

1 STATE OF OKLAHOMA

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

3 SENATE BILL 656

By: Taylor

4
5
6 AS INTRODUCED

7 An Act relating to revenue and taxation; providing
8 limit for certain tax liability; amending 68 O.S.
9 2011, Sections 1353, as last amended by Section 1,
10 Chapter 15, O.S.L. 2020, 1355, as last amended by
11 Section 1, Chapter 356, O.S.L. 2017, 1403, as last
12 amended by Section 2, Chapter 15, O.S.L. 2020, 1404,
13 as amended by Section 5, Chapter 356, O.S.L. 2017,
14 2101, as amended by Section 2, Chapter 57, O.S.L.
15 2016, and 2106, as amended by Section 2, Chapter 356,
16 O.S.L. 2017 (68 O.S. Supp. 2020, Sections 1353, 1355,
17 1403, 1404, 2101 and 2106), which relate to sales and
18 use tax and excise tax; apportioning tax collected on
19 public highway electric vehicles; removing
20 exemptions; modifying definitions; defining terms;
21 providing exception for excise tax in lieu of certain
22 other tax; providing for codification; providing an
23 effective date; and declaring an emergency.

16
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1354.1A of Title 68, unless
20 there is created a duplication in numbering, reads as follows:

21 The tax liability otherwise provided for public highway electric
22 vehicles by Section 2106 of Title 68 of the Oklahoma Statutes shall
23 not exceed One Thousand Five Hundred Dollars (\$1,500.00).

1 SECTION 2. AMENDATORY 68 O.S. 2011, Section 1353, as
2 last amended by Section 1, Chapter 15, O.S.L. 2020 (68 O.S. Supp.
3 2020, Section 1353), is amended to read as follows:

4 Section 1353. A. It is hereby declared to be the purpose of
5 the Oklahoma Sales Tax Code to provide funds for the financing of
6 the program provided for by the Oklahoma Social Security Act and to
7 provide revenues for the support of the functions of the state
8 government of Oklahoma, and for this purpose it is hereby expressly
9 provided that, revenues derived pursuant to the provisions of the
10 Oklahoma Sales Tax Code, subject to the apportionment requirements
11 for the Oklahoma Tax Commission and Office of Management and
12 Enterprise Services Joint Computer Enhancement Fund provided by
13 Section 265 of this title, shall be apportioned as follows:

14 1. Except as provided in ~~subsection C~~ subsections C and D of
15 this section, the following amounts shall be paid to the State
16 Treasurer to be placed to the credit of the General Revenue Fund to
17 be paid out pursuant to direct appropriation by the Legislature:

Fiscal Year	Amount
FY 2003 and FY 2004	86.04%
FY 2005	85.83%
FY 2006	85.54%
FY 2007	85.04%
FY 2008 through FY 2022	83.61%
FY 2023 through FY 2027	83.11%

1 FY 2028 and each fiscal year thereafter 83.61%;

2 2. The following amounts shall be paid to the State Treasurer
3 to be placed to the credit of the Education Reform Revolving Fund of
4 the State Department of Education:

5 a. for FY 2003, FY 2004 and FY 2005, ten and forty-two
6 one-hundredths percent (10.42%),

7 b. for FY 2006 through FY 2020, ten and forty-six one-
8 hundredths percent (10.46%),

9 c. for FY 2021:

10 (1) for the month beginning July 1, 2020, through the
11 month ending August 31, 2020, ten and forty-six
12 one-hundredths percent (10.46%), and

13 (2) for the month beginning September 1, 2020,
14 through the month ending June 30, 2021, eleven
15 and ninety-six one-hundredths percent (11.96%),

16 d. for FY 2022, eleven and seventy-one one-hundredths
17 percent (11.71%), and

18 e. for FY 2023 and each fiscal year thereafter, ten and
19 forty-six one-hundredths percent (10.46%);

20 3. The following amounts shall be paid to the State Treasurer
21 to be placed to the credit of the Teachers' Retirement System
22 Dedicated Revenue Revolving Fund:

