

An Act

ENROLLED SENATE
BILL NO. 1339

By: David of the Senate

and

Cockroft and West (Kevin)
of the House

An Act relating to the Oklahoma Vehicle License and Registration Act; amending 47 O.S. 2011, Sections 1112 and 1113, as last amended by Section 1, Chapter 331, O.S.L. 2017 (47 O.S. Supp. 2017, Section 1113), which relate to motor vehicle registration; modifying information required on application for vehicle registration; establishing requirement that license plate and registration certificate remain in the name of vehicle owner after specified date; providing procedures for registration upon sale or transfer; requiring new owner to register vehicle and pay applicable taxes and fees within specified time period; providing for penalty; providing for transfer of license plate upon death of spouse; authorizing Oklahoma Tax Commission to promulgate rules; requiring certain documentation to be in the possession of operator and providing exception thereto; conforming language; providing for codification; and providing an effective date.

SUBJECT: Motor vehicle registration procedure

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1112, is amended to read as follows:

Section 1112. Every owner of a vehicle possessing a certificate of title shall, before using the same in this state, make an application for the registration of such vehicle with a motor license agent. The application shall contain such information as shall be required by the Oklahoma Tax Commission. Every owner, when making application for registration, shall furnish the following information:

1. A full description of the vehicle including the make, model, color, manufacturer's serial or other identification number, any security interest upon the vehicle, an odometer reading of the vehicle when applicable, and the insurance security verification to the vehicle;

2. The correct name and address, the name of the city, county and state in which the person in whose name the vehicle is to be registered resides, the driver license number of the owner if the owner has a driver license or the Federal Employers Identification Number of the owner if such owner is not an individual, and such other information as may be prescribed by the Commission; and

3. a. The name of the carrier of the owner's insurance policy for such vehicle,
- b. The policy number of the owner's policy for such vehicle, if available, or the name of the agent or office where the existence of security may be verified, if other than the carrier,
- c. The effective dates of the owner's policy for such vehicle, and
- d. A statement of the existence of a nonuse affidavit if filed by the vehicle owner pursuant to the provisions of Section 7-607 of this title.

In every case where a vehicle has been registered upon an application containing any false statement of a fact required in this section to be shown in an application for the registration thereof, the Commission shall give written notice of at least five (5) days to the owner of the vehicle, and shall require the owner to appear before it for the purpose of showing cause why the

registration should not be canceled. Unless satisfactory explanation is given by the owner concerning such false statement, the Commission shall cancel the registration. The owner of the vehicle shall then be required to immediately reregister the vehicle and pay the required fees. The owner shall not be entitled to refund or credit for the fees paid for registration of the motor vehicle made under the application which contained any false statement of fact.

The Commission shall insert in the application forms appropriate notice to the applicant that any false statement of a fact required to be shown in such application for registration subjects the applicant to prosecution.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1112.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 2019, the registration license plate and certificate of registration shall be issued to, and remain in the name of, the owner of the vehicle registered and the license plates shall not be transferable between motor vehicle owners. When a vehicle is sold or transferred in the state, the following registration procedures shall apply:

1. When a current and valid Oklahoma motor vehicle license plate has been obtained for use on a motor vehicle and the vehicle has been sold or otherwise transferred to a new owner, the license plate shall be removed from the vehicle and retained by the original plate owner.

2. In the event an owner purchases, trades, exchanges, or otherwise acquires another vehicle of the same license registration classification, the Oklahoma Tax Commission shall authorize the transfer of the current and valid license plate previously obtained by the owner to the replacement vehicle for the remainder of the current registration period. In the event the owner acquires a vehicle requiring payment of additional registration fees, the owner shall request a transfer of the license plate to the newly acquired vehicle and pay the difference in registration fees. The fee shall be calculated on a monthly prorated basis. The owner shall not be entitled to a refund:

- a. when the registration fee for the vehicle to which the plate(s) is to be assigned is less than the registration fee for that vehicle to which the license plate(s) was last assigned, or
- b. if the owner does not have or does not acquire another vehicle to which the license plate may be transferred.

