

1 ENGROSSED HOUSE
2 BILL NO. 1136

By: Fetgatter of the House

3 and

4 Rogers of the Senate
5

6 An Act relating to motor vehicles; requiring the
7 registration and titling of High-mobility
8 Multipurpose Wheeled Vehicles; requiring the
9 promulgation of certain rules; authorizing operation
10 of High-mobility Multipurpose Wheeled Vehicles;
11 requiring compliance with certain regulations and
12 rules; amending 47 O.S. 2011, Section 1102, as last
13 amended by Section 1, Chapter 57, O.S.L. 2016 (47
14 O.S. Supp. 2020, Section 1102), which relates to
15 definitions used in the Oklahoma Vehicle License and
16 Registration Act; defining term; providing for
17 codification; and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1151.5 of Title 47, unless there
21 is created a duplication in numbering, reads as follows:

22 A. High-mobility Multipurpose Wheeled Vehicles (HMMWVs) shall
23 be titled and registered pursuant to the provisions of the Oklahoma
24 Vehicle License and Registration Act. The Oklahoma Tax Commission
shall promulgate rules for the titling and registration of HMMWVs.

B. High-mobility Multipurpose Wheeled Vehicles (HMMWVs) which
have been titled and registered pursuant to the provisions of the
Oklahoma Vehicle License and Registration Act may be operated on the

1 roadways of this state. Operators of HMMWVs shall comply with all
2 traffic regulations and rules of conduct for the operation of motor
3 vehicles on the roadways of this state as provided by law.

4 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1102, as
5 last amended by Section 1, Chapter 57, O.S.L. 2016 (47 O.S. Supp.
6 2020, Section 1102), is amended to read as follows:

7 Section 1102. As used in the Oklahoma Vehicle License and
8 Registration Act:

9 1. "All-terrain vehicle" means a vehicle manufactured and used
10 exclusively for off-highway use traveling on four or more non-
11 highway tires, and being fifty (50) inches or less in width;

12 2. "Carrying capacity" means the carrying capacity of a vehicle
13 as determined or declared in tons of cargo or payload by the owner;
14 provided, that such declared capacity shall not be less than the
15 minimum tonnage capacity fixed, listed or advertised by the
16 manufacturer of any vehicle;

17 3. "Certificate of title" means a document which is proof of
18 legal ownership of a motor vehicle as described and provided for in
19 Section 1105 of this title;

20 4. "Chips and oil" or the term "road oil and crushed rock"
21 means, with respect to materials authorized for use in the surfacing
22 of roads or highways as provided for in this title or in any
23 equivalent statute pertaining to road or highway surfacing in the
24 State of Oklahoma, any asphaltic materials. Wherever chips and oil

1 or road oil and crushed rock are authorized for use in the surfacing
2 of roads or highways in this state, whether by the Department of
3 Transportation, or by the county commissioners, or other road
4 building authority subject to the Oklahoma Vehicle License and
5 Registration Act, asphaltic materials are also authorized for use in
6 such surfacing and construction;

7 5. "Combined laden weight" means the weight of a truck or
8 station wagon and its cargo or payload transported thereon, or the
9 weight of a truck or truck-tractor plus the weight of any trailers
10 or semitrailers together with the cargo or payload transported
11 thereon;

12 6. "Commercial trailer" means any trailer, as defined in
13 Section 1-180 of this title, or semitrailer, as defined in Section
14 1-162 of this title, when such trailer or semitrailer is used
15 primarily for business or commercial purposes;

16 7. "Commercial trailer dealer" means any person, firm or
17 corporation engaged in the business of selling any new and unused,
18 or used, or both new and used commercial trailers;

19 8. "Commercial vehicle" means any vehicle over eight thousand
20 (8,000) pounds combined laden weight used primarily for business or
21 commercial purposes. Each motor vehicle being registered pursuant
22 to the provisions of this section shall have the name of the
23 commercial establishment or the words "Commercial Vehicle"
24 permanently and prominently displayed upon the outside of the

