

1 ENGROSSED HOUSE
2 BILL NO. 3317

By: Fetgatter of the House

3 and

4 Thompson 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 certain
10 operation of High Mobility Multipurpose Wheeled
11 Vehicles; requiring compliance with certain
12 regulations and rules; amending 47 O.S. 2011, Section
13 1102, as last amended by Section 1, Chapter 57,
14 O.S.L. 2016 (47 O.S. Supp. 2017, Section 1102), which
15 relates to definitions used in the Oklahoma Vehicle
16 License and Registration Act; defining term;
17 providing for codification; and providing an
18 effective date.

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

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

23 A. High Mobility Multipurpose Wheeled Vehicles (HMMWVs) shall
24 be registered pursuant to the provisions of the Oklahoma Vehicle
License and Registration Act. The 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

1 Oklahoma Vehicle License and Registration Act may be operated on the
2 roadways of this state. Operators of HMMWVs shall comply with all
3 traffic regulations and rules of conduct for the operation of motor
4 vehicles on the roadways of this state provided by law.

5 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1102, as
6 last amended by Section 1, Chapter 57, O.S.L. 2016 (47 O.S. Supp.
7 2017, Section 1102), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 12. "High Mobility Multipurpose Wheeled Vehicle" and "HMMWV"
22 shall mean a four-wheel drive tactical military vehicle that can
23 carry a wide variety of military hardware, a vehicle more commonly
24 known as a Humvee;

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

10 ~~13.~~ 14. "Interstate commerce" means any commerce moving between
11 any place in a state and any place in another state or between
12 places in the same state through another state;

13 ~~14.~~ 15. "Laden weight" means the combined weight of a vehicle
14 when fully equipped for use and the cargo or payload transported
15 thereon; provided, that in no event shall the laden weight be less
16 than the unladen weight of the vehicle fully equipped for use, plus
17 the manufacturer's rated carrying capacity;

18 ~~15.~~ 16. "Local authorities" means every county, municipality or
19 local board or body having authority to adopt police regulations
20 under the Constitution and laws of this state;

21 ~~16.~~ 17. "Low-speed electrical vehicle" means any four-wheeled
22 electrical vehicle that is powered by an electric motor that draws
23 current from rechargeable storage batteries or other sources of
24 electrical current and whose top speed is greater than twenty (20)

1 miles per hour but not greater than twenty-five (25) miles per hour
2 and is manufactured in compliance with the National Highway Traffic
3 Safety Administration standards for low-speed vehicles in 49 C.F.R.
4 571.500;

5 ~~17.~~ 18. "Manufactured home" means a residential dwelling built
6 in accordance with the National Manufactured Housing Construction
7 and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.,
8 and rules promulgated pursuant thereto and the rules promulgated by
9 the Oklahoma Used Motor Vehicle and Parts Commission pursuant to
10 Section 582 of this title. Manufactured home shall not mean a park
11 model recreational vehicle as defined in this section;

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

1 otherwise qualified person, firm or corporation from utilizing a
2 single manufactured home as a sales office;

3 ~~19.~~ 20. "Medium-speed electrical vehicle" means any self-
4 propelled, electrically powered four-wheeled motor vehicle, equipped
5 with a roll cage or crush-proof body design, whose speed attainable
6 in one (1) mile is more than thirty (30) miles per hour but not
7 greater than thirty-five (35) miles per hour;

8 ~~20.~~ 21. "Motor license agent" means any person appointed,
9 designated or authorized by the Oklahoma Tax Commission to collect
10 the fees and to enforce the provisions provided for in the Oklahoma
11 Vehicle License and Registration Act;

12 ~~21.~~ 22. "New vehicle" or "unused vehicle" means a vehicle which
13 has been in the possession of the manufacturer, distributor or
14 wholesaler or has been sold only by the manufacturer, distributor or
15 wholesaler to a dealer;

16 ~~22.~~ 23. "Nonresident" means any person who is not a resident of
17 this state;

18 ~~23.~~ 24. "Off-road motorcycle" means any motorcycle, as defined
19 in Section 1-135 of this title, when such motorcycle has been
20 manufactured for and used exclusively off roads, highways and any
21 other paved surfaces;

22 ~~24.~~ 25. "Owner" means any person owning, operating or
23 possessing any vehicle herein defined;

24

1 ~~25.~~ 26. "Park model recreational vehicle" means a vehicle that
2 is:

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

13 ~~26.~~ 27. "Person" means any individual, copartner, joint
14 venture, association, corporation, limited liability company,
15 estate, trust, business trust, syndicate, the State of Oklahoma, or
16 any county, city, municipality, school district or other political
17 subdivision thereof, or any group or combination acting as a unit,
18 or any receiver appointed by the state or federal court;

19 ~~27.~~ 28. "Rebodied vehicle" means a vehicle:

- 20 a. which has been assembled using a new body or new major
21 component which is of the identical type as the
22 original vehicle and is licensed by the manufacturer
23 of the original vehicle and other original, new or
24 reconditioned parts. For purposes of this paragraph,

1 "new body or new major component" means a new body,
2 cab, frame, front end clip or rear end clip,