3. In the event the owner of a license plate purchases, trades, exchanges or otherwise acquires a vehicle for which a license plate has been issued during the current registration period, and the license plate has not been removed by the previous owner in accordance with this section, the new owner of the vehicle shall remove and return the license plate to the Tax Commission or a motor license agent. However, if the license plate has expired, the new owner shall not be required to surrender the license plate.

4. If a person purchases a motor vehicle from which the number plates have been removed pursuant to this section, the person may operate the motor vehicle for five (5) days from the date of purchase without number plates if a dated notarized bill of sale is carried in the motor vehicle.

B. 1. The new owner of a motor vehicle shall, within thirty (30) calendar days from the date of vehicle purchase or acquisition, make application to record the registration of the vehicle by the transfer to, or purchase of, a license plate for the newly acquired vehicle with the Tax Commission or motor license agent and shall pay all taxes and fees provided by law.

2. Any person failing to register a motor vehicle by timely transferring the license plate as provided by this section shall pay the penalty levied in Section 1132 of Title 47 of the Oklahoma Statutes.

C. A surviving spouse, desiring to operate a vehicle devolving from a deceased spouse, shall present an application for certificate of title to the Tax Commission or motor license agent in his or her name within thirty (30) days of obtaining ownership. The Tax Commission or motor license agent shall then transfer the license plate to the surviving spouse.

D. The Oklahoma Tax Commission shall be authorized to promulgate such rules as may be required to implement the license plate transfers authorized by this section; including, but not limited to, such rules as may be required for a system under which the license plate is registered to an individual and not a vehicle for all license plates issued on or after July 1, 2019.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1112.3 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in subsection B of this section, at all times while a vehicle is being used or operated on the roads of this state, the operator of the vehicle shall have in his or her possession or carry in the vehicle and exhibit upon demand to any peace officer of the state or duly authorized employee of the Department of Public Safety, either a:

1. Registration certificate or an official copy thereof;
2. True copy of rental or lease documentation issued for a motor vehicle;
3. Registration certificate or an official copy thereof issued for a replacement vehicle in the same registration period;
4. Temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet; or
5. Cab card issued for a vehicle registered under the International Registration Plan.

B. The provisions of subsection A of this section shall not apply to the first thirty (30) days after purchase of a replacement vehicle.

SECTION 4. AMENDATORY 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), is amended to read as follows:

Section 1113. A. 1. Except for all-terrain vehicles, utility vehicles and motorcycles used exclusively off roads and highways, upon the filing of a registration application and the payment of the fees provided for in the Oklahoma Vehicle License and Registration Act, the Oklahoma Tax Commission or Corporation Commission, as applicable, shall assign to the vehicle described in the application a distinctive number, and issue to the owner of the vehicle a certificate of registration, one license plate and a yearly decal. The Oklahoma Tax Commission shall assign an all-terrain vehicle, utility vehicle or motorcycle used exclusively off roads and highways a distinctive number and issue to the owner a certificate of registration and a decal but not a license plate. For each subsequent registration year, the Tax Commission shall issue a yearly decal to be affixed to the license plate, except for an all-terrain vehicle, utility vehicle or motorcycle used exclusively off roads and highways. The initial decal for an all-terrain vehicle, utility vehicle or motorcycle shall be attached to the front of the vehicle and shall be in clear view. The decal shall be on the front or on the front fork of the motorcycle used exclusively off roads and highways and the decal shall be in clear view. The yearly decal shall have an identification number and the last two numbers of the registration year for which it shall expire. Except as provided by Section 1113A of this title, the license plate shall be affixed to the exterior of the vehicle until a replacement license plate is applied for. If the owner applies for a replacement license plate, the Tax Commission shall charge the fee provided for in Section 1114 of this title. The yearly decal will validate the license plate for each registration period other than the year the license plate is issued. The license plate and decal shall be of such size, color, design and numbering as the Tax Commission may direct. However, yearly decals issued to the owner of a vehicle who has filed an affidavit with the appropriate motor license agent in accordance with Section 7-607 of this title shall be a separate and distinct color from all other decals issued under this section. Before the effective date of this act, the Tax Commission shall also issue a monthly decal which shall include a two-letter abbreviation corresponding to the county in which the vehicle is registered. The Tax Commission shall issue all decals in the possession of the Tax Commission on the effective date of this act before issuing any decals which do not contain the county abbreviation.

