

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 56th Legislature (2018)

4   HOUSE BILL 2649

                                  By: Vaughan

7                                   AS INTRODUCED

8           An Act relating to motor vehicles; amending 47 O.S.  
9           2011, Section 1102, as last amended by Section 1,  
10          Chapter 57, O.S.L. 2016 (47 O.S. Supp. 2017, Section  
11          1102), which relates to definitions used in the  
          Oklahoma Vehicle License and Registration Act;  
          defining term; modifying definition; and providing an  
          effective date.

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

15           SECTION 1.           AMENDATORY           47 O.S. 2011, Section 1102, as  
16   last amended by Section 1, Chapter 57, O.S.L. 2016 (47 O.S. Supp.  
17   2017, Section 1102), is amended to read as follows:

18           Section 1102. As used in the Oklahoma Vehicle License and  
19   Registration Act:

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

23           2. "Carrying capacity" means the carrying capacity of a vehicle  
24   as determined or declared in tons of cargo or payload by the owner;

1 provided, that such declared capacity shall not be less than the  
2 minimum tonnage capacity fixed, listed or advertised by the  
3 manufacturer of any vehicle;

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

7 4. "Chips and oil" or the term "road oil and crushed rock"  
8 means, with respect to materials authorized for use in the surfacing  
9 of roads or highways in this title or in any equivalent statute  
10 pertaining to road or highway surfacing in the State of Oklahoma,  
11 any asphaltic materials. Wherever chips and oil or road oil and  
12 crushed rock are authorized for use in the surfacing of roads or  
13 highways in this state, whether by the Department of Transportation,  
14 or by the county commissioners, or other road building authority  
15 subject to the Oklahoma Vehicle License and Registration Act,  
16 asphaltic materials are also authorized for use in such surfacing  
17 and construction;

18 5. "Combined laden weight" means the weight of a truck or  
19 station wagon and its cargo or payload transported thereon, or the  
20 weight of a truck or truck-tractor plus the weight of any trailers  
21 or semitrailers together with the cargo or payload transported  
22 thereon;

23 6. "Commercial trailer" means any trailer, as defined in  
24 Section 1-180 of this title, or semitrailer, as defined in Section

1 1-162 of this title, when such trailer or semitrailer is used  
2 primarily for business or commercial purposes;

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

6 8. "Commercial vehicle" means any vehicle over eight thousand  
7 (8,000) pounds combined laden weight used primarily for business or  
8 commercial purposes. Each motor vehicle being registered pursuant  
9 to the provisions of this section shall have the name of the  
10 commercial establishment or the words "Commercial Vehicle"  
11 permanently and prominently displayed upon the outside of the  
12 vehicle in letters not less than two (2) inches high. Such letters  
13 shall be in sharp contrast to the background and shall be of  
14 sufficient shape and color as to be readily legible during daylight  
15 hours, from a distance of fifty (50) feet while the vehicle is not  
16 in motion;

17 9. "Commission" or "Tax Commission" means the Oklahoma Tax  
18 Commission;

19 10. "Construction machinery" means machines or devices drawn as  
20 trailers which are designed and used for construction, tree trimming  
21 and waste maintenance projects, which derive no revenue from the  
22 transportation of persons or property, whose use of the highway is  
23 only incidental and which are not mounted or affixed to another  
24

1 vehicle; provided, construction machinery shall not include  
2 implements of husbandry as defined in Section 1-125 of this title;

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

8 12. "Living quarters" means a portion of a trailer that  
9 includes a minimum of a sleeping area and bathroom facilities;

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

19 ~~13.~~ 14. "Interstate commerce" means any commerce moving between  
20 any place in a state and any place in another state or between  
21 places in the same state through another state;

22 ~~14.~~ 15. "Laden weight" means the combined weight of a vehicle  
23 when fully equipped for use and the cargo or payload transported  
24 thereon; provided, that in no event shall the laden weight be less

1 than the unladen weight of the vehicle fully equipped for use, plus  
2 the manufacturer's rated carrying capacity;

3 ~~15.~~ 16. "Local authorities" means every county, municipality or  
4 local board or body having authority to adopt police regulations  
5 under the Constitution and laws of this state;

6 ~~16.~~ 17. "Low-speed electrical vehicle" means any four-wheeled  
7 electrical vehicle that is powered by an electric motor that draws  
8 current from rechargeable storage batteries or other sources of  
9 electrical current and whose top speed is greater than twenty (20)  
10 miles per hour but not greater than twenty-five (25) miles per hour  
11 and is manufactured in compliance with the National Highway Traffic  
12 Safety Administration standards for low-speed vehicles in 49 C.F.R.  
13 571.500;

14 ~~17.~~ 18. "Manufactured home" means a residential dwelling built  
15 in accordance with the National Manufactured Housing Construction  
16 and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.,  
17 and rules promulgated pursuant thereto and the rules promulgated by  
18 the Oklahoma Used Motor Vehicle and Parts Commission pursuant to  
19 Section 582 of this title. Manufactured home shall not mean a park  
20 model recreational vehicle as defined in this section;

21 ~~18.~~ 19. "Manufactured home dealer" means any person, firm or  
22 corporation engaged in the business of selling any new and unused,  
23 or used, or both new and used manufactured homes. Such information  
24 and a valid franchise letter as proof of authorization to sell any