23 Fiscal Year	Amount
24 FY 2003 and FY 2004	3.54%

1	FY 2005	3.75%
2	FY 2006	4.0%
3	FY 2007	4.5%
4	FY 2008 through FY 2020	5.0%
5	FY 2021:	
6	a. for the month beginning July	
7	1, 2020, through the month	
8	ending August 31, 2020	5.0%
9	b. for the month beginning	
10	September 1, 2020, through	
11	the month ending June 30,	
12	2021	3.5%
13	FY 2022	3.75%
14	FY 2023 through FY 2027	5.5%
15	FY 2028 and each fiscal year thereafter	5.0%
16	4. a. except as otherwise provided in subparagraph b of this	
17	paragraph, for the fiscal year beginning July 1, 2015,	
18	and for each fiscal year thereafter, eighty-seven one-	
19	hundredths percent (0.87%) shall be paid to the State	
20	Treasurer to be further apportioned as follows:	
21	(1) thirty-six percent (36%) shall be placed to the	
22	credit of the Oklahoma Tourism Promotion	
23	Revolving Fund, but in no event shall such	
24		

1 apportionment exceed Five Million Dollars

2 (\$5,000,000.00) in any fiscal year, and

3 (2) sixty-four percent (64%) shall be placed to the

4 credit of the Oklahoma Tourism Capital

5 Improvement Revolving Fund, but in no event shall

6 such apportionment exceed Nine Million Dollars

7 (\$9,000,000.00) in any fiscal year, and

8 b. any amounts which exceed the limitations of

9 subparagraph a of this paragraph shall be placed to

10 the credit of the General Revenue Fund; and

11 5. For the fiscal year beginning July 1, 2015, and for each
12 fiscal year thereafter, six one-hundredths percent (0.06%) shall be
13 placed to the credit of the Oklahoma Historical Society Capital
14 Improvement and Operations Revolving Fund, but in no event shall
15 such apportionment exceed the total amount apportioned pursuant to
16 this paragraph for the fiscal year ending on June 30, 2015. Any
17 amounts which exceed the limitations of this paragraph shall be
18 placed to the credit of the General Revenue Fund.

19 B. Provided, for the fiscal year beginning July 1, 2007, and
20 every fiscal year thereafter, an amount of revenue shall be
21 apportioned to each municipality or county which levies a sales tax
22 subject to the provisions of Section 1357.10 of this title and
23 subsection F of Section 2701 of this title equal to the amount of
24 sales tax revenue of such municipality or county exempted by the

1 provisions of Section 1357.10 of this title and subsection F of
2 Section 2701 of this title. The Oklahoma Tax Commission shall
3 promulgate and adopt rules necessary to implement the provisions of
4 this subsection.

5 C. For the fiscal year beginning July 1, 2021, and each fiscal
6 year thereafter, the sales tax of four and five-tenths percent
7 (4.5%) of the gross receipts, levied by Section 1354 of this title,
8 on sales of public highway electric vehicles that is collected by
9 the Oklahoma Tax Commission under the levy shall be apportioned as
10 follows:

11 a. sixty percent (60%) shall be placed to the credit of
12 the State Highway Construction and Maintenance Fund
13 created pursuant to Section 1501 of Title 69 of the
14 Oklahoma Statutes, and

15 b. forty percent (40%) shall be divided among the county
16 treasurers' offices according to percentage of county
17 road miles as certified annually by the Oklahoma
18 Department of Transportation to be credited to the
19 county highway fund of each county created pursuant to
20 Section 1503 of Title 69 of the Oklahoma Statutes.

21 D. From the monies that would otherwise be apportioned to the
22 General Revenue Fund pursuant to subsection A of this section, there
23 shall be apportioned the following amounts:

24 1. For the month ending August 31, 2019:

- 1 a. Nine Million Six Hundred Thousand Dollars
2 (\$9,600,000.00) to the credit of the State Highway
3 Construction and Maintenance Fund created in Section
4 1501 of Title 69 of the Oklahoma Statutes, and
5 b. Two Million Dollars (\$2,000,000.00) to the credit of
6 the Oklahoma Railroad Maintenance Revolving Fund
7 created in Section 309 of Title 66 of the Oklahoma
8 Statutes;

9 2. For the month ending September 30, 2019:

- 10 a. Twenty Million Dollars (\$20,000,000.00) to the credit
11 of the State Highway Construction and Maintenance Fund
12 created in Section 1501 of Title 69 of the Oklahoma
13 Statutes, and
14 b. Two Million Dollars (\$2,000,000.00) to the credit of
15 the Oklahoma Railroad Maintenance Revolving Fund
16 created in Section 309 of Title 66 of the Oklahoma
17 Statutes;