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

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

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

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

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

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

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

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

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

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

7. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Department of Corrections. Such license plates shall contain the letters "DOC" followed by the Department of

Corrections badge and three numbers or letters or combination of both as designated by the Director of the agency. The words "Department of Corrections" shall also be included on such license plates; and

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

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

D. The certificate of registration provided for in this section shall be in convenient form, and the certificate of registration, or a certified copy or photostatic copy thereof, duly authenticated by the Tax Commission or Corporation Commission, as applicable, shall be carried at all times in or upon ~~commercial~~ all vehicles so registered, in such manner as to permit a ready examination thereof upon demand by any peace officer of the state or duly authorized employee of the Department of Public Safety. Any such officer or agent may seize and hold such ~~commercial~~ vehicle when the operator of the same does not have the registration certificate in the operator's possession or when any such officer or agent determines that the registration certificate has been obtained by misrepresentation of any essential or material fact or when any number or identifying information appearing on such certificate has been changed, altered, obliterated or concealed in any way, until

the proper registration or identification of such vehicle has been made or produced by the owner thereof.

E. The purchaser of a new or used manufactured home shall, within thirty (30) days of the date of purchase, register the home with the Tax Commission or a motor license agent pursuant to the provisions of Section 1117 of this title. For a new manufactured home, it shall be the responsibility of the dealer selling the home to place a temporary license plate on the home in the same manner as provided in Section 1128 of this title for other new motor vehicles. For the first year that any manufactured home is registered in this state, the Tax Commission shall issue a metal license plate which shall be affixed to the manufactured home. The temporary dealer license plate or the metal license plate shall be displayed on the manufactured home at all times when upon a public roadway; provided, a repossession affidavit issued pursuant to Sections 1110 and 1126 of this title shall be permissible in lieu of a current license plate and decal for the purposes of removing a repossessed manufactured home to a secure location. Manufactured homes previously registered and subject to ad valorem taxation as provided by law shall have a decal affixed at the time ad valorem taxes are paid for such manufactured home; provided, for a manufactured home permanently affixed to real estate, no decal or license plate shall be required to be affixed and the owner thereof shall be given a receipt upon payment of ad valorem taxes due on the home. The Tax Commission shall make sufficient plates and decals available to the various motor license agents of the state in order for an owner of a manufactured home to acquire the plate or decal. A one-dollar fee shall be charged for issuance of any plate or decal. The fee shall be apportioned each month to the General Revenue Fund of the State Treasury.

F. The decal shall be easily visible for purposes of verification by a county assessor that the manufactured home is properly assessed for ad valorem taxation. In the first year of registration, a decal shall be issued for placement on the license plate indicating payment of applicable registration fees and excise taxes. A duplicate manufactured home registration decal shall be affixed inside the window nearest the front door of the manufactured home. In the second and all subsequent years for which the manufactured home is subject to ad valorem taxation, an annual decal shall be affixed inside the window nearest the front door as

evidence of payment of ad valorem taxes. The Tax Commission shall issue decals to the various county treasurers of the state in order for a manufactured home owner to obtain such decal each year. Upon presentation of a valid ad valorem tax receipt, the manufactured home owner shall be issued the annual decal.

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

1. The name of the owner of the manufactured home;
2. The serial number or identification number of the manufactured home;
3. A legal description or address of the location for the home;
4. The actual retail selling price of the manufactured home excluding Oklahoma taxes;
5. The certificate of title number for the home; and
6. Any other information which the Tax Commission deems to be necessary.

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

SECTION 5. This act shall become effective July 1, 2019.

Passed the Senate the 13th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2018.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____