1 vehicle in letters not less than two (2) inches high. Such letters
2 shall be in sharp contrast to the background and shall be of
3 sufficient shape and color as to be readily legible during daylight
4 hours, from a distance of fifty (50) feet while the vehicle is not
5 in motion;

6 9. "Commission" or "Tax Commission" means the Oklahoma Tax
7 Commission;

8 10. "Construction machinery" means machines or devices drawn as
9 trailers which are designed and used for construction, tree trimming
10 and waste maintenance projects, which derive no revenue from the
11 transportation of persons or property, whose use of the highway is
12 only incidental and which are not mounted or affixed to another
13 vehicle; provided, construction machinery shall not include
14 implements of husbandry as defined in Section 1-125 of this title;

15 11. "Dealer" means any person, firm, association, corporation
16 or trust who sells, solicits or advertises the sale of new and
17 unused motor vehicles and holds a bona fide contract or franchise in
18 effect with a manufacturer or distributor of a particular make of
19 new or unused motor vehicle or vehicles for the sale of same;

20 12. ~~"Mini-truck" means a foreign-manufactured import or~~
21 ~~domestic-manufactured vehicle powered by an internal combustion~~
22 ~~engine with a piston or rotor displacement of one thousand cubic~~
23 ~~centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches~~
24 ~~or less in width, with an unladen dry weight of three thousand four~~

~~hundred (3,400) pounds or less, traveling on four or more tires,~~
~~having a top speed of approximately fifty-five (55) miles per hour,~~
~~equipped with a bed or compartment for hauling, and having an~~
~~enclosed passenger cab~~ "High-mobility Multipurpose Wheeled Vehicle"
or "HMMWV" means a four-wheel-drive tactical military vehicle that
can carry a wide variety of military hardware, more commonly known
as a Humvee;

13. "Interstate commerce" means any commerce moving between any
place in a state and any place in another state or between places in
the same state through another state;

14. "Laden weight" means the combined weight of a vehicle when
fully equipped for use and the cargo or payload transported thereon;
provided, that in no event shall the laden weight be less than the
unladen weight of the vehicle fully equipped for use, plus the
manufacturer's rated carrying capacity;

15. "Local authorities" means every county, municipality or
local board or body having authority to adopt police regulations
under the Constitution and laws of this state;

16. "Low-speed electrical vehicle" means any four-wheeled
electrical vehicle that is powered by an electric motor that draws
current from rechargeable storage batteries or other sources of
electrical current and whose top speed is greater than twenty (20)
miles per hour but not greater than twenty-five (25) miles per hour
and is manufactured in compliance with the National Highway Traffic

1 Safety Administration standards for low-speed vehicles in 49 C.F.R.
2 571.500;

3 17. "Manufactured home" means a residential dwelling built in
4 accordance with the National Manufactured Housing Construction and
5 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and
6 rules promulgated pursuant thereto and the rules promulgated by the
7 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section
8 582 of this title. Manufactured home shall not mean a park model
9 recreational vehicle as defined in this section;

10 18. "Manufactured home dealer" means any person, firm or
11 corporation engaged in the business of selling any new and unused,
12 or used, or both new and used manufactured homes. Such information
13 and a valid franchise letter as proof of authorization to sell any
14 such new manufactured home product line or lines shall be attached
15 to the application for a dealer license to sell manufactured homes.
16 "Manufactured home dealer" shall not include any person, firm or
17 corporation who sells or contracts for the sale of the dealer's own
18 personally titled manufactured home or homes. No person, firm or
19 corporation shall be considered a manufactured home dealer as to any
20 manufactured home purchased or acquired by such person, firm or
21 corporation for purposes other than resale; provided, that the
22 restriction set forth in this sentence shall not prevent an
23 otherwise qualified person, firm or corporation from utilizing a
24 single manufactured home as a sales office;

1 19. "Medium-speed electrical vehicle" means any self-propelled,
2 electrically powered four-wheeled motor vehicle, equipped with a
3 roll cage or crush-proof body design, whose speed attainable in one
4 (1) mile is more than thirty (30) miles per hour but not greater
5 than thirty-five (35) miles per hour;

