

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2695

By: Roan of the House

and

Garrison and Bass of the
Senate

8
9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to Department of Public Safety;
12 providing intent language; authorizing Commissioner
13 of Public Safety to own, train and use canines for
14 certain purposes; providing for construction and
15 repair of kennels; limiting use of kennel facilities;
16 providing guidelines for expenditures; amending 47
17 O.S. 2001, Sections 1102 and 1105, as last amended by
18 Sections 1 and 2 of Enrolled Senate Bill No. 1998 of
19 the 2nd Session of the 51st Oklahoma Legislature,
20 which relate to the Oklahoma Vehicle License and
21 Registration Act; defining term; authorizing the
22 issuance of certificates of title for certain
23 vehicle; providing for registration of medium-speed
24 electric vehicles; providing for the promulgation of
certain rules; providing restrictions for the
operators of medium-speed electric vehicles on
roadways; repealing 47 O.S. 2001, Section 1105, as
last amended by Section 1 of Enrolled Senate Bill No.
1389 of the 2nd Session of the 51st Oklahoma
Legislature, which is a duplicate section that
relates to vehicle registration and certificates of
title; providing for codification; providing an
effective date; and declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 2-122.3 of Title 47, unless
4 there is created a duplication in numbering, reads as follows:

5 A. The Legislature finds and declares that it is in the public
6 interest:

7 1. For the Department of Public Safety to acquire, house and
8 train canines to assist in explosives detection, to seek out and
9 discover controlled dangerous substances, to perform drug
10 interdiction, to perform patrol activities, to perform article
11 searches, to provide officer protection, and to engage in tracking
12 in order to assist in the apprehension and arrest of criminals or
13 those reasonably believed to be criminals or engaged in a criminal
14 activity; and

15 2. To kennel each canine with its full-time trainer-handler,
16 who shall be the primary caregiver of the canine.

17 B. The Commissioner of Public Safety is hereby authorized, and
18 it is hereby deemed to be a public function of the Department of
19 Public Safety:

20 1. To own, train and use canines for the purposes described in
21 subsection A of this section;

22 2. To house each canine of the Department with the particular
23 trainer-handler of the canine; and

24

1 3. To pay from any monies available to the Department for the
2 construction and repair expenses of a kennel for each canine of the
3 Department on the private property of the trainer-handler of the
4 canine.

5 C. Construction and repair expenses of a kennel shall include,
6 but not be limited to, minor improvements to the real property of
7 the trainer-handler, such as a necessary concrete slab for the
8 kennel floor, kennel water line and spigot, kennel fencing, and
9 shelter, all of which may be affixed to the real property of the
10 trainer-handler. Fixtures to real property approved herein may also
11 include a drainage and septic system for sanitary purposes, but only
12 in the case which is the result of numerous canines, such as those
13 used for tracking, kenneled at a particular location.

14 D. Any kennel facilities authorized by this section shall only
15 be used for the kenneling of, caring for, and training of state-
16 owned canines and shall be reasonable in both size and cost.

17 E. Any expenditure made under the provisions of this section
18 shall be overseen and approved by the Commissioner, or his or her
19 designee, prior to being incurred, unless the Commissioner
20 specifically provides an exception; provided, under all
21 circumstances the Commissioner shall retain complete control over
22 the expenditures and shall establish internal procedures and
23 guidelines for the expenditures and the eligibility of anyone to
24 receive such expenditures.

1 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1102, as
2 last amended by Section 1 of Enrolled Senate Bill No. 1998 of the
3 2nd Session of the 51st Oklahoma Legislature, is amended to read as
4 follows:

5 Section 1102. As used in the Oklahoma Vehicle License and
6 Registration Act:

7 1. "All-terrain vehicle" means a vehicle powered by an internal
8 combustion engine manufactured and used exclusively for off-highway
9 use traveling on four or more low-pressure tires, and having a seat
10 designed to be straddled by the operator and handlebars for
11 steering;

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

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

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

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

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

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

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

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

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

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

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

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

22 12. "Interstate commerce" means any commerce moving between any
23 place in a state and any place in another state or between places in
24 the same state through another state;

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

6 14. "Local authorities" means every county, municipality or
7 local board or body having authority to adopt police regulations
8 under the Constitution and laws of this state;

