

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3397

By: Williams

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5
6 AS INTRODUCED

7 An Act relating to vehicle registration; defining and
8 limiting term; amending 47 O.S. 2011, Section 1113,
as last amended by Section 1, Chapter 331, O.S.L.
2017 (47 O.S. Supp. 2017, Section 1113), which
9 relates to registrations, license plates and decals;
expanding exemption from certain license plate
10 requirement; providing for additional initial and
renewal registration decals for certain types of
11 trailers; specifying acceptable decal attachments;
amending 47 O.S. 2011, Section 1115.3, which relates
12 to registration of all-terrain vehicles, utility
vehicles and motorcycles; requiring registration of
13 certain types of trailers within certain period;
amending 47 O.S. 2011, Section 1132, as amended by
14 Section 2, Chapter 337, O.S.L. 2012 (47 O.S. Supp.
2017, Section 1132), which relates to vehicle
15 registration fees; establishing certain initial and
renewal registration fee; providing for apportionment
16 of fee; providing exemption to certain fee; requiring
titling of certain types of trailer; providing for
17 penalty for failure to register; amending 47 O.S.
2011, Section 1134, which relates to farm vehicles;
18 requiring certain trailers be registered as
noncommercial trailers; repealing 47 O.S. 2011,
19 Section 1133.3, which relates to the optional
registration of noncommercial trailers; providing for
20 codification; and providing an effective date.

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23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-136.4 of Title 47, unless
3 there is created a duplication in numbering, reads as follows:

4 "Noncommercial trailer" means a trailer as defined in Section 1-
5 180 of this title, except that its meaning:

6 1. Shall include implements of husbandry as defined in Section
7 1-125 of this title that would otherwise meet the definition of a
8 trailer; but

9 2. Shall not include frac tanks, construction machinery, rental
10 trailers, commercial trailers or semitrailers subject to
11 registration under Section 1133 of this title.

12 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1113, as
13 last amended by Section 1, Chapter 331, O.S.L. 2017 (47 O.S. Supp.
14 2017, Section 1113), is amended to read as follows:

15 Section 1113. A. 1. Except for all-terrain vehicles, utility
16 vehicles and motorcycles used exclusively off roads and highways and
17 noncommercial trailers, upon the filing of a registration
18 application and the payment of the fees provided for in the Oklahoma
19 Vehicle License and Registration Act, the Oklahoma Tax Commission or
20 Corporation Commission, as applicable, shall assign to the vehicle
21 described in the application a distinctive number, and issue to the
22 owner of the vehicle a certificate of registration, one license
23 plate and a yearly decal. The Oklahoma Tax Commission shall assign
24 an all-terrain vehicle, utility vehicle or motorcycle used

1 exclusively off roads and highways and a noncommercial trailer, a
2 distinctive number and issue to the owner a certificate of
3 registration and a decal but not a license plate. For each
4 subsequent registration year, the Tax Commission shall issue a
5 yearly decal to be affixed to the license plate, except for an all-
6 terrain vehicle, utility vehicle or motorcycle used exclusively off
7 roads and highways and a noncommercial trailer. The initial decal
8 for an all-terrain vehicle, utility vehicle or motorcycle shall be
9 attached to the front of the vehicle and shall be in clear view.
10 The decal shall be on the front or on the front fork of the
11 motorcycle used exclusively off roads and highways and the decal
12 shall be in clear view. The initial decal or renewal decal for a
13 noncommercial trailer shall be attached to the rear of the trailer
14 and shall be in clear view. The yearly decal shall have an
15 identification number and the last two numbers of the registration
16 year for which it shall expire. Except as provided by Section 1113A
17 of this title, the license plate shall be affixed to the exterior of
18 the vehicle until a replacement license plate is applied for. If
19 the owner applies for a replacement license plate, the Tax
20 Commission shall charge the fee provided for in Section 1114 of this
21 title. The yearly decal will validate the license plate for each
22 registration period other than the year the license plate is issued.
23 The license plate and decal shall be of such size, color, design and
24 numbering as the Tax Commission may direct. However, yearly decals

1 issued to the owner of a vehicle who has filed an affidavit with the
2 appropriate motor license agent in accordance with Section 7-607 of
3 this title shall be a separate and distinct color from all other
4 decals issued under this section. Before the effective date of this
5 act, the Tax Commission shall also issue a monthly decal which shall
6 include a two-letter abbreviation corresponding to the county in
7 which the vehicle is registered. The Tax Commission shall issue all
8 decals in the possession of the Tax Commission on the effective date
9 of this act before issuing any decals which do not contain the
10 county abbreviation.

