

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 311

By: Taylor

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Vehicle License and
8 Registration Act; amending 47 O.S. 2011, Sections
9 1115, as last amended by Section 1, Chapter 14,
10 O.S.L. 2019, 1131 and 1132, as amended by Section 2,
11 Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2020,
12 Sections 1115 and 1132), which relate to vehicle
13 registrations; modifying notice requirement;
14 authorizing optional biennial registration of certain
15 types of vehicles; providing for calculation of
16 biennial registration fee; creating biennial
17 registration convenience fee; establishing fee
18 amount; providing for distribution of convenience fee
19 collections; and providing an effective date.

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

21 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1115, as
22 last amended by Section 1, Chapter 14, O.S.L. 2019 (47 O.S. Supp.
23 2020, Section 1115), is amended to read as follows:

24 Section 1115. A. Unless provided otherwise by statute, the
following vehicles shall be registered annually: manufactured
homes, vehicles registered with a permanent nonexpiring license
plate pursuant to Section 1113 of this title, and commercial
vehicles registered pursuant to the installment plan provided in

1 subsection H of Section 1133 of this title. The following schedule
2 shall apply for such vehicle purchased in this state or brought into
3 this state by residents of this state:

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

6 2. Between April 1 and June 30, the payment of three-fourths
7 (3/4) the annual fee shall be required;

8 3. Between July 1 and September 30, the payment of one-half
9 (1/2) the annual fee shall be required; and

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

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

23 B. 1. All vehicles, other than those required to be registered
24 pursuant to the provisions of subsection A of this section, shall be

1 registered on a staggered system of registration and licensing on a
2 monthly series basis to distribute the work of registering such
3 vehicles as uniformly and expeditiously as practicable throughout
4 the calendar year unless otherwise provided in this section. After
5 the end of the month following the expiration date, the license and
6 registration fees for the new registration period shall become
7 delinquent.

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

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

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

22 4. Effective January 1, 2004, all motorcycles and mopeds shall
23 be registered on a staggered system of registration. The Oklahoma
24 Tax Commission shall notify in writing, prior to December 1, 2003,

1 all owners of motorcycles or mopeds registered as of such date, who
2 shall have a one-time option of registering for a period of not less
3 than three (3) months nor greater than fifteen (15) months.

4 Subsequent renewals for these registrants ~~will~~ shall be for twelve
5 (12) months or twenty-four (24) months, expiring on the last day of
6 the month chosen by the registrant under the one-time option as
7 provided herein. All motorcycles and mopeds registered pursuant to
8 new applications received on or after December 1, 2003, shall also
9 be registered pursuant to the provisions of this paragraph.

10 5. Any three or more commercial vehicles owned by the same
11 person and previously registered in this state may be registered at
12 the same time regardless of the month or months in which they were
13 previously registered. The month in which the commercial vehicles
14 are newly registered shall be the month in which their registration
15 is renewed annually. If a commercial vehicle is registered pursuant
16 to this paragraph in the same calendar year in which it was
17 previously registered, license and registration fees shall be
18 prorated to account for the difference between the previous renewal
19 month and the new renewal month and those fees shall be due at the
20 time of registration pursuant to this paragraph.

21 C. The following penalties shall apply for delinquent
22 registration fees:

23 1. For fleet vehicles required to be registered pursuant to the
24 provisions of Section 1120 of this title for which a properly

1 completed application for registration has not been received by the
2 Corporation Commission by the last day of the month following the
3 registration expiration date, a penalty of thirty percent (30%) of
4 the Oklahoma portion of the annual registration fee, or Two Hundred
5 Dollars (\$200.00), whichever is greater, shall be assessed. The
6 license and registration cards issued by the Corporation Commission
7 for each fleet vehicle shall be valid until two (2) months after the
8 registration expiration date;

9 2. For commercial vehicles registered under the provisions of
10 subsection B of this section, except those vehicles registered
11 pursuant to Section 1133.1 of this title, a penalty shall be
12 assessed after the last day of the month following the registration
13 expiration date. A penalty of twenty-five cents (\$0.25) per day
14 shall be added to the license fee of such vehicle and shall accrue
15 for one (1) month. Thereafter, the penalty shall be thirty percent
16 (30%) of the annual registration fee, or Two Hundred Dollars
17 (\$200.00), whichever is greater;

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

22 4. For all vehicles a penalty shall be assessed after the last
23 day of the month following the expiration date and no penalty shall
24 be waived by the Oklahoma Tax Commission or any motor license agent

1 except as provided for in subsection H of Section 1133 and
2 subsection C of Section 1127 of this title. A penalty of One Dollar
3 (\$1.00) per day shall be added to the license fee of such vehicle,
4 provided that the penalty shall not exceed One Hundred Dollars
5 (\$100.00). Of each dollar penalty collected pursuant to this
6 subsection:

- 7 a. twenty-one cents (\$0.21) shall be apportioned as
8 provided in Section 1104 of this title,
- 9 b. twenty-one cents (\$0.21) shall be retained by the
10 motor license agent, and
- 11 c. fifty-eight cents (\$0.58) shall be deposited in the
12 General Revenue Fund.