9 15. "Low-speed electrical vehicle" means any four-wheeled
10 electrical vehicle that is powered by an electric motor that draws
11 current from rechargeable storage batteries or other sources of
12 electrical current and whose top speed is greater than twenty (20)
13 miles per hour but not greater than twenty-five (25) miles per hour
14 and is manufactured in compliance with the National Highway Traffic
15 Safety Administration standards for low-speed vehicles in 49 C.F.R.
16 571.500;

17 16. "Manufactured home" means a residential dwelling built in
18 accordance with the National Manufactured Housing Construction and
19 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and
20 rules promulgated pursuant thereto and the rules promulgated by the
21 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section
22 582 of this title;

23 17. "Manufactured home dealer" means any person, firm or
24 corporation engaged in the business of selling any new and unused,

1 or used, or both new and used manufactured homes. Such information
2 and a valid franchise letter as proof of authorization to sell any
3 such new manufactured home product line or lines shall be attached
4 to the application for a dealer license to sell manufactured homes.
5 "Manufactured home dealer" shall not include any person, firm or
6 corporation who sells or contracts for the sale of the dealer's own
7 personally titled manufactured home or homes. No person, firm or
8 corporation shall be considered a manufactured home dealer as to any
9 manufactured home purchased or acquired by such person, firm or
10 corporation for purposes other than resale; provided, that the
11 restriction set forth in this sentence shall not prevent an
12 otherwise qualified person, firm or corporation from utilizing a
13 single manufactured home as a sales office;

14 18. "Medium-speed electric vehicle" means any self-propelled,
15 electrically powered four-wheeled motor vehicle, equipped with a
16 roll cage or crush-proof body design, whose speed attainable in one
17 (1) mile is more than thirty (30) miles per hour but not greater
18 than thirty-five (35) miles per hour;

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

23 ~~19.~~ 20. "New vehicle" or "unused vehicle" means a vehicle which
24 has been in the possession of the manufacturer, distributor or

1 wholesaler or has been sold only by the manufacturer, distributor or
2 wholesaler to a dealer;

3 ~~20.~~ 21. "Nonresident" means any person who is not a resident of
4 this state;

5 ~~21.~~ 22. "Off-road motorcycle" means any motorcycle, as defined
6 in Section 1-135 of this title, when such motorcycle has been
7 manufactured for and used exclusively off roads, highways and any
8 other paved surfaces;

9 ~~22.~~ 23. "Owner" means any person owning, operating or
10 possessing any vehicle herein defined;

11 ~~23.~~ 24. "Person" means any individual, copartner, joint
12 venture, association, corporation, limited liability company,
13 estate, trust, business trust, syndicate, the State of Oklahoma, or
14 any county, city, municipality, school district or other political
15 subdivision thereof, or any group or combination acting as a unit,
16 or any receiver appointed by the state or federal court;

17 ~~24.~~ 25. "Recreational vehicle" means every vehicle which is
18 built on or permanently attached to a self-propelled motor chassis
19 or chassis cab which becomes an integral part of the completed
20 vehicle and is capable of being operated on the highways. In order
21 to qualify as a recreational vehicle pursuant to this paragraph such
22 vehicle shall be permanently constructed and equipped for human
23 habitation, having its own sleeping and kitchen facilities,
24 including permanently affixed cooking facilities, water tanks and

1 holding tank with permanent toilet facilities. Recreational vehicle
2 shall not include manufactured homes or any vehicle with portable
3 sleeping, toilet and kitchen facilities which are designed to be
4 removed from such vehicle;

5 ~~25.~~ 26. "Remanufactured vehicle" means a vehicle which has been
6 assembled by a vehicle remanufacturer using a new body and which may
7 include original, reconditioned, or remanufactured parts, and which
8 is not a salvage, rebuilt, or junked vehicle as defined by
9 paragraphs 1, 2, and 5, respectively, of subsection A of Section
10 1105 of this title;

11 ~~26.~~ 27. "Rental trailer" means all small or utility trailers or
12 semitrailers constructed and suitable for towing by a passenger
13 automobile and designed only for carrying property, when the
14 trailers or semitrailers are owned by, or are in the possession of,
15 any person engaged in renting or leasing such trailers or
16 semitrailers for intrastate or interstate use or combined intrastate
17 and interstate use;

18 ~~27.~~ 28. "Special mobilized machinery" means special purpose
19 machines or devices, either self-propelled or drawn as trailers or
20 semitrailers, which derive no revenue from the transportation of
21 persons or property, whose use of the highway is only incidental,
22 and whose useful revenue producing service is performed at
23 destinations in an area away from the traveled surface of an
24 established open highway;