18 3. For the month ending October 31, 2019:

- 19 a. Twenty Million Dollars (\$20,000,000.00) to the credit
20 of the State Highway Construction and Maintenance Fund
21 created in Section 1501 of Title 69 of the Oklahoma
22 Statutes, and
23 b. Two Million Dollars (\$2,000,000.00) to the credit of
24 the Oklahoma Railroad Maintenance Revolving Fund

1 created in Section 309 of Title 66 of the Oklahoma
2 Statutes;

3 4. For the month ending November 30, 2019:

4 a. Twenty Million Dollars (\$20,000,000.00) to the credit
5 of the State Highway Construction and Maintenance Fund
6 created in Section 1501 of Title 69 of the Oklahoma
7 Statutes, and

8 b. Two Million Dollars (\$2,000,000.00) to the credit of
9 the Oklahoma Railroad Maintenance Revolving Fund
10 created in Section 309 of Title 66 of the Oklahoma
11 Statutes; and

12 5. For the month ending December 31, 2019:

13 a. Twenty Million Dollars (\$20,000,000.00) to the credit
14 of the State Highway Construction and Maintenance Fund
15 created in Section 1501 of Title 69 of the Oklahoma
16 Statutes, and

17 b. Two Million Dollars (\$2,000,000.00) to the credit of
18 the Oklahoma Railroad Maintenance Revolving Fund
19 created in Section 309 of Title 66 of the Oklahoma
20 Statutes.

21 SECTION 3. AMENDATORY 68 O.S. 2011, Section 1355, as
22 last amended by Section 1, Chapter 356, O.S.L. 2017 (68 O.S. Supp.
23 2020, Section 1355), is amended to read as follows:
24
25

1 Section 1355. There are hereby specifically exempted from the
2 tax levied pursuant to the provisions of Section 1350 et seq. of
3 this title:

4 1. Sale of gasoline, motor fuel, methanol, "M-85" which is a
5 mixture of methanol and gasoline containing at least eighty-five
6 percent (85%) methanol, compressed natural gas, liquefied natural
7 gas, or liquefied petroleum gas on which the Motor Fuel Tax,
8 Gasoline Excise Tax, Special Fuels Tax or the fee in lieu of Special
9 Fuels Tax levied in Section 500.1 et seq., Section 601 et seq. or
10 Section 701 et seq. of this title has been, or will be paid;

11 2. For the sale of motor vehicles, other than public highway
12 electric vehicles, or any optional equipment or accessories attached
13 to motor vehicles, other than public highway electric vehicles, on
14 which the Oklahoma Motor Vehicle Excise Tax levied in Section 2101
15 et seq. of this title has been, or will be paid, all but a portion
16 of the levy provided under Section 1354 of this title, equal to one
17 and twenty-five-hundredths percent (1.25%) of the gross receipts of
18 such sales. The sale of public highway electric vehicles shall not
19 be exempted from the tax levy provided under Section 1354 of this
20 title, or otherwise exempted from taxation levied pursuant to the
21 Oklahoma Sales Tax Code. Provided, the sale of motor vehicles shall
22 not be subject to any sales and use taxes levied by cities, counties
23 or other jurisdictions of the state;

1 3. Sale of crude petroleum or natural or casinghead gas and
2 other products subject to gross production tax pursuant to the
3 provisions of Section 1001 et seq. and Section 1101 et seq. of this
4 title. This exemption shall not apply when such products are sold
5 to a consumer or user for consumption or use, except when used for
6 injection into the earth for the purpose of promoting or
7 facilitating the production of oil or gas. This paragraph shall not
8 operate to increase or repeal the gross production tax levied by the
9 laws of this state;

10 4. Sale of aircraft on which the tax levied pursuant to the
11 provisions of Sections 6001 through 6007 of this title has been, or
12 will be paid or which are specifically exempt from such tax pursuant
13 to the provisions of Section 6003 of this title;

14 5. Sales from coin-operated devices on which the fee imposed by
15 Sections 1501 through 1512 of this title has been paid;

16 6. Leases of twelve (12) months or more of motor vehicles in
17 which the owners of the vehicles have paid the vehicle excise tax
18 levied by Section 2103 of this title;

19 7. Sales of charity game equipment on which a tax is levied
20 pursuant to the Oklahoma Charity Games Act, Section 401 et seq. of
21 Title 3A of the Oklahoma Statutes, or which is sold to an
22 organization that is:

- 23 a. a veterans' organization exempt from taxation pursuant
24 to the provisions of paragraph (4), (7), (8), (10) or
25

1 (19) of subsection (c) of Section 501 of the United
2 States Internal Revenue Code of 1986, as amended, 26
3 U.S.C., Section 501(c) et seq.,

4 b. a group home for mentally disabled individuals exempt
5 from taxation pursuant to the provisions of paragraph
6 (3) of subsection (c) of Section 501 of the United
7 States Internal Revenue Code of 1986, as amended, 26
8 U.S.C., Section 501(c) et seq., or

9 c. a charitable healthcare organization which is exempt
10 from taxation pursuant to the provisions of paragraph
11 (3) of subsection (c) of Section 501 of the United
12 States Internal Revenue Code of 1986, as amended, 26
13 U.S.C., Section 501(c) et seq.;

14 8. Sales of cigarettes or tobacco products to:

15 a. a federally recognized Indian tribe or nation which
16 has entered into a compact with the State of Oklahoma
17 pursuant to the provisions of subsection C of Section
18 346 of this title or to a licensee of such a tribe or
19 nation, upon which the payment in lieu of taxes
20 required by the compact has been paid, or

21 b. a federally recognized Indian tribe or nation or to a
22 licensee of such a tribe or nation upon which the tax
23 levied pursuant to the provisions of Section 349.1 or
24 Section 426 of this title has been paid;

1 9. Leases of aircraft upon which the owners have paid the
2 aircraft excise tax levied by Section 6001 et seq. of this title or
3 which are specifically exempt from such tax pursuant to the
4 provisions of Section 6003 of this title;

5 10. The sale of low-speed or medium-speed electrical vehicles
6 on which the Oklahoma Motor Vehicle Excise Tax levied in Section
7 2101 et seq. of this title has been or will be paid; and

8 11. Effective January 1, 2005, sales of cigarettes on which the
9 tax levied in Section 301 et seq. of this title or tobacco products
10 on which the tax levied in Section 401 et seq. of this title has
11 been paid.

12 SECTION 4. AMENDATORY 68 O.S. 2011, Section 1403, as
13 last amended by Section 2, Chapter 15, O.S.L. 2020 (68 O.S. Supp.
14 2020, Section 1403), is amended to read as follows:

15 Section 1403. A. It is hereby declared to be the purpose of
16 Section 1401 et seq. of this title to provide for the support of the
17 functions of the state and local government of Oklahoma; and for
18 this purpose and to this end, it is hereby expressly provided that
19 the revenues derived hereunder, subject to the apportionment
20 provided in ~~subsection B~~ subsections B and C of this section and to
21 the apportionment requirements for the Oklahoma Tax Commission and
22 Office of Management and Enterprise Services Joint Computer
23 Enhancement Fund provided by Section 265 of this title, are hereby
24 apportioned as follows:

1 1. The following amounts shall be paid by the Tax Commission to
2 the State Treasurer and placed to the credit of the General Revenue
3 Fund to be paid out pursuant to direct appropriation by the
4 Legislature:

Fiscal Year	Amount
FY 2004	85.35%
FY 2005	85.14%
FY 2006	85.54%
FY 2007	85.04%
FY 2008 through FY 2022	83.61%
FY 2023 through FY 2027	83.11%
FY 2028 and each fiscal year thereafter	83.61%;

13 2. The following amounts shall be paid to the State Treasurer
14 to be placed to the credit of the Education Reform Revolving Fund of
15 the State Department of Education:

16 a. for FY 2020, ten and forty-six one-hundredths percent
17 (10.46%),

18 b. for FY 2021:

19 (1) for the month beginning July 1, 2020, through the
20 month ending August 31, 2020, ten and forty-six
21 one-hundredths percent (10.46%), and

22 (2) for the month beginning September 1, 2020,
23 through the month ending June 30, 2021, eleven
24 and ninety-six one-hundredths percent (11.96%),

1 c. for FY 2022, eleven and seventy-one one-hundredths
2 percent (11.71%), and

3 d. for FY 2023 and each fiscal year thereafter, ten and
4 forty-six one-hundredths percent (10.46%);

5 3. The following amounts shall be paid to the State Treasurer
6 to be placed to the credit of the Teachers' Retirement System
7 Dedicated Revenue Revolving Fund:

8 Fiscal Year	Amount
9 FY 2003 and FY 2004	3.54%
10 FY 2005	3.75%
11 FY 2006	4.0%
12 FY 2007	4.5%
13 FY 2008 through FY 2020	5.0%
14 FY 2021:	
15 a. for the month beginning July	
16 1, 2020, through the month	
17 ending August 31, 2020	5.0%
18 b. for the month beginning	
19 September 1, 2020, through	
20 the month ending June 30,	
21 2021	3.5%
22 FY 2022	3.75%
23 FY 2023 through FY 2027	5.5%
24 FY 2028 and each fiscal year thereafter	5.0%

1 4. a. except as otherwise provided in subparagraph b of this
2 paragraph, for the fiscal year beginning July 1, 2015,
3 and for each fiscal year thereafter, eighty-seven one-
4 hundredths percent (0.87%) shall be paid to the State
5 Treasurer to be further apportioned as follows:

6 (1) thirty-six percent (36%) shall be placed to the
7 credit of the Oklahoma Tourism Promotion
8 Revolving Fund, but in no event shall such
9 apportionment exceed the total amount apportioned
10 pursuant to this division for the fiscal year
11 ending on June 30, 2015, and

12 (2) sixty-four percent (64%) shall be placed to the
13 credit of the Oklahoma Tourism Capital
14 Improvement Revolving Fund, but in no event shall
15 such apportionment exceed the total amount
16 apportioned pursuant to this division for the
17 fiscal year ending on June 30, 2015, and

18 b. any amounts which exceed the limitations of
19 subparagraph a of this paragraph shall be placed to
20 the credit of the General Revenue Fund; and

21 5. For the fiscal year beginning July 1, 2015, and for each
22 fiscal year thereafter, six one-hundredths percent (0.06%) shall be
23 placed to the credit of the Oklahoma Historical Society Capital
24 Improvement and Operations Revolving Fund, but in no event shall

1 such apportionment exceed the total amount apportioned pursuant to
2 this paragraph for the fiscal year ending on June 30, 2015. Any
3 amounts which exceed the limitations of this paragraph shall be
4 placed to the credit of the General Revenue Fund.

5 B. Prior to the apportionments otherwise provided in this
6 section, there shall be apportioned to the Education Reform
7 Revolving Fund of the State Department of Education the following
8 amounts in the following state fiscal years:

9 FY 2019 \$19,600,000.00; and
10 FY 2020 and each year thereafter \$20,500,000.00.

11 C. For the fiscal year beginning July 1, 2021, and each fiscal
12 year thereafter, the use tax of four and five-tenths percent (4.5%)
13 of the gross receipts, levied by Section 1402 of this title, on use
14 or consumption of public highway electric vehicles that is collected
15 by the Oklahoma Tax Commission under the levy shall be apportioned
16 and placed to the credit of the State Highway Construction and
17 Maintenance Fund created pursuant to Section 1501 of Title 69 of the
18 Oklahoma Statutes.

19 SECTION 5. AMENDATORY 68 O.S. 2011, Section 1404, as
20 amended by Section 5, Chapter 356, O.S.L. 2017 (68 O.S. Supp. 2020,
21 Section 1404), is amended to read as follows:

22 Section 1404. The provisions of Section 1401 et seq. of this
23 title shall not apply:
24

1 1. In respect to the use of any article of tangible personal
2 property brought into the State of Oklahoma by a nonresident
3 individual, visiting in this state, for his or her personal use or
4 enjoyment, while within the state;

5 2. In respect to the use of tangible personal property
6 purchased for resale before being used;

7 3. In respect to the use of any article of tangible personal
8 property on which a tax, equal to or in excess of that levied by
9 Section 1401 et seq. of this title, has been paid by the person
10 using such tangible personal property in this state, whether such
11 tax was levied under the laws of this state or some other state of
12 the United States. If any article of tangible personal property has
13 already been subjected to a tax, by this or any other state, in
14 respect to its sale or use, in an amount less than the tax imposed
15 by Section 1401 et seq. of this title, the provisions of Section
16 1401 et seq. of this title shall apply to it by a rate measured by
17 the difference only between the rate herein provided and the rate by
18 which the previous tax upon the sale or use was computed. Provided,
19 that no credit shall be given for taxes paid in another state, if
20 that state does not grant like credit for taxes paid in Oklahoma;

21 4. In respect to the use of tangible personal property now
22 specifically exempted from taxation under Oklahoma Sales Tax Code.
23 Provided, for the sale of motor vehicles, other than public highway
24 electric vehicles, or any optional equipment or accessories attached

1 to motor vehicles, other than public highway electric vehicles, on
2 which the Oklahoma Motor Vehicle Excise Tax levied pursuant to
3 Sections 2101 through 2108 of this title has been, or will be paid,
4 the ~~exceptions~~ exemptions shall apply to all but a portion of the
5 levy provided under Section 1402 of this title, equal to one and
6 twenty-five-hundredths percent (1.25%) of the purchase price of such
7 motor vehicles other than public highway electric vehicles.

