

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 58th Legislature (2022)

4   HOUSE BILL 3674

                              By: Wolfley

7                               AS INTRODUCED

8           An Act relating to motor vehicles; creating the  
9           Olivia's Not a Jerk Law; amending 47 O.S. 2021,  
10          Section 1151, which relates to offenses and  
            penalties; modifying time period before certain  
11          citations may be issued; providing for  
            noncodification; and providing an effective date.

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

14           SECTION 1.       NEW LAW       A new section of law not to be  
15   codified in the Oklahoma Statutes reads as follows:

16           This act shall be known and may be cited as the "Olivia's Not a  
17   Jerk Law".

18           SECTION 2.       AMENDATORY       47 O.S. 2021, Section 1151, is  
19   amended to read as follows:

20           Section 1151.   A.   It shall be unlawful for any person to commit  
21   any of the following acts:

22           1.   To lend or to sell to, or knowingly permit the use of by,  
23   one not entitled thereto any certificate of title, license plate or  
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1 decal issued to or in the custody of the person so lending or  
2 permitting the use thereof;

3 2. To alter or in any manner change a certificate of title,  
4 registration certificate, license plate or decal issued under the  
5 laws of this or any other state;

6 3. To procure from another state or country, or display upon  
7 any vehicle owned by such person within this state, except as  
8 otherwise provided in the Oklahoma Vehicle License and Registration  
9 Act, any license plate issued by any state or country other than  
10 this state, unless there shall be displayed upon such vehicle at all  
11 times the current license plate and decal assigned to it by the  
12 Oklahoma Tax Commission or the Corporation Commission or the vehicle  
13 shall display evidence that the vehicle is registered as a  
14 nonresident vehicle pursuant to rules promulgated by the Tax  
15 Commission, with the concurrence of the Department of Public Safety.  
16 A violation of the provisions of this paragraph shall be presumed to  
17 have occurred if a person who is the holder of an Oklahoma driver  
18 license operates a vehicle owned by such person on the public roads  
19 or highways of this state and there is not displayed on the vehicle  
20 a current Oklahoma license plate and decal, unless the vehicle is  
21 owned by a member of the Armed Forces of the United States assigned  
22 to duty in this state in compliance with official military or naval  
23 orders or the spouse of such a member of the Armed Forces;

1       4. To drive, operate or move, or for the owner to cause or  
2 permit to be driven or moved, upon the roads, streets or highways of  
3 this state, any vehicle loaded in excess of its registered laden  
4 weight, or which is licensed for a capacity less than the  
5 manufacturer's rated capacity as provided for in the Oklahoma  
6 Vehicle License and Registration Act;

7       5. To operate a vehicle without proper license plate or decal  
8 or on which all taxes due the state have not been paid. No citation  
9 may be issued by any state, county or municipal law enforcement  
10 officer during the ~~thirty-day~~ one-month period immediately  
11 succeeding the last day of the month during which a vehicle  
12 registration should have been renewed and a current license plate  
13 decal obtained and displayed on the license plate of the vehicle;

14       6. To buy, sell or dispose of, or possess for sale, use or  
15 storage, any secondhand or used vehicle on which the registration or  
16 license fee has not been paid, as required by law, and on which  
17 vehicle the person neglects, fails or refuses to display at all  
18 times the license plate or decal assigned to it;

19       7. To give a fictitious name or fictitious address or make any  
20 misstatement of facts in application for certificate of title and  
21 registration of a vehicle;

22       8. To purchase a license plate on an assigned certificate of  
23 title. This particular paragraph shall be applicable to all persons  
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1 except a bona fide registered dealer in used cars who are holders of  
2 a current and valid used car dealer license;

3 9. To operate a vehicle upon the highways of this state after  
4 the registration deadline for that vehicle without a proper license  
5 plate, as prescribed by the Oklahoma Vehicle License and  
6 Registration Act, for the current year;