11 2. The license plate shall be securely attached to the rear of
12 the vehicle, except truck-tractor plates which shall be attached to
13 the front of the vehicle. The Tax Commission may, with the
14 concurrence of the Department of Public Safety, by Joint Rule,
15 change and direct the manner, place and location of display of any
16 vehicle license plate when such action is deemed in the public
17 interest. The license plate, decal and all letters and numbers
18 shall be clearly visible at all times. The operation of a vehicle
19 in this state, regardless of where such vehicle is registered, upon
20 which the license plate is covered, overlaid or otherwise screened
21 with any material, whether such material be clear, translucent,
22 tinted or opaque, shall be a violation of this paragraph.

23 3. Upon payment of the annual registration fee provided in
24 Section 1133 of this title, the Tax Commission or Corporation

1 Commission, as applicable, or a motor license agent may issue a
2 permanent nonexpiring license plate to an owner of one hundred or
3 more commercial motor vehicles and for vehicles registered under the
4 provisions of Section 1120 of this title. Upon payment of the
5 annual registration fee, the Tax Commission or Corporation
6 Commission shall issue a certificate of registration that shall be
7 carried at all times in the vehicle for which it is issued.
8 Provided, if the registrant submits its application through
9 electronic means, such qualified owners of one hundred or more
10 commercial motor vehicles, properly registered pursuant to the
11 provisions of Section 1133 of this title, may elect to receive a
12 permanent certificate of registration that shall be carried at all
13 times in the vehicle for which it is issued.

14 4. Every vehicle owned by an agency of this state shall be
15 exempt from the payment of registration fees required by this title.
16 Provided, such vehicle shall be registered and shall otherwise
17 comply with the provisions of the Oklahoma Vehicle License and
18 Registration Act.

19 B. The license plates required under the provisions of this
20 title shall conform to the requirements and specifications listed
21 hereinafter:

22 1. Each license plate shall have a space for the placement of
23 the yearly decals for each succeeding year of registration after the
24 initial issue;

1 2. The provisions of the Oklahoma Vehicle License and
2 Registration Act regarding the issuance of yearly decals shall not
3 apply to the issuance of apportioned license plates, including
4 license plates for state vehicles, and exempt plates for
5 governmental entities and fire departments organized pursuant to
6 Section 592 of Title 18 of the Oklahoma Statutes;

7 3. All license plates and decals shall be made with
8 reflectorized material as a background to the letters, numbers and
9 characters displayed thereon. The reflectorized material shall be
10 of such a nature as to provide effective and dependable brightness
11 during the service period for which the license plate or decal is
12 issued;

13 4. Except as otherwise provided in this subsection, the Tax
14 Commission shall design appropriate official license plates for all
15 state vehicles. Such license plates shall be permanent in nature
16 and designed in such manner as to remain with the vehicle for the
17 duration of the vehicle's life span or until the title is
18 transferred to a nongovernmental owner;

19 5. Within the limits prescribed in this section, the Tax
20 Commission shall design appropriate official license plates for
21 vehicles of the Oklahoma Highway Patrol. The license plates shall
22 have the legend "Oklahoma OK" and shall contain the letters "OHP"
23 followed by the state seal and the badge number of the Highway
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1 Patrol officer to whom the vehicle is assigned. The words "Oklahoma
2 Highway Patrol" shall also be included on such license plates;

3 6. Within the limits prescribed in this section, the Tax
4 Commission shall design appropriate official license plates for
5 vehicles of the Oklahoma Military Department. Such license plates
6 shall have the legend "Oklahoma OK" and shall contain the letters
7 "OMD" followed by the state seal and three numbers or letters as
8 designated by the Adjutant General. The words "Oklahoma Military
9 Department" shall also be included on such license plates;