13 D. In addition to all other penalties provided in the Oklahoma
14 Vehicle License and Registration Act, the following penalties shall
15 be imposed and collected by any Enforcement Officer of the
16 Corporation Commission upon finding any commercial vehicle being
17 operated in violation of the provisions of the Oklahoma Vehicle
18 License and Registration Act.

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

- 21 1. A penalty of not less than Fifty Dollars (\$50.00) shall be
22 imposed upon any person found to be operating a commercial vehicle
23 sixty (60) days after the end of the month in which the license
24 plate or registration credentials expire without the current year

1 license plate or registration credential displayed. Such penalty
2 shall not exceed the amount established by the Corporation
3 Commission pursuant to the provisions of subsection A of Section
4 1167 of this title. Revenue from such penalties shall be
5 apportioned as provided in Section 1167 of this title;

6 2. A penalty of not less than Fifty Dollars (\$50.00) shall be
7 imposed for any person operating a commercial vehicle subject to the
8 provisions of Section 1120 or Section 1133 of this title without the
9 proper display of, or, carrying in such commercial vehicle, the
10 identification credentials issued by the Corporation Commission as
11 evidence of payment of the fee or tax as provided in Section 1120 or
12 Section 1133 of this title. Such penalty shall not exceed the
13 amount established by the Corporation Commission pursuant to the
14 provisions of subsection A of Section 1167 of this title. Revenue
15 from such penalties shall be apportioned as provided in Section 1167
16 of this title; and

17 3. A penalty of not less than One Hundred Dollars (\$100.00)
18 shall be imposed for any person that fails to register any
19 commercial vehicle subject to the Oklahoma Vehicle License and
20 Registration Act. Such penalty shall not exceed the amount
21 established by the Corporation Commission pursuant to the provisions
22 of subsection A of Section 1167 of this title. Revenue from such
23 penalties shall be apportioned as provided in Section 1167 of this
24 title.

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

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

10 1. The registration of a vehicle registered pursuant to Section
11 1132 of this title is expired and it is sixty (60) or more days
12 after the end of the month of expiration; or

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

16 Such penalty shall not exceed the amount established by the
17 Corporation Commission pursuant to the provisions of subsection A of
18 Section 1167 of this title. Revenue from such penalties shall be
19 apportioned as provided in Section 1167 of this title.

20 G. If a vehicle is donated to a nonprofit charitable
21 organization, the nonprofit charitable organization shall be exempt
22 from paying any current or past due registration fees, excise tax,
23 transfer fees, and penalties and interest. However, after the
24 donation, if the person donating the vehicle, or someone on behalf
25

1 of such person, purchases the same vehicle back from the nonprofit
2 charitable organization to which the vehicle was donated, such
3 person shall be liable for all current and past-due registration
4 fees, excise tax, title or transfer fees, and penalties and interest
5 on such vehicle.

6 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1131, is
7 amended to read as follows:

8 Section 1131. The Oklahoma Tax Commission shall ~~annually~~ notify
9 all persons within the state who have a previous registration on
10 record of the period for registration renewal. The Tax Commission
11 shall send the notifications to the electronic mail address provided
12 by the person. If a person does not provide an electronic mail
13 address then the Tax Commission shall notify the person through the
14 mail. The notifications shall contain all necessary information for
15 such registration and licensing including a breakdown of all charges
16 to be paid by the owner and shall contain instructions as to the
17 procedure for renewal upon presentation to a motor license agent or
18 by return mail to the Commission's state office. The content and
19 form of the notice shall be determined by the Commission. Use of a
20 postcard or electronic mail type renewal notice is specifically
21 permitted. The Commission shall provide information on its public
22 website instructing persons on the procedure for obtaining an annual
23 notification via electronic mail, outlining all charges and fees
24 associated with the registration of a vehicle, as well as an

1 explanation of the apportionment of vehicle fees and penalties. The
2 cost of mailing shall be One Dollar (\$1.00) for license plates and
3 fifty cents (\$0.50) for decals, titles or other forms or devices
4 provided in ~~this act~~ the Oklahoma Vehicle License and Registration
5 Act. Provided, that the Commission may adjust any mailing costs as
6 deemed appropriate to allow for increased or additional fees charged
7 by the United States Postal Service.

8 Failure by any applicant to receive notification of renewal as
9 provided by ~~this act~~ the Oklahoma Vehicle License and Registration
10 Act shall not excuse the applicant from properly obtaining any
11 registration or license at the proper time by presenting proof of
12 ownership to the Commission's state office or to a motor license
13 agent.