3 b. which is not a salvage, rebuilt, or junked vehicle as
4 defined by paragraph 1, 2, or 6 of subsection A of
5 Section 1105 of this title, and

6 c. for which the Tax Commission has assigned or will
7 assign a new identifying number;

8 ~~28.~~ 29. "Recreational off-highway vehicle" means a vehicle
9 manufactured and used exclusively for off-highway use, traveling on
10 four or more non-highway tires, and being sixty-five (65) inches or
11 less in width;

12 ~~29.~~ 30. "Recreational vehicle" means every vehicle which is
13 built on or permanently attached to a self-propelled motor chassis
14 or chassis cab which becomes an integral part of the completed
15 vehicle and is capable of being operated on the highways. In order
16 to qualify as a recreational vehicle pursuant to this paragraph such
17 vehicle shall be permanently constructed and equipped for human
18 habitation, having its own sleeping and kitchen facilities,
19 including permanently affixed cooking facilities, water tanks and
20 holding tank with permanent toilet facilities. Recreational vehicle
21 shall not include manufactured homes or any vehicle with portable
22 sleeping, toilet and kitchen facilities which are designed to be
23 removed from such vehicle. Recreational vehicle shall include park
24 model recreational vehicles as defined in this section;

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

7 ~~31.~~ 32. "Rental trailer" means all small or utility trailers or
8 semitrailers constructed and suitable for towing by a passenger
9 automobile and designed only for carrying property, when the
10 trailers or semitrailers are owned by, or are in the possession of,
11 any person engaged in renting or leasing such trailers or
12 semitrailers for intrastate or interstate use or combined intrastate
13 and interstate use;

14 ~~32.~~ 33. "Special mobilized machinery" means special purpose
15 machines or devices, either self-propelled or drawn as trailers or
16 semitrailers, which derive no revenue from the transportation of
17 persons or property, whose use of the highway is only incidental,
18 and whose useful revenue producing service is performed at
19 destinations in an area away from the traveled surface of an
20 established open highway;

21 ~~33.~~ 34. "State" means the State of Oklahoma;

22 ~~34.~~ 35. "Station wagon" means any passenger vehicle which does
23 not have a separate luggage compartment or trunk and which does not
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1 have open beds, and has one or more rear seats readily lifted out or
2 folded, whether same is called a station wagon or ranch wagon;

3 ~~35.~~ 36. "Travel trailer" means any vehicular portable structure
4 built on a chassis, used as a temporary dwelling for travel,
5 recreational or vacation use, and, when factory-equipped for the
6 road, it shall have a body width not exceeding eight (8) feet and an
7 overall length not exceeding forty (40) feet, including the hitch or
8 coupling;

9 ~~36.~~ 37. "Travel trailer dealer" means any person, firm or
10 corporation engaged in the business of selling any new and unused,
11 or used, or both new and used travel trailers. Such information and
12 a valid franchise letter as proof of authorization to sell any such
13 new travel trailer product line or lines shall be attached to the
14 application for a dealer license to sell travel trailers. "Travel
15 trailer dealer" shall not include any person, firm or corporation
16 who sells or contracts for the sale of his or her own personally
17 titled travel trailer or trailers. No person, firm or corporation
18 shall be considered as a travel trailer dealer as to any travel
19 trailer purchased or acquired by such person, firm or corporation
20 for purposes other than resale;

21 ~~37.~~ 38. "Used motor vehicle dealer" means "used motor vehicle
22 dealer" as defined in Section 581 of this title;

23 ~~38.~~ 39. "Used vehicle" means any vehicle which has been sold,
24 bargained, exchanged or given away, or used to the extent that it

1 has become what is commonly known, and generally recognized, as a
2 "secondhand" vehicle. This shall also include any vehicle other
3 than a remanufactured vehicle, regardless of age, owned by any
4 person who is not a dealer;

5 ~~39.~~ 40. "Utility vehicle" means a vehicle powered by an
6 internal combustion engine, manufactured and used exclusively for
7 off-highway use, equipped with seating for two or more people and a
8 steering wheel, traveling on four or more wheels;

9 ~~40.~~ 41. "Vehicle" means any type of conveyance or device in,
10 upon or by which a person or property is or may be transported from
11 one location to another upon the avenues of public access within the
12 state. "Vehicle" does not include bicycles, trailers except travel
13 trailers and rental trailers, or implements of husbandry as defined
14 in Section 1-125 of this title. All implements of husbandry used as
15 conveyances shall be required to display the owner's driver license
16 number or license plate number of any vehicle owned by the owner of
17 the implement of husbandry on the rear of the implement in numbers
18 not less than two (2) inches in height. The use of the owner's
19 Social Security number on the rear of the implement of husbandry
20 shall not be required; and

21 ~~41.~~ 42. "Vehicle remanufacturer" means a commercial entity
22 which assembles remanufactured vehicles.

23 SECTION 3. This act shall become effective November 1, 2018.
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1 Passed the House of Representatives the 14th day of March, 2018.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2018.

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8 _____
9 Presiding Officer of the Senate