10 7. Within the limits prescribed in this section, the Tax
11 Commission shall design appropriate official license plates for
12 vehicles of the Oklahoma Department of Corrections. Such license
13 plates shall contain the letters "DOC" followed by the Department of
14 Corrections badge and three numbers or letters or combination of
15 both as designated by the Director of the agency. The words
16 "Department of Corrections" shall also be included on such license
17 plates; and

18 8. Within the limits prescribed in this section, the Oklahoma
19 Tourism and Recreation Department shall design any license plates
20 required by the initiation of a license plate reissuance by the
21 Oklahoma Tax Commission at the request of the Department of Public
22 Safety pursuant to the provisions of Section 1113.2 of this title.
23 Any such new designs shall be submitted by the Oklahoma Tourism and
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1 Recreation Department to the Department of Public Safety for its
2 approval prior to being issued by the Oklahoma Tax Commission.

3 C. Where the applicant has satisfactorily shown that the
4 applicant owns the vehicle sought to be registered but is unable to
5 produce documentary evidence of the ownership, a license plate may
6 be issued upon approval by the Tax Commission or Corporation
7 Commission, as applicable. In such instances the reason for not
8 issuing a certificate of title shall be indicated on the receipt
9 given to the applicant. It shall still be the duty of the applicant
10 to immediately take all necessary steps to obtain the Oklahoma
11 certificate of title and it shall be unlawful for the applicant to
12 sell the vehicle until the certificate has been obtained in the
13 applicant's name.

14 D. The certificate of registration provided for in this section
15 shall be in convenient form, and the certificate of registration, or
16 a certified copy or photostatic copy thereof, duly authenticated by
17 the Tax Commission or Corporation Commission, as applicable, shall
18 be carried at all times in or upon commercial vehicles so
19 registered, in such manner as to permit a ready examination thereof
20 upon demand by any peace officer of the state or duly authorized
21 employee of the Department of Public Safety. Any such officer or
22 agent may seize and hold such commercial vehicle when the operator
23 of the same does not have the registration certificate in the
24 operator's possession or when any such officer or agent determines

1 that the registration certificate has been obtained by
2 misrepresentation of any essential or material fact or when any
3 number or identifying information appearing on such certificate has
4 been changed, altered, obliterated or concealed in any way, until
5 the proper registration or identification of such vehicle has been
6 made or produced by the owner thereof.

7 E. The purchaser of a new or used manufactured home shall,
8 within thirty (30) days of the date of purchase, register the home
9 with the Tax Commission or a motor license agent pursuant to the
10 provisions of Section 1117 of this title. For a new manufactured
11 home, it shall be the responsibility of the dealer selling the home
12 to place a temporary license plate on the home in the same manner as
13 provided in Section 1128 of this title for other new motor vehicles.
14 For the first year that any manufactured home is registered in this
15 state, the Tax Commission shall issue a metal license plate which
16 shall be affixed to the manufactured home. The temporary dealer
17 license plate or the metal license plate shall be displayed on the
18 manufactured home at all times when upon a public roadway; provided,
19 a repossession affidavit issued pursuant to Sections 1110 and 1126
20 of this title shall be permissible in lieu of a current license
21 plate and decal for the purposes of removing a repossessed
22 manufactured home to a secure location. Manufactured homes
23 previously registered and subject to ad valorem taxation as provided
24 by law shall have a decal affixed at the time ad valorem taxes are

1 paid for such manufactured home; provided, for a manufactured home
2 permanently affixed to real estate, no decal or license plate shall
3 be required to be affixed and the owner thereof shall be given a
4 receipt upon payment of ad valorem taxes due on the home. The Tax
5 Commission shall make sufficient plates and decals available to the
6 various motor license agents of the state in order for an owner of a
7 manufactured home to acquire the plate or decal. A one-dollar fee
8 shall be charged for issuance of any plate or decal. The fee shall
9 be apportioned each month to the General Revenue Fund of the State
10 Treasury.

