

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1121

By: Russ

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 1115, as amended by Section 1, Chapter
9 337, O.S.L. 2012 (47 O.S. Supp. 2014, Section 1115),
10 which relates to vehicle registration fees; limiting
11 certain penalty; authorizing penalty waiver in
12 certain circumstances; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1115, as
16 amended by Section 1, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2014,
17 Section 1115), is amended to read as follows:

18 Section 1115. A. Unless provided otherwise by statute, the
19 following vehicles shall be registered annually: manufactured
20 homes, vehicles registered with a permanent nonexpiring license
21 plate pursuant to Section 1113 of this title, and commercial
22 vehicles registered pursuant to the installment plan provided in
23 subsection H of Section 1133 of this title. The following schedule
24 shall apply for such vehicle purchased in this state or brought into
this state by residents of this state:

1 1. Between January 1 and March 31, the payment of the full
2 annual fee shall be required;

3 2. Between April 1 and June 30, the payment of three-fourths
4 (3/4) the annual fee shall be required;

5 3. Between July 1 and September 30, the payment of one-half
6 (1/2) the annual fee shall be required; and

7 4. Between October 1 and November 30, one-fourth (1/4) the
8 annual fee shall be required.

9 License plates or decals for each year shall be made available
10 on December 1 of each preceding year for such vehicles. Any person
11 who purchases such vehicle or manufactured home between December 1
12 and December 31 of any year shall register it within thirty (30)
13 days from date of purchase and obtain a license plate or
14 Manufactured Home License Registration Decal, as appropriate, for
15 the following calendar year upon payment of the full annual fee.
16 Unless provided otherwise by statute, all annual license,
17 registration and other fees for such vehicles shall be due and
18 payable on January 1 of each year and if not paid by February 1
19 shall be deemed delinquent.

20 B. 1. All vehicles, other than those required to be registered
21 pursuant to the provisions of subsection A of this section, shall be
22 registered on a staggered system of registration and licensing on a
23 monthly series basis to distribute the work of registering such
24 vehicles as uniformly and expeditiously as practicable throughout

1 the calendar year. After the end of the month following the
2 expiration date, the license and registration fees for the new
3 registration period shall become delinquent.

4 2. All fleet vehicles registered pursuant to new applications
5 approved pursuant to the provisions of Section 1120 of this title
6 shall be registered on a staggered system monthly basis.

7 3. Applicants seeking to establish Oklahoma as the base
8 jurisdiction for registering apportioned fleet vehicles shall have a
9 one-time option of registering for a period of not less than six (6)
10 months nor greater than eighteen (18) months. Subsequent renewals
11 for these registrants will be for twelve (12) months, expiring on
12 the last day of the month chosen by the registrant under the one-
13 time option as provided herein. In addition, registrants with
14 multiple fleets may designate a different registration month of
15 expiration for each fleet.

16 As used in this section, "fleet" shall have the same meaning as
17 set forth in the International Registration Plan.

18 4. Effective January 1, 2004, all motorcycles and mopeds shall
19 be registered on a staggered system of registration. The Oklahoma
20 Tax Commission shall notify in writing, prior to December 1, 2003,
21 all owners of motorcycles or mopeds registered as of such date, who
22 shall have a one-time option of registering for a period of not less
23 than three (3) months nor greater than fifteen (15) months.
24 Subsequent renewals for these registrants will be for twelve (12)

1 months, expiring on the last day of the month chosen by the
2 registrant under the one-time option as provided herein. All
3 motorcycles and mopeds registered pursuant to new applications
4 received on or after December 1, 2003, shall also be registered
5 pursuant to the provisions of this paragraph.

6 C. The following penalties shall apply for delinquent
7 registration fees:

8 1. For fleet vehicles required to be registered pursuant to the
9 provisions of Section 1120 of this title for which a properly
10 completed application for registration has not been received by the
11 Corporation Commission by the last day of the month following the
12 registration expiration date, a penalty of thirty percent (30%) of
13 the Oklahoma portion of the annual registration fee, or Two Hundred
14 Dollars (\$200.00), whichever is greater, shall be assessed. The
15 license and registration cards issued by the Corporation Commission
16 for each fleet vehicle shall be valid until two (2) months after the
17 registration expiration date;

18 2. For commercial vehicles registered under the provisions of
19 subsection B of this section, except those vehicles registered
20 pursuant to Section 1133.1 of this title, a penalty shall be
21 assessed after the last day of the month following the registration
22 expiration date. A penalty of twenty-five cents (\$0.25) per day
23 shall be added to the license fee of such vehicle and shall accrue
24 for one (1) month. Thereafter, the penalty shall be thirty percent

1 (30%) of the annual registration fee, or Two Hundred Dollars
2 (\$200.00), whichever is greater;