14 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1132, as
15 amended by Section 2, Chapter 337, O.S.L. 2012 (47 O.S. Supp. 2020,
16 Section 1132), is amended to read as follows:

17 Section 1132. A. For all vehicles, unless otherwise
18 specifically provided by the Oklahoma Vehicle License and
19 Registration Act, a registration fee shall be assessed at the time
20 of initial registration by the owner and annually thereafter or
21 biennially as provided in subsection G of this section, for the use
22 of the avenues of public access within this state in the following
23 amounts:

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

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

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

7 4. For the thirteenth through the sixteenth year of
8 registration in this state or any other state, Thirty-five Dollars
9 (\$35.00); and

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

12 The registration fee provided for in this subsection shall be in
13 lieu of all other taxes, general or local, unless otherwise
14 specifically provided.

15 B. For all-terrain vehicles and motorcycles used exclusively
16 for use off roads or highways purchased on or after July 1, 2005,
17 and for all-terrain vehicles and motorcycles used exclusively for
18 use off roads or highways purchased prior to July 1, 2005, which the
19 owner chooses to register pursuant to the provisions of Section
20 1115.3 of this title, an initial and nonrecurring registration fee
21 of Eleven Dollars (\$11.00) shall be assessed at the time of initial
22 registration by the owner. Nine Dollars (\$9.00) of the registration
23 fee shall be deposited in the Oklahoma Tax Commission Reimbursement
24 Fund. Two Dollars (\$2.00) of the registration fee shall be retained

1 by the motor license agent. The fees required by subsection A of
2 this section shall not be required for all-terrain vehicles or
3 motorcycles used exclusively off roads and highways.

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

17 D. There shall be a credit allowed with respect to the fee for
18 registration of a new vehicle which is a replacement for:

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

23 2. A defective new original vehicle returned by the
24 purchaser/registrant to the seller within six (6) months of the date
25

1 of purchase of the defective new original vehicle as certified by
2 the manufacturer.

3 The credit shall be in the amount of the fee for registration
4 which was paid for the new original vehicle and shall be applied to
5 the registration fee for the replacement vehicle. In no event will
6 the credit be refunded.

7 E. Upon every transfer or change of ownership of a vehicle, the
8 new owner shall obtain title for and, except in the case of salvage
9 vehicles and manufactured homes, register the vehicle within thirty
10 (30) days of change of ownership and pay a transfer fee of Fifteen
11 Dollars (\$15.00) in addition to any other fees provided for in ~~this~~
12 ~~act~~ the Oklahoma Vehicle License and Registration Act. No new decal
13 shall be issued to the registrant. Thereafter, the owner shall
14 register the vehicle annually on the anniversary date of its initial
15 registration in this state and shall pay the fees provided in
16 subsection A of this section and receive a decal evidencing such
17 payment. Provided, used motor vehicle dealers shall be exempt from
18 the provisions of this section.

19 F. In the event a new or used vehicle is not registered, titled
20 and tagged within thirty (30) days from the date of transfer of
21 ownership, the penalty for the failure of the owner of the vehicle
22 to register the vehicle within thirty (30) days shall be One Dollar
23 (\$1.00) per day, provided that in no event shall the penalty exceed
24 One Hundred Dollars (\$100.00). No penalty shall be waived by the

1 Oklahoma Tax Commission or any motor license agent except as
2 provided in subsection C of Section 1127 of this title. Of each
3 dollar penalty collected pursuant to this subsection:

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

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

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

10 G. 1. The owner of a vehicle which is required to be
11 registered under the provisions of paragraph 1 or 4 of subsection B
12 of Section 1115 of this title may register the vehicle on a biennial
13 basis. The registration fee and any related administrative fees for
14 a biennial registration shall be equal to the sum of all annual
15 registration fees and related administrative fees provided for in
16 this title that otherwise would have been applicable if the vehicle
17 were registered on an annual basis for the two-year period covered
18 by the biennial registration.

19 2. In addition to registration and administrative fees, each
20 application for a biennial registration shall be subject to a
21 convenience fee of Twenty-five Dollars (\$25.00).

22 3. Each convenience fee collected pursuant to the provisions of
23 paragraph 2 of this subsection shall be distributed as follows:
24

- 1 a. Eight Dollars and fifty cents (\$8.50) shall be
2 deposited in the State Treasury to the credit of the
3 State Transportation Fund created by Section 1501.1 of
4 Title 69 of the Oklahoma Statutes,
- 5 b. Eight Dollars and fifty cents (\$8.50) shall be
6 deposited in the State Treasury to the credit of the
7 Emergency and Transportation Revolving Fund created by
8 Section 687.3 of Title 69 of the Oklahoma Statutes,
- 9 c. Five Dollars (\$5.00) shall be deposited in the State
10 Treasury to the credit of the General Revenue Fund,
- 11 d. Two Dollars (\$2.00) shall be retained by the
12 collecting motor license agent, pursuant to Section
13 1141.1 of this title, and
- 14 e. One Dollar (\$1.00) shall be deposited in the State
15 Treasury to the credit of the Oklahoma Tax Commission
16 Fund created by Section 221 of Title 62 of the Oklahoma
17 Statutes.

18 SECTION 4. This act shall become effective January 1, 2022.

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