11 F. The decal shall be easily visible for purposes of
12 verification by a county assessor that the manufactured home is
13 properly assessed for ad valorem taxation. In the first year of
14 registration, a decal shall be issued for placement on the license
15 plate indicating payment of applicable registration fees and excise
16 taxes. A duplicate manufactured home registration decal shall be
17 affixed inside the window nearest the front door of the manufactured
18 home. In the second and all subsequent years for which the
19 manufactured home is subject to ad valorem taxation, an annual decal
20 shall be affixed inside the window nearest the front door as
21 evidence of payment of ad valorem taxes. The Tax Commission shall
22 issue decals to the various county treasurers of the state in order
23 for a manufactured home owner to obtain such decal each year. Upon
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1 presentation of a valid ad valorem tax receipt, the manufactured
2 home owner shall be issued the annual decal.

3 G. Upon the registration of a manufactured home in this state
4 for the first time or upon discovery of a manufactured home
5 previously registered within this state for which the information
6 required by this subsection is not known, the Tax Commission shall
7 obtain:

8 1. The name of the owner of the manufactured home;

9 2. The serial number or identification number of the
10 manufactured home;

11 3. A legal description or address of the location for the home;

12 4. The actual retail selling price of the manufactured home
13 excluding Oklahoma taxes;

14 5. The certificate of title number for the home; and

15 6. Any other information which the Tax Commission deems to be
16 necessary.

17 The application for registration shall also include the school
18 district in which the manufactured home is located or is to be
19 located. The information shall be entered into a computer data
20 system which shall be used by the Tax Commission to provide
21 information to county assessors upon request by the assessor. The
22 assessor may request any information from the system in order to
23 properly assess a manufactured home for ad valorem taxation.

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1 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1115.3, is
2 amended to read as follows:

3 Section 1115.3 A. Except as otherwise provided by this
4 section, all-terrain vehicles, utility vehicles and motorcycles used
5 exclusively off roads or highways shall be registered once with the
6 Oklahoma Tax Commission within thirty (30) days after purchase.

7 B. For all-terrain vehicles or motorcycles used exclusively off
8 roads or highways purchased prior to July 1, 2005, registration, as
9 otherwise required by Section 1115 of this title, shall not be
10 required, but shall be allowed at the option of the owner of the
11 all-terrain vehicle or motorcycle used exclusively off roads or
12 highways.

13 C. For utility vehicles used exclusively off roads or highways
14 purchased prior to July 1, 2008, registration, as otherwise required
15 by Section 1115 of this title, shall not be required but shall be
16 allowed at the option of the owner of the utility vehicle used
17 exclusively off roads or highways.

18 D. All-terrain vehicles, utility vehicles or motorcycles used
19 exclusively off roads or highways owned or purchased by a person
20 that possesses an agricultural exemption pursuant to Section 1358.1
21 of Title 68 of the Oklahoma Statutes may be registered as provided
22 by this section, but shall not require registration.

23 E. Noncommercial trailers shall be registered with the Oklahoma
24 Tax Commission within thirty (30) days of purchase.

1 SECTION 4. AMENDATORY 47 O.S. 2011, Section 1132, as
2 amended by Section 2, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2017,
3 Section 1132), is amended to read as follows:

4 Section 1132. A. For all vehicles, unless otherwise
5 specifically provided by the Oklahoma Vehicle License and
6 Registration Act, a registration fee shall be assessed at the time
7 of initial registration by the owner and annually thereafter, for
8 the use of the avenues of public access within this state in the
9 following amounts:

10 1. For the first through the fourth year of registration in
11 this state or any other state, Eighty-five Dollars (\$85.00);

12 2. For the fifth through the eighth year of registration in
13 this state or any other state, Seventy-five Dollars (\$75.00);

14 3. For the ninth through the twelfth year of registration in
15 this state or any other state, Fifty-five Dollars (\$55.00);

16 4. For the thirteenth through the sixteenth year of
17 registration in this state or any other state, Thirty-five Dollars
18 (\$35.00); and

19 5. For the seventeenth and any following year of registration
20 in this state or any other state, Fifteen Dollars (\$15.00).

21 The registration fee provided for in this subsection shall be in
22 lieu of all other taxes, general or local, unless otherwise
23 specifically provided.