8 Provided, public highway electric vehicles shall not be exempted
9 from taxation under the Oklahoma Sales Tax Code, exempted from the
10 levy of tax provided under Section 1402 of this title or otherwise
11 exempted from taxation levied pursuant to Sections 1401 through 1411
12 of this title. Provided further, the sale of motor vehicles shall
13 not be subject to any sales and use taxes levied by cities, counties
14 or other jurisdictions of the state;

15 5. In respect to the use of any article or tangible personal
16 property brought into the state by an individual with intent to
17 become a resident of this state where such personal property is for
18 such individual's personal use or enjoyment;

19 6. In respect to the use of any article of tangible personal
20 property used or to be used by commercial airlines or railroads;

21 7. In respect to livestock purchased outside this state and
22 brought into this state for feeding or breeding purposes, and which
23 is later resold; and
24

1 8. Effective January 1, 1991, in respect to the use of rail
2 transportation cars to haul coal to coal-fired plants located in
3 this state which generate electric power.

4 SECTION 6. AMENDATORY 68 O.S. 2011, Section 2101, as
5 amended by Section 2, Chapter 57, O.S.L. 2016 (68 O.S. Supp. 2020,
6 Section 2101), is amended to read as follows:

7 Section 2101. For the purpose of this article:

8 1. The term "motor vehicle" means and includes every
9 automobile, public highway electric vehicle, truck, truck-tractor,
10 all-terrain vehicle, utility vehicle or any motor bus or any self-
11 propelled vehicle not operated or driven upon fixed rails or tracks
12 or in the air or on water;

13 2. The term "vehicle" means and includes every device in, upon,
14 or by which any person or property is, or may be, transported or
15 drawn, excepting devices moved by human or animal power, when not
16 used upon fixed rails or tracks, or in the air or on water;

17 3. The term "low-speed electrical vehicle" means and includes
18 any four-wheeled electrical vehicle that is powered by an electric
19 motor that draws current from rechargeable storage batteries or
20 other sources of electrical current and whose top speed is greater
21 than twenty (20) miles per hour but not greater than twenty-five
22 (25) miles per hour and is manufactured in compliance with the
23 National Highway Traffic Safety Administration standards for low-
24 speed vehicles in 49 C.F.R. 571.500;

1 4. The term "automobile" means and includes every motor vehicle
2 constructed and used solely for the transportation of persons for
3 purposes other than for hire or compensation;

4 5. The term "motorcycle" means and includes every motor vehicle
5 designed to travel on not more than three wheels other than an all-
6 terrain vehicle;

7 6. The term "truck" means and includes every motor vehicle
8 constructed or used for the transportation of property not falling
9 within the definition of truck-tractor, trailer or semitrailer, as
10 herein defined;

11 7. The term "truck-tractor" means and includes every motor
12 vehicle of the truck type designed to draw or support the front end
13 of a semitrailer;

14 8. The term "trailer" means and includes any vehicle designed
15 to be drawn by a truck, tractor or a truck-tractor, but supported
16 upon its own wheels;

17 9. The term "semitrailer" means and includes any vehicle
18 designed to be attached to, and having its front end supported by a
19 truck, tractor, or truck-tractor;

20 10. The term "motor bus" means and includes every motor vehicle
21 constructed so as to carry persons, and which is used or rented to
22 carry persons for compensation;

23 11. The term "manufactured home" means a residential dwelling
24 built in accordance with the National Manufactured Housing
25

1 Construction and Safety Standards Act of 1974, 42 U.S.C., Section
2 5401 et seq., and rules promulgated pursuant thereto and the rules
3 promulgated by the Oklahoma Used Motor Vehicle and Parts Commission
4 pursuant to Section 582 of Title 47 of the Oklahoma Statutes.