1 ~~28.~~ 29. "State" means the State of Oklahoma;

2 ~~29.~~ 30. "Station wagon" means any passenger vehicle which does
3 not have a separate luggage compartment or trunk and which does not
4 have open beds, and has one or more rear seats readily lifted out or
5 folded, whether same is called a station wagon or ranch wagon;

6 ~~30.~~ 31. "Travel trailer" means any vehicular portable structure
7 built on a chassis, used as a temporary dwelling for travel,
8 recreational or vacation use, and, when factory-equipped for the
9 road, it shall have a body width not exceeding eight (8) feet and an
10 overall length not exceeding forty (40) feet, including the hitch or
11 coupling;

12 ~~31.~~ 32. "Travel trailer dealer" means any person, firm or
13 corporation engaged in the business of selling any new and unused,
14 or used, or both new and used travel trailers. Such information and
15 a valid franchise letter as proof of authorization to sell any such
16 new travel trailer product line or lines shall be attached to the
17 application for a dealer license to sell travel trailers. "Travel
18 trailer dealer" shall not include any person, firm or corporation
19 who sells or contracts for the sale of his or her own personally
20 titled travel trailer or trailers. No person, firm or corporation
21 shall be considered as a travel trailer dealer as to any travel
22 trailer purchased or acquired by such person, firm or corporation
23 for purposes other than resale;

1 ~~32.~~ 33. "Used motor vehicle dealer" means "used motor vehicle
2 dealer" as defined in Section 581 of this title;

3 ~~33.~~ 34. "Used vehicle" means any vehicle which has been sold,
4 bargained, exchanged or given away, or used to the extent that it
5 has become what is commonly known, and generally recognized, as a
6 "secondhand" vehicle. This shall also include any vehicle other
7 than a remanufactured vehicle, regardless of age, owned by any
8 person who is not a dealer;

9 ~~34.~~ 35. "Utility vehicle" means a vehicle powered by an
10 internal combustion engine, manufactured and used exclusively for
11 off-highway use, equipped with seating for two or more people and a
12 steering wheel, traveling on four or more wheels;

13 ~~35.~~ 36. "Vehicle" means any type of conveyance or device in,
14 upon or by which a person or property is or may be transported from
15 one location to another upon the avenues of public access within the
16 state. "Vehicle" does not include bicycles, trailers except travel
17 trailers and rental trailers, or implements of husbandry as defined
18 in Section 1-125 of this title. All implements of husbandry used as
19 conveyances shall be required to display the owner's driver license
20 number or license plate number of any vehicle owned by the owner of
21 the implement of husbandry on the rear of the implement in numbers
22 not less than two (2) inches in height. The use of the owner's
23 social security number on the rear of the implement of husbandry
24 shall not be required; and

1 ~~36.~~ 37. "Vehicle remanufacturer" means a commercial entity
2 which assembles remanufactured vehicles.

3 SECTION 3. AMENDATORY 47 O.S. 2001, Section 1105, as
4 last amended by Section 2 of Enrolled Senate Bill No. 1998 of the
5 2nd Session of the 51st Oklahoma Legislature, is amended to read as
6 follows:

7 Section 1105. A. As used in the Oklahoma Vehicle License and
8 Registration Act:

9 1. "Salvage vehicle" means any vehicle which is within the last
10 ten (10) model years and which has been damaged by collision or
11 other occurrence to the extent that the cost of repairing the
12 vehicle for safe operation on the highway exceeds sixty percent
13 (60%) of its fair market value, as defined by Section 1111 of this
14 title, immediately prior to the damage. For purposes of this
15 section, actual repair costs shall only include labor and parts for
16 actual damage to the suspension, motor, transmission, frame or
17 unibody and designated structural components;

18 2. "Rebuilt vehicle" means any salvage vehicle which has been
19 rebuilt and inspected for the purpose of registration and title;

20 3. "Flood-damaged vehicle" means a salvage or rebuilt vehicle
21 which was damaged by flooding or a vehicle which was submerged at a
22 level to or above the dashboard of the vehicle and on which an
23 amount of loss was paid by the insurer;

1 4. "Unrecovered-theft vehicle" means a vehicle which has been
2 stolen and not yet recovered;

3 5. "Recovered-theft vehicle" means a vehicle, including a
4 salvage or rebuilt vehicle, which was recovered from a theft; and

5 6. "Junked vehicle" means any vehicle which is incapable of
6 operation or use on the highway, has no resale value except as a
7 source of parts or scrap and has an eighty percent (80%) loss in
8 fair market value.