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1 B. For all-terrain vehicles and motorcycles used exclusively
2 for use off roads or highways purchased on or after July 1, 2005,
3 and for all-terrain vehicles and motorcycles used exclusively for
4 use off roads or highways purchased prior to July 1, 2005, which the
5 owner chooses to register pursuant to the provisions of Section
6 1115.3 of this title, an initial and nonrecurring registration fee
7 of Eleven Dollars (\$11.00) shall be assessed at the time of initial
8 registration by the owner. Nine Dollars (\$9.00) of the registration
9 fee shall be deposited in the Oklahoma Tax Commission Reimbursement
10 Fund. Two Dollars (\$2.00) of the registration fee shall be retained
11 by the motor license agent. The fees required by subsection A of
12 this section shall not be required for all-terrain vehicles or
13 motorcycles used exclusively off roads and highways.

14 C. For utility vehicles used exclusively for use off roads or
15 highways purchased on or after July 1, 2008, and for utility
16 vehicles used exclusively for use off roads or highways purchased
17 prior to July 1, 2008, which the owner chooses to register pursuant
18 to the provisions of Section 1115.3 of this title, an initial and
19 nonrecurring registration fee of Eleven Dollars (\$11.00) shall be
20 assessed at the time of initial registration by the owner. Nine
21 Dollars (\$9.00) of the registration fee shall be deposited in the
22 Oklahoma Tax Commission Reimbursement Fund. Two Dollars (\$2.00) of
23 the registration fee shall be retained by the motor license agent.
24 The fees required by subsection A of this section shall not be

1 required for utility vehicles used exclusively off roads and
2 highways.

3 D. For noncommercial trailers an initial and recurring
4 registration fee of Twenty-five Dollars (\$25.00) shall be assessed
5 at the time of registration by the owner. All monies collected
6 pursuant to this subsection shall be deposited in the General
7 Revenue Fund of the State Treasury. The fees required by subsection
8 A of this section shall not be required for such noncommercial
9 trailers.

10 E. There shall be a credit allowed with respect to the fee for
11 registration of a new vehicle which is a replacement for:

12 1. A new original vehicle which is stolen from the
13 purchaser/registrant within ninety (90) days of the date of purchase
14 of the original vehicle as certified by a police report or other
15 documentation as required by the Oklahoma Tax Commission; or

16 2. A defective new original vehicle returned by the
17 purchaser/registrant to the seller within six (6) months of the date
18 of purchase of the defective new original vehicle as certified by
19 the manufacturer.

20 The credit shall be in the amount of the fee for registration
21 which was paid for the new original vehicle and shall be applied to
22 the registration fee for the replacement vehicle. In no event will
23 the credit be refunded.

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1 ~~E.~~ F. Upon every transfer or change of ownership of a vehicle
2 or noncommercial trailer, the new owner shall obtain title for and,
3 except in the case of salvage vehicles and manufactured homes,
4 register the vehicle within thirty (30) days of change of ownership
5 and pay a transfer fee of Fifteen Dollars (\$15.00) in addition to
6 any other fees provided for in this act. No new decal shall be
7 issued to the registrant. Thereafter, the owner shall register the
8 vehicle annually on the anniversary date of its initial registration
9 in this state and shall pay the fees provided in subsection A of
10 this section or subsection D of this section when applicable and
11 receive a decal evidencing such payment. Provided, used motor
12 vehicle dealers shall be exempt from the provisions of this section.

13 ~~F.~~ G. In the event a new or used vehicle or noncommercial
14 trailer is not registered, titled and tagged within thirty (30) days
15 from the date of transfer of ownership, and for noncommercial
16 trailers within thirty (30) days of the effective date of this act,
17 the penalty for the failure of the owner of the vehicle or
18 noncommercial trailer to register the vehicle within thirty (30)
19 days shall be One Dollar (\$1.00) per day, provided that in no event
20 shall the penalty exceed One Hundred Dollars (\$100.00). No penalty
21 shall be waived by the Oklahoma Tax Commission or any motor license
22 agent except as provided in subsection C of Section 1127 of this
23 title. Of each dollar penalty collected pursuant to this
24 subsection:

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

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

5 3. Fifty-eight cents (\$0.58) shall be deposited in the General
6 Revenue Fund.

