at a motor vehicle auction  
20 which is limited to dealer-to-dealer transactions, shall not be  
21 within the definition of "owner" in Section 1102 of this title, for  
22 purposes of Section 1101 et seq. of this title.

23 N. A licensed motor vehicle dealer, upon payment of a fee of  
24 Fifteen Dollars (\$15.00), may reassign an out-of-state certificate

1 of title to a used motor vehicle provided such dealer obtains the  
2 appropriate inspection form required by either subsection L or M of  
3 this section and attaches the form to the out-of-state certificate  
4 of title. Motor license agents shall be allowed to retain Two  
5 Dollars and twenty-five cents (\$2.25) of the fee plus an additional  
6 Two Dollars (\$2.00) or Three Dollars (\$3.00) as provided in  
7 subsections L and M of this section for performance of the  
8 inspection. Two Dollars (\$2.00) of the fee shall be deposited in  
9 the Tax Commission Reimbursement Fund. An out-of-state vehicle  
10 which has been rebuilt shall be inspected pursuant to the provisions  
11 of Section 1111 of this title. The Tax Commission shall train motor  
12 license agents in interpreting vehicle identification numbers to  
13 assure that it accurately describes the vehicle and to detect  
14 rollback or alteration of the odometer. Failure of a motor license  
15 agent to inspect the vehicle and make the required notations shall  
16 be a misdemeanor punishable by a fine of not more than One Thousand  
17 Dollars (\$1,000.00) for the first offense and Five Thousand Dollars  
18 (\$5,000.00) for the second offense or subsequent offense, or by  
19 imprisonment in the county jail for not more than six (6) months, or  
20 by both such fine and imprisonment.

21 O. The ownership of any unrecovered vehicle which has been  
22 declared a total loss by an insurer because of theft shall be  
23 transferred to the insurer by an unrecovered-theft vehicle title;  
24 provided, the ownership of any such vehicle which has been declared

1 a total loss by an insurer licensed by the Insurance Department of  
2 the State of Oklahoma and maintaining a multi-state motor vehicle  
3 salvage processing center in this state shall be transferred to the  
4 insurer by a salvage or an unrecovered-theft title without the  
5 requirement of a visual inspection of the vehicle identification  
6 number by the insurer. Upon recovery of the vehicle, the ownership  
7 shall be transferred by an original title, salvage title, or junked  
8 title, as may be appropriate based upon an estimate of the amount of  
9 loss submitted by the insurer.

10 P. When an insurance company makes a total loss settlement on a  
11 total loss vehicle and the insurance company or a salvage pool  
12 authorized by the insurance company is unable to obtain the properly  
13 endorsed certificate of ownership or other evidence of ownership  
14 acceptable to the Oklahoma Tax Commission within thirty (30) days  
15 following acceptance by the owner of an offer of an amount in  
16 settlement of a total loss, that insurance company or salvage pool,  
17 on a form provided by the Oklahoma Tax Commission and signed under  
18 penalty of perjury, may request the Oklahoma Tax Commission to issue  
19 the applicable salvage title for the vehicle. The request shall  
20 include information declaring that the requester has made at least  
21 two written attempts to obtain the certificate of ownership or other  
22 acceptable evidence of title.

23 Q. The owner of any vehicle which is incapable of operation or  
24 use on the public roads and has no resale value, except as parts,

1 scrap or junk, may deliver the certificate of title to the vehicle  
2 to the Tax Commission for cancellation. Upon verification that any  
3 perfected lien against the vehicle has been released, the  
4 certificate of title shall be canceled without any fee, charge, or  
5 cost required from the owner. The vehicle identification numbers on  
6 the certificates of title shall be preserved in the computer files  
7 of the Tax Commission for at least five (5) years from the date of  
8 cancellation of the certificate of title. The Tax Commission shall  
9 prescribe and provide an affidavit form to be completed by the owner  
10 of any vehicle for which the certificate of title is canceled. No  
11 title or registration shall subsequently be issued for a vehicle for  
12 which the certificate of title has been surrendered pursuant to this  
13 subsection. The Tax Commission shall prescribe a form for the  
14 transfer of ownership of a vehicle for which the certificate of  
15 title has been canceled.