7 10. For any owner of a vehicle registered on the basis of laden  
8 weight to fail or refuse to weigh or reweigh it when requested to do  
9 so by any enforcement officer charged with the duty of enforcing  
10 this law;

11 11. To operate or possess any vehicle which bears a motor  
12 number or serial number other than the original number placed  
13 thereon by the factory except a number duly assigned and authorized  
14 by the state;

15 12. For any motor license agent to release a license plate, a  
16 manufactured home registration receipt, decal or excise tax receipt  
17 to any unauthorized person or source including any dealer in new or  
18 used motor vehicles. Violation of this paragraph shall constitute  
19 sufficient grounds for discharge of a motor license agent by the Tax  
20 Commission;

21 13. To operate any vehicle registered as a commercial vehicle  
22 without the lettering requirements of Section 1102 of this title; or

23 14. To operate any vehicle in violation of the provisions of  
24 Sections 7-600 through 7-606 of this title while displaying a yearly

1 decal issued to the owner who has filed an affidavit with the  
2 appropriate motor license agent in accordance with Section 7-607 of  
3 this title.

4 Any person convicted of violating any provision of this  
5 subsection, other than paragraph 3 of this subsection, shall be  
6 deemed guilty of a misdemeanor and upon conviction shall be punished  
7 by a fine not to exceed Five Hundred Dollars (\$500.00). Any person  
8 convicted of violating the provisions of paragraph 3 of this  
9 subsection shall be deemed guilty of a misdemeanor and, upon  
10 conviction, shall be punished by a fine of not less than One Hundred  
11 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00)  
12 and shall be required to obtain an Oklahoma license plate.

13 Employees of the Corporation Commission may be authorized by the  
14 Corporation Commission to issue citations to motor carriers or  
15 operators of commercial motor vehicles, pursuant to the jurisdiction  
16 of the Corporation Commission, for a violation of this subsection.  
17 If a person convicted of violating the provisions of this subsection  
18 was issued a citation by a duly authorized employee of the  
19 Corporation Commission, the fine herein levied shall be apportioned  
20 as provided in Section 1167 of this title.

21 B. Except as otherwise authorized by law, it shall be unlawful  
22 to:

23 1. Lend or sell to, or knowingly permit the use of by, one not  
24 entitled thereto any certificate of title issued for a manufactured

1 home, manufactured home registration receipt, manufactured home  
2 registration decal or excise tax receipt;

3 2. Alter or in any manner change a certificate of title issued  
4 for a manufactured home under the laws of this state or any other  
5 state;

6 3. Remove or alter a manufactured home registration receipt,  
7 manufactured home registration decal or excise tax receipt attached  
8 to a certificate of title or attach such receipts to a certificate  
9 of title with the intent to misrepresent the payment of the required  
10 excise tax and registration fees;

11 4. Buy, sell or dispose of, or possess for sale, use or storage  
12 any used manufactured home on which the registration fees or excise  
13 taxes have not been paid as required by law; or

14 5. Purchase identification, manufactured home registration  
15 receipt, manufactured home registration decal or excise tax receipt  
16 on an assigned certificate of title.

17 Anyone violating the provisions of this subsection, upon  
18 conviction, shall be guilty of a felony.

19 C. In the event a new vehicle is not registered within thirty  
20 (30) days from date of purchase, the penalty for the failure of the  
21 owner of the vehicle to register the vehicle within thirty (30) days  
22 shall be One Dollar (\$1.00) per day; provided, that in no event  
23 shall the penalty exceed One Hundred Dollars (\$100.00). No penalty  
24 shall be waived by the Oklahoma Tax Commission or any motor license

1 agent except as provided in subsection C of Section 1127 of this  
2 title. Of each dollar penalty collected pursuant to this  
3 subsection:

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

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

8 3. Fifty-eight cents (\$0.58) shall be deposited in the General  
9 Revenue Fund. The penalty for new commercial vehicles shall be  
10 equal to the license fee for such vehicles.

