

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3674

By: Wolfley

6 AS INTRODUCED

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

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

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

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

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

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

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

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

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

22 4. To drive, operate or move, or for the owner to cause or
23 permit to be driven or moved, upon the roads, streets or highways of
24 this state, any vehicle loaded in excess of its registered laden

weight, or which is licensed for a capacity less than the manufacturer's rated capacity as provided for in the Oklahoma Vehicle License and Registration Act;

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

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

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

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

9. To operate a vehicle upon the highways of this state after the registration deadline for that vehicle without a proper license

1 plate, as prescribed by the Oklahoma Vehicle License and
2 Registration Act, for the current year;

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

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

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

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

19 14. To operate any vehicle in violation of the provisions of
20 Sections 7-600 through 7-606 of this title while displaying a yearly
21 decal issued to the owner who has filed an affidavit with the
22 appropriate motor license agent in accordance with Section 7-607 of
23 this title.
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1 Any person convicted of violating any provision of this
2 subsection, other than paragraph 3 of this subsection, shall be
3 deemed guilty of a misdemeanor and upon conviction shall be punished
4 by a fine not to exceed Five Hundred Dollars (\$500.00). Any person
5 convicted of violating the provisions of paragraph 3 of this
6 subsection shall be deemed guilty of a misdemeanor and, upon
7 conviction, shall be punished by a fine of not less than One Hundred
8 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00)
9 and shall be required to obtain an Oklahoma license plate.
10 Employees of the Corporation Commission may be authorized by the
11 Corporation Commission to issue citations to motor carriers or
12 operators of commercial motor vehicles, pursuant to the jurisdiction
13 of the Corporation Commission, for a violation of this subsection.
14 If a person convicted of violating the provisions of this subsection
15 was issued a citation by a duly authorized employee of the
16 Corporation Commission, the fine herein levied shall be apportioned
17 as provided in Section 1167 of this title.

18 B. Except as otherwise authorized by law, it shall be unlawful
19 to:

20 1. Lend or sell to, or knowingly permit the use of by, one not
21 entitled thereto any certificate of title issued for a manufactured
22 home, manufactured home registration receipt, manufactured home
23 registration decal or excise tax receipt;
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1 2. Alter or in any manner change a certificate of title issued
2 for a manufactured home under the laws of this state or any other
3 state;

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

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

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

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

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

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

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

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

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

17 Of each dollar penalty collected pursuant to this subsection:

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

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

22 3. Fifty-eight cents (\$0.58) shall be deposited in the General
23 Revenue Fund. The penalty for used commercial vehicles shall be
24 equal to the license fee for such vehicles.

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

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

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

17 2. Golf carts;

18 3. Go-carts; and

19 4. Other motor vehicles, except motorcycles, which are
20 manufactured principally for use off the streets and highways.

21 Transfers and sales of such vehicles shall be subject to sales
22 tax and not motor vehicle excise taxes.

23 F. Any person violating paragraph 3 or 6 of subsection A of
24 this section, in addition to the penal provisions provided in this

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

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

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

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

22 J. Any provision of the Oklahoma Vehicle License and
23 Registration Act providing for proportional registration under
24 reciprocal agreements and the International Registration Plan that

1 relates to the promulgation of rules and regulations shall not be
2 subject to the provisions of this section.

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

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