7 SECTION 5. AMENDATORY 47 O.S. 2011, Section 1134, is
8 amended to read as follows:

9 Section 1134. A. Upon each pickup, truck or truck-tractor
10 owned and operated by one or more farmers and used primarily for
11 farm use, and not for commercial or industrial purposes, the license
12 fee shall be Thirty Dollars (\$30.00). As used in this section, the
13 term "pickup" shall mean a small, light truck with an open back or
14 box used for hauling and designed primarily for the carrying of
15 property rather than people. The term "truck" shall mean a motor
16 vehicle designed or converted primarily for carrying or hauling farm
17 commodities, property, livestock, or equipment, rather than people.

18 B. The fees assessed pursuant to this section shall not apply
19 to trailers or semitrailers or combinations thereof used primarily
20 for farm use and for the transportation of products of the farm by
21 the producer thereof. Such fee shall not apply to any trailer or
22 semitrailer or combinations thereof when used primarily for the
23 transportation of any article or articles owned by the operator of
24 the trailer or semitrailer or combinations thereof and not used in

1 the furtherance of or incident to any commercial or industrial
2 enterprise. The provisions of Section 1134.2 of this title shall
3 apply to any trailers or semitrailers when used primarily for the
4 transportation of logs, ties, stave bolts and posts, direct from
5 forest to sawmill.

6 C. For the purpose of this section, a trailer or semitrailer or
7 combination thereof owned by a farmer and used primarily for the
8 purpose of transporting farm products to market or for the purpose
9 of transporting to the farm material or things to be used thereon,
10 and not for commercial or industrial purposes, ~~may~~ shall be
11 registered ~~for One Dollar (\$1.00)~~ as a noncommercial trailer under
12 the provisions of the Oklahoma Vehicle License and Registration Act;
13 provided, any such trailer used by the holder of a certificate of
14 convenience and necessity issued by the Oklahoma Corporation
15 Commission or the Interstate Commerce Commission shall be
16 conclusively presumed to be used in and for a commercial use, and
17 must be licensed as such, paying the license fees provided in
18 Section 1133 of this title.

19 D. Before a party shall be allowed to purchase a license plate
20 or claim an exception or exemption under this section, the party
21 shall:

- 22 1. Show an income tax Schedule F for the preceding year; or
- 23 2. Present a valid exemption card issued pursuant to the
24 provisions of Section 1358.1 of Title 68 of the Oklahoma Statutes.

1 A violation shall be grounds for revocation of driver's license.
2 Any person who signs the affidavit as required by this section when
3 the person does not believe that the information in the affidavit is
4 true or knows it is not true, upon conviction, shall be guilty of
5 perjury and shall be punished as provided for by law.

6 E. Any person owning a truck upon which the farm truck license
7 fee has been paid in Oklahoma for the current year and whose truck
8 may be needed during grain harvests or other seasonal farming
9 activities for hauling farm products other than his or her own, or
10 for hauling gravel, shale or other road materials for rural roads,
11 may make application with the Oklahoma Tax Commission for a short
12 term commercial license for such truck for a period of time not to
13 exceed ninety (90) days as provided for in subsection F of this
14 section, or may make application in accordance with the Motor
15 Carrier Harvest Permit Act of 2006 if applicable.

16 F. Upon such application, the Tax Commission shall issue a
17 temporary commercial truck license and register the truck upon
18 payment of the following fees:

19 1. For thirty (30) days a fee equal to one-eighth (1/8) of the
20 annual commercial license fee required for such truck.

21 2. For sixty (60) days a fee equal to one-fourth (1/4) of the
22 annual commercial license fee required for such truck.

23 3. For ninety (90) days a fee equal to three-eighths (3/8) of
24 the annual commercial license fee required for such truck.

1 G. Provided, however, the provisions of this section shall not
2 apply to the transportation of persons or property for hire.

3 SECTION 6. REPEALER 47 O.S. 2011, Section 1133.3, is
4 hereby repealed.

5 SECTION 7. This act shall become effective November 1, 2018.

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