9 B. The owner of every vehicle in this state shall possess a
10 certificate of title as proof of ownership of such vehicle, except
11 those vehicles registered pursuant to Section 1120 of this title and
12 trailers registered pursuant to Section 1133 of this title,
13 previously titled by anyone in another state and engaged in
14 interstate commerce, and except as provided in subsection M of this
15 section. Except for owners that possess an agricultural exemption
16 permit pursuant to Section 1358.1 of Title 68 of the Oklahoma
17 Statutes, the owner of an all-terrain vehicle or a motorcycle used
18 exclusively off roads or highways in this state which is purchased
19 or the ownership of which is transferred on or after July 1, 2005,
20 and the owner of a utility vehicle used exclusively off roads and
21 highways in this state which is purchased or the ownership of which
22 is transferred on or after July 1, 2008, shall possess a certificate
23 of title as proof of ownership. Any person possessing an
24 agricultural exemption permit and owning an all-terrain vehicle or a

1 motorcycle used exclusively off roads or highways in this state
2 which is purchased or the ownership of which is transferred on or
3 after July 1, 2008, shall possess a certificate of title as proof of
4 ownership. Upon receipt of proper application information by such
5 owner, the Oklahoma Tax Commission shall issue an original or
6 transfer certificate of title. Until July 1, 2008, any security
7 interest in an all-terrain vehicle that attached and was perfected
8 before July 1, 2005, and that has not otherwise terminated shall
9 remain perfected, and shall take priority over any subsequently
10 perfected security interest in the same all-terrain vehicle,
11 notwithstanding that a certificate of title may have been issued
12 with respect to the same all-terrain vehicle on or after July 1,
13 2005, and that a lien may have been recorded on said certificate of
14 title. There shall be seven types of certificates of title:

15 1. Original title for any motor vehicle which is not a
16 remanufactured, salvage, unrecovered-theft, rebuilt or junked
17 vehicle;

18 2. Salvage title for any motor vehicle which is a salvage
19 vehicle or is specified as a salvage vehicle or the equivalent
20 thereof on a certificate of title from another state;

21 3. Rebuilt title for any motor vehicle which is a rebuilt
22 vehicle;

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1 4. Junked title for any motor vehicle which is a junked vehicle
2 or is specified as a junked vehicle or the equivalent thereof on a
3 certificate of title from another state;

4 5. Classic title for any motor vehicle, except a junked
5 vehicle, which is twenty-five (25) model years or older;

6 6. Remanufactured title for any vehicle which is a
7 remanufactured vehicle; and

8 7. Unrecovered-theft title for any motor vehicle which has been
9 stolen and not recovered.

10 Application for a certificate of title, whether the initial
11 certificate of title or a duplicate, may be made to the Tax
12 Commission or any motor license agent. When application is made
13 with a motor license agent, the application information shall be
14 transmitted either electronically or by mail to the Tax Commission
15 by the motor license agent. If the application information is
16 transmitted electronically, the motor license agent shall forward
17 the required application along with evidence of ownership, where
18 required, by mail. Where the transmission of application
19 information cannot be performed electronically, the Tax Commission
20 is authorized to provide postage paid envelopes to motor license
21 agents for the purpose of mailing the application along with
22 evidence of ownership, where required. The Tax Commission shall
23 upon receipt of proper application information issue an Oklahoma
24 certificate of title. The certificates may be mailed to the

1 applicant. Upon issuance of a certificate of title, the Tax
2 Commission shall provide the appropriate motor license agent with
3 confirmation of such issuance.

4 C. 1. The application for certificate of title shall be upon a
5 blank form furnished by the Tax Commission, containing:

- 6 a. a full description of the vehicle,
- 7 b. the manufacturer's serial or other identification
8 number,
- 9 c. the motor number and the date on which first sold by
10 the manufacturer or dealer to the owner,
- 11 d. any distinguishing marks,
- 12 e. a statement of the applicant's source of title,
- 13 f. any security interest upon the vehicle, and
- 14 g. such other information as the Tax Commission may
15 require.