6 20. "Mini-truck" means a foreign-manufactured import or
7 domestic-manufactured vehicle powered by an internal combustion
8 engine with a piston or rotor displacement of one thousand cubic
9 centimeters (1,000 cc) or less, which is sixty-seven (67) inches or
10 less in width, with an unladen dry weight of three thousand four
11 hundred (3,400) pounds or less, traveling on four or more tires,
12 having a top speed of approximately fifty-five (55) miles per hour,
13 equipped with a bed or compartment for hauling, and having an
14 enclosed passenger cab;

15 21. "Motor license agent" means any person appointed,
16 designated or authorized by the Oklahoma Tax Commission to collect
17 the fees and to enforce the provisions provided for in the Oklahoma
18 Vehicle License and Registration Act;

19 ~~21.~~ 22. "New vehicle" or "unused vehicle" means a vehicle which
20 has been in the possession of the manufacturer, distributor or
21 wholesaler or has been sold only by the manufacturer, distributor or
22 wholesaler to a dealer;

23 ~~22.~~ 23. "Nonresident" means any person who is not a resident of
24 this state;

1 ~~23.~~ 24. "Off-road motorcycle" means any motorcycle, as defined
2 in Section 1-135 of this title, when such motorcycle has been
3 manufactured for and used exclusively off roads, highways and any
4 other paved surfaces;

5 ~~24.~~ 25. "Owner" means any person owning, operating or
6 possessing any vehicle herein defined;

7 ~~25.~~ 26. "Park model recreational vehicle" means a vehicle that
8 is:

- 9 a. designed and marketed as temporary living quarters for
10 camping, recreational, seasonal or travel use,
- 11 b. not permanently affixed to real property for use as a
12 permanent dwelling,
- 13 c. built on a single chassis mounted on wheels with a
14 gross trailer area not exceeding four hundred (400)
15 square feet in the setup mode, and
- 16 d. certified by the manufacturer as complying with
17 standard A119.5 of the American National Standards
18 Institute, Inc.;

19 ~~26.~~ 27. "Person" means any individual, copartner, joint
20 venture, association, corporation, limited liability company,
21 estate, trust, business trust, syndicate, the State of Oklahoma, or
22 any county, city, municipality, school district or other political
23 subdivision thereof, or any group or combination acting as a unit,
24 or any receiver appointed by the state or federal court;

~~27.~~ 28. "Rebodied vehicle" means a vehicle:

- a. which has been assembled using a new body or new major component which is of the identical type as the original vehicle and is licensed by the manufacturer of the original vehicle and other original, new or reconditioned parts. For purposes of this paragraph, "new body or new major component" means a new body, cab, frame, front-end clip or rear-end clip,
- b. which is not a salvage, rebuilt, or junked vehicle as defined by ~~paragraph~~ paragraphs 1, 2, ~~or~~ and 6 of subsection A of Section 1105 of this title, and
- c. for which the Tax Commission has assigned or will assign a new identifying number;

~~28.~~ 29. "Recreational off-highway vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, and being sixty-five (65) inches or less in width;

~~29.~~ 30. "Recreational vehicle" means every vehicle which is built on or permanently attached to a self-propelled motor chassis or chassis cab which becomes an integral part of the completed vehicle and is capable of being operated on the highways. In order to qualify as a recreational vehicle pursuant to this paragraph such vehicle shall be permanently constructed and equipped for human habitation, having its own sleeping and kitchen facilities,

1 including permanently affixed cooking facilities, water tanks and
2 holding tank with permanent toilet facilities. Recreational vehicle
3 shall not include manufactured homes or any vehicle with portable
4 sleeping, toilet and kitchen facilities which are designed to be
5 removed from such vehicle. Recreational vehicle shall include park
6 model recreational vehicles as defined in this section;

7 ~~30.~~ 31. "Remanufactured vehicle" means a vehicle which has been
8 assembled by a vehicle remanufacturer using a new body and which may
9 include original, reconditioned, or remanufactured parts, and which
10 is not a salvage, rebuilt, or junked vehicle as defined by
11 paragraphs 1, 2, and 6, respectively, of subsection A of Section
12 1105 of this title;