11 If a used vehicle is brought into Oklahoma by a resident of this  
12 state and is not registered within thirty (30) days, a penalty of  
13 One Dollar (\$1.00) per day shall be charged from the date of entry  
14 to the date of registration; provided, that in no event shall the  
15 penalty exceed One Hundred Dollars (\$100.00). No penalty shall be  
16 waived by the Oklahoma Tax Commission or any motor license agent  
17 except as provided in subsection C of Section 1127 of this title.

18 Of each dollar penalty collected pursuant to this subsection:

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

21 2. Twenty-one cents (\$0.21) shall be retained by the motor  
22 license agent; and  
23  
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1        3. Fifty-eight cents (\$0.58) shall be deposited in the General  
2 Revenue Fund. The penalty for used commercial vehicles shall be  
3 equal to the license fee for such vehicles.

4        D. Any owner who knowingly makes or causes to be made any false  
5 statement of a fact required in this section to be shown in an  
6 application for the registration of one or more vehicles shall be  
7 deemed guilty of a misdemeanor and, upon conviction, shall be fined  
8 not more than One Thousand Dollars (\$1,000.00), or shall be  
9 imprisoned in the county jail for not more than one (1) year, or by  
10 both such fine and imprisonment.

11        E. The following self-propelled or motor-driven and operated  
12 vehicles shall not be registered under the provisions of the  
13 Oklahoma Vehicle License and Registration Act or, except as provided  
14 for in Section 11-1116 of this title, be permitted to be operated on  
15 the streets or highways of this state:

16        1. Vehicles known and commonly referred to as "minibikes" and  
17 other similar trade names; provided, minibikes may be registered and  
18 operated in this state by food vendor services upon streets having a  
19 speed limit of thirty (30) miles per hour or less;

20        2. Golf carts;

21        3. Go-carts; and

22        4. Other motor vehicles, except motorcycles, which are  
23 manufactured principally for use off the streets and highways.  
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1 Transfers and sales of such vehicles shall be subject to sales  
2 tax and not motor vehicle excise taxes.

3 F. Any person violating paragraph 3 or 6 of subsection A of  
4 this section, in addition to the penal provisions provided in this  
5 section, shall pay as additional penalty a sum equal to the amount  
6 of license fees due on such vehicle or registration fees due on a  
7 manufactured home known to be in violation and such amount is hereby  
8 declared to be a lien upon the vehicle as provided in the Oklahoma  
9 Vehicle License and Registration Act. In addition to the penalty  
10 provisions provided in this section, any person violating paragraph  
11 3 of subsection A of this section shall be deemed guilty of a  
12 misdemeanor and shall, upon conviction, be punished by a fine of One  
13 Hundred Dollars (\$100.00).

14 G. Each violation of any provision of the Oklahoma Vehicle  
15 License and Registration Act for each and every day such violation  
16 has occurred shall constitute a separate offense.

17 H. Anyone violating any of the provisions heretofore enumerated  
18 in this section shall be guilty of a misdemeanor and upon conviction  
19 shall be fined not less than Ten Dollars (\$10.00) and not to exceed  
20 Three Hundred Dollars (\$300.00).

21 I. Any violation of any portion of the Oklahoma Vehicle License  
22 and Registration Act where a specific penalty has not been imposed  
23 shall constitute a misdemeanor and upon conviction thereof the  
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1 person having violated it shall be fined not less than Ten Dollars  
2 (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

3 J. Any provision of the Oklahoma Vehicle License and  
4 Registration Act providing for proportional registration under  
5 reciprocal agreements and the International Registration Plan that  
6 relates to the promulgation of rules and regulations shall not be  
7 subject to the provisions of this section.

8 SECTION 3. This act shall become effective November 1, 2022.

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10 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 03/03/2022 -  
11 DO PASS.

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