16 R. The owner of a vehicle which is not within the last ten (10)  
17 model years, not roadworthy and not capable of repair for operation  
18 or use on the roads and highways, or a vehicle which is being sold  
19 to a scrap metal dealer pursuant to Section 11-92 of Title 2 of the  
20 Oklahoma Statutes, shall transfer the vehicle only upon a  
21 certificate of ownership prescribed by the Tax Commission, if the  
22 certificate of title to the vehicle is lost, has been canceled, or  
23 otherwise not available. The prescribed ownership form shall  
24 include the names and addresses of the buyer and seller, the driver

1 license number or social security number of the seller, the make and  
2 model of the vehicle, and the public vehicle identification number.  
3 If there is no public vehicle identification number, the vehicle  
4 shall be inspected by a law enforcement officer to verify the  
5 absence of the number on the vehicle and the prescribed ownership  
6 form shall include a signed statement, by such officer, verifying  
7 the absence of the number.

8       The certificate of ownership shall be completed in triplicate.  
9 The buyer and seller shall each retain a copy. Within thirty (30)  
10 days of the transaction, the seller shall submit one copy to the Tax  
11 Commission or a motor license agent accompanied with a fee of Four  
12 Dollars (\$4.00). One Dollar (\$1.00) shall be retained by the motor  
13 license agent and Three Dollars (\$3.00) shall be deposited in the  
14 Oklahoma Tax Commission Reimbursement Fund in the State Treasury.

15       Upon receipt of the certificate, the Tax Commission shall verify  
16 that any perfected lien upon the vehicle has been released. If the  
17 lien is not released, the Tax Commission shall mail notice of the  
18 transfer to the lienholder at the lienholder's last-known address.  
19 If a certificate of title has been issued, it shall be canceled and  
20 the vehicle identification number shall be preserved in the computer  
21 of the Tax Commission for at least five (5) years. The buyer of the  
22 vehicle may not be sued and shall not be liable for monetary damages  
23 to the lienholder, however, the vehicle shall be subject to a valid  
24 repossession by a lienholder.

1       S. The Tax Commission shall notify the chief administrative  
2 officer of the agency or department responsible for issuing motor  
3 vehicle certificates of title in each state in the United States of  
4 the types of motor vehicle certificate of title effective in  
5 Oklahoma on and after January 1, 1989.

6       T. When registering for the first time in this state a  
7 remanufactured vehicle which has not been registered in any other  
8 state since its remanufacture, before issuing a certificate of  
9 title, the Tax Commission shall require the applicant to deliver a  
10 statement of origin from the remanufacturer.

11       U. If a vehicle is sold to a foreign buyer pursuant to the  
12 provisions of the Automotive Dismantlers and Parts Recycler Act, the  
13 licensed seller shall stamp the title with: "EXPORT ONLY.  
14 NONTRANSFERABLE IN THE UNITED STATES." The licensed seller shall  
15 supply the Tax Commission the title number, the vehicle  
16 identification number and the foreign buyer's bid identification  
17 number on a form prescribed by the Tax Commission. The Tax  
18 Commission shall cancel the title, and the vehicle identification  
19 number shall be preserved in the computer files of the Tax  
20 Commission for a period of not less than five (5) years.

21       V. The Tax Commission shall not be considered a necessary party  
22 to any lawsuit which is instigated for the purpose of determining  
23 ownership of a vehicle, wherein the Tax Commission's only  
24 involvement would be to issue title, and the court shall issue an



1 order dismissing the Tax Commission from the pending action. In the  
2 event no other party or lienholder can be identified as to ownership  
3 or claim, the Tax Commission shall accept an affidavit of ownership  
4 from the party claiming ownership and issue proper title thereon.

5 SECTION 3. This act shall become effective July 1, 2022.

6 SECTION 4. It being immediately necessary for the preservation  
7 of the public peace, health or safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

10

11 58-2-10677 AQH 02/18/22

12

13

14

15

16

17

18

19

20

21

22

23

24