13 ~~31.~~ 32. "Rental trailer" means all small or utility trailers or
14 semitrailers constructed and suitable for towing by a passenger
15 automobile and designed only for carrying property, when the
16 trailers or semitrailers are owned by, or are in the possession of,
17 any person engaged in renting or leasing such trailers or
18 semitrailers for intrastate or interstate use or combined intrastate
19 and interstate use;

20 ~~32.~~ 33. "Special mobilized machinery" means special purpose
21 machines or devices, either self-propelled or drawn as trailers or
22 semitrailers, which derive no revenue from the transportation of
23 persons or property, whose use of the highway is only incidental,
24 and whose useful revenue-producing service is performed at

1 destinations in an area away from the traveled surface of an
2 established open highway;

3 ~~33.~~ 34. "State" means the State of Oklahoma;

4 ~~34.~~ 35. "Station wagon" means any passenger vehicle which does
5 not have a separate luggage compartment or trunk and which does not
6 have open beds, and has one or more rear seats readily lifted out or
7 folded, whether same is called a station wagon or ranch wagon;

8 ~~35.~~ 36. "Travel trailer" means any vehicular portable structure
9 built on a chassis, used as a temporary dwelling for travel,
10 recreational or vacational use, and, when factory-equipped for the
11 road, it shall have a body width not exceeding eight (8) feet and an
12 overall length not exceeding forty (40) feet, including the hitch or
13 coupling;

14 ~~36.~~ 37. "Travel trailer dealer" means any person, firm or
15 corporation engaged in the business of selling any new and unused,
16 or used, or both new and used travel trailers. Such information and
17 a valid franchise letter as proof of authorization to sell any such
18 new travel trailer product line or lines shall be attached to the
19 application for a dealer license to sell travel trailers. "Travel
20 trailer dealer" shall not include any person, firm or corporation
21 who sells or contracts for the sale of his or her own personally
22 titled travel trailer or trailers. No person, firm or corporation
23 shall be considered as a travel trailer dealer as to any travel
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1 trailer purchased or acquired by such person, firm or corporation
2 for purposes other than resale;

3 ~~37.~~ 38. "Used motor vehicle dealer" means "used motor vehicle
4 dealer" as defined in Section 581 of this title;

5 ~~38.~~ 39. "Used vehicle" means any vehicle which has been sold,
6 bargained, exchanged or given away, or used to the extent that it
7 has become what is commonly known, and generally recognized, as a
8 "secondhand" vehicle. This shall also include any vehicle other
9 than a remanufactured vehicle, regardless of age, owned by any
10 person who is not a dealer;

11 ~~39.~~ 40. "Utility vehicle" means a vehicle powered by an
12 internal combustion engine, manufactured and used exclusively for
13 off-highway use, equipped with seating for two or more people and a
14 steering wheel, traveling on four or more wheels;

15 ~~40.~~ 41. "Vehicle" means any type of conveyance or device in,
16 upon or by which a person or property is or may be transported from
17 one location to another upon the avenues of public access within the
18 state. "Vehicle" does not include bicycles, trailers except travel
19 trailers and rental trailers, or implements of husbandry as defined
20 in Section 1-125 of this title. All implements of husbandry used as
21 conveyances shall be required to display the owner's driver license
22 number or license plate number of any vehicle owned by the owner of
23 the implement of husbandry on the rear of the implement in numbers
24 not less than two (2) inches in height. The use of the owner's

1 Social Security number on the rear of the implement of husbandry
2 shall not be required; and

3 ~~41.~~ 42. "Vehicle remanufacturer" means a commercial entity
4 which assembles remanufactured vehicles.

5 SECTION 3. This act shall become effective November 1, 2021.

6 Passed the House of Representatives the 9th day of March, 2021.

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8 _____
9 Presiding Officer of the House
of Representatives

10 Passed the Senate the ____ day of _____, 2021.

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14 Presiding Officer of the Senate
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