1 such new manufactured home product line or lines shall be attached  
2 to the application for a dealer license to sell manufactured homes.  
3 "Manufactured home dealer" shall not include any person, firm or  
4 corporation who sells or contracts for the sale of the dealer's own  
5 personally titled manufactured home or homes. No person, firm or  
6 corporation shall be considered a manufactured home dealer as to any  
7 manufactured home purchased or acquired by such person, firm or  
8 corporation for purposes other than resale; provided, that the  
9 restriction set forth in this sentence shall not prevent an  
10 otherwise qualified person, firm or corporation from utilizing a  
11 single manufactured home as a sales office;

12 ~~19.~~ 20. "Medium-speed electrical vehicle" means any self-  
13 propelled, electrically powered four-wheeled motor vehicle, equipped  
14 with a roll cage or crush-proof body design, whose speed attainable  
15 in one (1) mile is more than thirty (30) miles per hour but not  
16 greater than thirty-five (35) miles per hour;

17 ~~20.~~ 21. "Motor license agent" means any person appointed,  
18 designated or authorized by the Oklahoma Tax Commission to collect  
19 the fees and to enforce the provisions provided for in the Oklahoma  
20 Vehicle License and Registration Act;

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

1       ~~22.~~ 23. "Nonresident" means any person who is not a resident of  
2 this state;

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

7       ~~24.~~ 25. "Owner" means any person owning, operating or  
8 possessing any vehicle herein defined;

9       ~~25.~~ 26. "Park model recreational vehicle" means a vehicle that  
10 is:

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

21       ~~26.~~ 27. "Person" means any individual, copartner, joint  
22 venture, association, corporation, limited liability company,  
23 estate, trust, business trust, syndicate, the State of Oklahoma, or  
24 any county, city, municipality, school district or other political

1 subdivision thereof, or any group or combination acting as a unit,  
2 or any receiver appointed by the state or federal court;

3 ~~27.~~ 28. "Rebodied vehicle" means a vehicle:

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

16 ~~28.~~ 29. "Recreational off-highway vehicle" means a vehicle  
17 manufactured and used exclusively for off-highway use, traveling on  
18 four or more non-highway tires, and being sixty-five (65) inches or  
19 less in width;

20 ~~29.~~ 30. "Recreational vehicle" means every vehicle which is  
21 built on or permanently attached to a self-propelled motor chassis  
22 or chassis cab which becomes an integral part of the completed  
23 vehicle and is capable of being operated on the highways. In order  
24 to qualify as a recreational vehicle pursuant to this paragraph such



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

9 ~~30.~~ 31. "Remanufactured vehicle" means a vehicle which has been  
10 assembled by a vehicle remanufacturer using a new body and which may  
11 include original, reconditioned, or remanufactured parts, and which  
12 is not a salvage, rebuilt, or junked vehicle as defined by  
13 paragraphs 1, 2, and 6, respectively, of subsection A of Section  
14 1105 of this title;

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

22 ~~32.~~ 33. "Special mobilized machinery" means special purpose  
23 machines or devices, either self-propelled or drawn as trailers or  
24 semitrailers, which derive no revenue from the transportation of

1 persons or property, whose use of the highway is only incidental,  
2 and whose useful revenue producing service is performed at  
3 destinations in an area away from the traveled surface of an  
4 established open highway;

5 ~~33.~~ 34. "State" means the State of Oklahoma;

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

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

16 ~~36.~~ 37. "Travel 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 travel trailers. Such information and  
19 a valid franchise letter as proof of authorization to sell any such  
20 new travel trailer product line or lines shall be attached to the  
21 application for a dealer license to sell travel trailers. "Travel  
22 trailer dealer" shall not include any person, firm or corporation  
23 who sells or contracts for the sale of his or her own personally  
24 titled travel trailer or trailers. No person, firm or corporation

1 shall be considered as a travel trailer dealer as to any travel  
2 trailer purchased or acquired by such person, firm or corporation  
3 for purposes other than resale;

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

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

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

16 ~~40.~~ 41. "Vehicle" means any type of conveyance or device in,  
17 upon or by which a person or property is or may be transported from  
18 one location to another upon the avenues of public access within the  
19 state. "Vehicle" does not include bicycles, trailers except travel  
20 trailers, livestock trailers that include living quarters with a  
21 Manufacturer's Suggested Retail Price (MSRP) equal to or greater  
22 than Sixty-five Thousand Dollars (\$65,000.00) and rental trailers,  
23 or implements of husbandry as defined in Section 1-125 of this  
24 title. All implements of husbandry used as conveyances shall be

1 required to display the owner's driver license number or license  
2 plate number of any vehicle owned by the owner of the implement of  
3 husbandry on the rear of the implement in numbers not less than two  
4 (2) inches in height. The use of the owner's Social Security number  
5 on the rear of the implement of husbandry shall not be required; and

6 ~~41.~~ 42. "Vehicle remanufacturer" means a commercial entity  
7 which assembles remanufactured vehicles.

8 SECTION 2. This act shall become effective November 1, 2018.

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10 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/27/2018 -  
11 DO PASS.

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