3 3. For new or used manufactured homes, not registered within
4 thirty (30) days from date of purchase or date such manufactured
5 home was brought into this state, a penalty equal to the
6 registration fee shall be assessed; or

7 4. For all vehicles a penalty shall be assessed after the last
8 day of the month following the expiration date and no penalty shall
9 be waived by the Oklahoma Tax Commission or any motor license agent
10 except as provided for in subsection H of Section 1133 and
11 subsection C of Section 1127 of this title, or if the penalty is
12 related to an expiration date greater than ten (10) years. A
13 penalty of One Dollar (\$1.00) per day shall be added to the license
14 fee of such vehicle, provided that the penalty shall not exceed ~~One~~
15 ~~Hundred Dollars (\$100.00)~~ the required registration amount. Of each
16 dollar penalty collected pursuant to this subsection:

17 a. twenty-one cents (\$0.21) shall be apportioned as
18 provided in Section 1104 of this title,

19 b. twenty-one cents (\$0.21) shall be retained by the
20 motor license agent, and

21 c. fifty-eight cents (\$0.58) shall be deposited in the
22 General Revenue Fund.

23 D. In addition to all other penalties provided in the Oklahoma
24 Vehicle License and Registration Act, the following penalties shall

1 be imposed and collected by any Enforcement Officer of the
2 Corporation Commission upon finding any commercial vehicle being
3 operated in violation of the provisions of the Oklahoma Vehicle
4 License and Registration Act.

5 The penalties shall apply to any commercial vehicle found to be
6 operating in violation of the following provisions:

7 1. A penalty of not less than Fifty Dollars (\$50.00) shall be
8 imposed upon any person found to be operating a commercial vehicle
9 sixty (60) days after the end of the month in which the license
10 plate or registration credentials expire without the current year
11 license plate or registration credential displayed. Such penalty
12 shall not exceed the amount established by the Corporation
13 Commission pursuant to the provisions of subsection A of Section
14 1167 of this title. Revenue from such penalties shall be
15 apportioned as provided in Section 1167 of this title;

16 2. A penalty of not less than Fifty Dollars (\$50.00) shall be
17 imposed for any person operating a commercial vehicle subject to the
18 provisions of Section 1120 or Section 1133 of this title without the
19 proper display of, or, carrying in such commercial vehicle, the
20 identification credentials issued by the Corporation Commission as
21 evidence of payment of the fee or tax as provided in Section 1120 or
22 Section 1133 of this title. Such penalty shall not exceed the
23 amount established by the Corporation Commission pursuant to the
24 provisions of subsection A of Section 1167 of this title. Revenue

1 from such penalties shall be apportioned as provided in Section 1167
2 of this title; and

3 3. A penalty of not less than One Hundred Dollars (\$100.00)
4 shall be imposed for any person that fails to register any
5 commercial vehicle subject to the Oklahoma Vehicle License and
6 Registration Act. Such penalty shall not exceed the amount
7 established by the Corporation Commission pursuant to the provisions
8 of subsection A of Section 1167 of this title. Revenue from such
9 penalties shall be apportioned as provided in Section 1167 of this
10 title.

11 E. The Tax Commission, or Corporation Commission with respect
12 to vehicles registered under Section 1120 or Section 1133 of this
13 title, shall assess the registration fees and penalties for the year
14 or years a vehicle was not registered. For vehicles not registered
15 for two (2) or more years, the registration fees and penalties shall
16 be due only for the current year and one (1) previous year.

17 F. In addition to any other penalty prescribed by law, there
18 shall be a penalty of not less than Twenty Dollars (\$20.00) upon a
19 finding by an enforcement officer that:

20 1. The registration of a vehicle registered pursuant to Section
21 1132 of this title is expired and it is sixty (60) or more days
22 after the end of the month of expiration; or

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1 2. The registration fees for a vehicle that is subject to the
2 registration fees pursuant to Section 1132 of this title have not
3 been paid.

4 Such penalty shall not exceed the amount established by the
5 Corporation Commission pursuant to the provisions of subsection A of
6 Section 1167 of this title. Revenue from such penalties shall be
7 apportioned as provided in Section 1167 of this title.

8 G. If a vehicle is donated to a nonprofit charitable
9 organization, the nonprofit charitable organization shall be exempt
10 from paying any current or past due registration fees, excise tax,
11 transfer fees, and penalties and interest. However, after the
12 donation, if the person donating the vehicle, or someone on behalf
13 of such person, purchases the same vehicle back from the nonprofit
14 charitable organization to which the vehicle was donated, such
15 person shall be liable for all current and past-due registration
16 fees, excise tax, title or transfer fees, and penalties and interest
17 on such vehicle.

18 SECTION 2. This act shall become effective November 1, 2015.

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