5 Manufactured home shall not mean a park model recreational vehicle
6 as defined in Section 1102 of Title 47 of the Oklahoma Statutes;

7 12. The term "farm tractor" means and includes any vehicle of
8 tractor type owned and operated by the purchaser and used
9 exclusively for agricultural purposes;

10 13. The term "all-terrain vehicle" means and includes every
11 vehicle defined as an all-terrain vehicle in Section 1102 of Title
12 47 of the Oklahoma Statutes;

13 14. The terms "legal ownership" and "legally owned" mean the
14 right to possession, whether acquired by purchase, barter, exchange,
15 assignment, gift, operation of law, or in any other manner;

16 15. The term "person" means and includes natural persons,
17 individuals, partnerships, firms, associations, limited liability
18 companies, corporations, estates, trustees, business trusts,
19 syndicates, this state, any county, city, municipality, school
20 district or other political subdivision of the state, or any
21 corporation or combination acting as a unit or any receiver
22 appointed by any state or federal court; and the use of the singular
23 number shall include the plural number;

1 16. The term "Tax Commission" means the Oklahoma Tax
2 Commission;

3 17. The term "utility vehicle" means every vehicle defined as a
4 utility vehicle in Section 1102 of Title 47 of the Oklahoma
5 Statutes; ~~and~~

6 18. The term "medium-speed electrical vehicle" means any self-
7 propelled, electrically powered four-wheeled motor vehicle, equipped
8 with a roll cage or crush-proof body design, whose speed attainable
9 in one (1) mile is more than thirty (30) miles per hour but not
10 greater than thirty-five (35) miles per hour;

11 19. The term "public highway electric vehicle" means and
12 includes any motor vehicle that is manufactured, sold and acquired
13 primarily for use and driving on public highways, that is a four-
14 wheeled vehicle which is propelled solely or to a significant extent
15 by an electric motor which draws electricity from a battery or other
16 portable sources of electric current and is capable of being
17 recharged from an external source of electricity, and whose normal
18 speed attainable in one (1) mile, without installation, operation or
19 use of any speed limiter device, is greater than thirty-five (35)
20 miles per hour; and

21 20. The term "public highways" means and includes every road,
22 highway, street, way or place within this state, of whatever nature,
23 generally open to the use of the public as a matter of right for the
24 purposes of vehicular travel including a toll highway and including

1 streets and alleys of any town or city notwithstanding that the same
2 may be temporarily closed for the purpose of construction,
3 reconstruction, maintenance or repair.

4 SECTION 7. AMENDATORY 68 O.S. 2011, Section 2106, as
5 amended by Section 2, Chapter 356, O.S.L. 2017 (68 O.S. Supp. 2020,
6 Section 2106), is amended to read as follows:

7 Section 2106. (a) The excise tax levied by this article is in
8 lieu of all other taxes on the transfer or the first registration in
9 this state of vehicles, including the optional equipment and
10 accessories attached thereto at the time of sale and sold as a part
11 thereof, except:

12 (1) Annual vehicle registration and license fees;

13 (2) The fee of One Dollar (\$1.00) for the issuance of a
14 certificate of title;

15 (3) Any fee charged under the jurisdiction of the Corporation
16 Commission; and

17 (4) One and twenty-five-hundredths percent (1.25%) of the gross
18 receipts upon which the tax is levied by Section 1354 of this title
19 on sales of motor vehicles other than public highway electric
20 vehicles;

21 (5) Four and five-tenths percent (4.5%) of the gross receipts
22 upon which the tax is levied by Section 1354 of this title on sales
23 of public highway electric vehicles except as otherwise provided in
24 Section 4 of this act; and

1 (6) Four and five-tenths percent (4.5%) of the gross receipts
2 upon which the tax is levied by Section 1402 of this title on use of
3 public highway electric vehicles except as otherwise provided in
4 Section 4 of this act. Provided, the sale of motor vehicles shall
5 not be subject to any sales and use taxes levied by cities, counties
6 or other jurisdictions of the state.

7 (b) This section shall not relieve any new or used motor
8 vehicle dealer or any other vendor of vehicles from liability for
9 the sales tax on all sales of accessories or optional equipment, or
10 parts, which are not attached to, and sold as a part thereof and
11 included in the sale of such vehicles.

12 SECTION 8. This act shall become effective July 1, 2021.

13 SECTION 9. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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