16 2. The application for a certificate of title for a vehicle
17 which is within the last seven (7) model years shall require a
18 declaration as to whether the vehicle has been damaged by collision
19 or other occurrence and whether the vehicle has been recovered from
20 theft and the extent of the damage to the vehicle. The declaration
21 shall be made by the owner of a vehicle if:

- 22 a. the vehicle has been damaged or stolen,
- 23 b. the owner did or did not receive any payment for the
24 loss from an insurer, or

1 c. the vehicle is titled or registered in a state that
2 does not classify the vehicle or brand the title
3 because of damage to or loss of the vehicle similar to
4 the classifications or brands utilized by this state.

5 The declaration shall be based upon the best information and
6 knowledge of the owner and shall be in addition to the requirements
7 specified in paragraph 1 of this subsection. The Tax Commission
8 shall not issue a certificate of title for a vehicle which is
9 subject to the provisions of this paragraph without the required
10 declaration, completed and signed by the owner of the vehicle. Upon
11 receipt of an application without the properly completed
12 declaration, the Tax Commission shall return the application to the
13 applicant with notice that the title may not be issued without the
14 required declaration. Nothing in this paragraph shall prohibit the
15 Tax Commission from recognizing the type of or brand on a title or
16 other ownership document issued by another state or the inspection
17 conducted in another state and issuing the appropriate certificate
18 of title for the vehicle.

19 3. The certificate of title shall have the following security
20 features:

- 21 a. intaglio printing or security thread, with or without
22 watermark,
- 23 b. latent images,
- 24 c. fluorescent inks,

- d. micro print,
- e. void background, and
- f. color coding.

4 4. Each title issued pursuant to the provisions of the Oklahoma
5 Vehicle License and Registration Act shall be color coded as
6 determined by the Tax Commission.

7 5. The certificate of title shall be of such size and design
8 and color as the Tax Commission may direct pursuant to the
9 provisions of this section. The title shall be on colored paper or
10 other material as designated by the Tax Commission and be of such
11 intensity or hue as will allow easy identification as to whether the
12 title is an original title, a salvage title, a rebuilt title,
13 remanufactured title, or a junked title. The type of title shall be
14 identified on the front of the certificate of title. The original
15 title, rebuilt title, remanufactured title, an unrecovered-theft
16 title or classic title shall be identified by the word "Original",
17 "Rebuilt", "Remanufactured", "Unrecovered Theft" or "Classic"
18 printed in the upper right quadrant of the certificate of title, in
19 the space which is currently captioned "type of title".

20 D. 1. To obtain an original certificate of title for a vehicle
21 that is being registered for the first time in this state which has
22 not been previously registered in any other state, the applicant
23 shall be required to deliver, as evidence of ownership, a
24 manufacturer's certificate of origin properly assigned by the

1 manufacturer, distributor, or dealer licensed in this or any other
2 state shown thereon to be the last transferee to the applicant upon
3 a form to be prescribed and approved by the Tax Commission. A
4 manufacturer's certificate of origin shall contain:

- 5 a. the manufacturer's serial or other identification
6 number,
- 7 b. date on which first sold by the manufacturer to the
8 dealer,
- 9 c. any distinguishing marks including model and the year
10 same was made,
- 11 d. a statement of any security interests upon the
12 vehicle, and
- 13 e. such other information as the Tax Commission may
14 require.

15 2. The manufacturer's certificate of origin shall have the
16 following security features:

- 17 a. intaglio printing or security thread, with or without
18 watermark,
- 19 b. latent images,
- 20 c. fluorescent inks,
- 21 d. micro print, and
- 22 e. void background.

23 E. In the absence of a dealer's or manufacturer's number, the
24 Tax Commission may assign such identifying number to the vehicle,

1 which shall be permanently stamped, burned or pressed or attached
2 into the vehicle, and a certificate of title shall be delivered to
3 the applicant upon payment of all fees and taxes, and the remaining
4 copies shall be permanently filed and indexed by the Tax Commission.
5 The Tax Commission shall assign an identifying number to any rebuilt
6 vehicle if the vehicle identification number displayed on the
7 rebuilt vehicle does not accurately describe the vehicle as rebuilt.
8 The motor license agent, at the time of inspection of the rebuilt
9 vehicle pursuant to Section 1111 of this title, shall identify the
10 make, model, and year for the body to accurately describe the
11 rebuilt vehicle. At the time of the inspection, an appropriate
12 identifying number shall be permanently stamped, burned, pressed, or
13 attached on the rebuilt vehicle. The assigned identifying number
14 shall be recorded on the certificate of title for the rebuilt
15 vehicle. The dealer's or manufacturer's vehicle identification
16 number on the rebuilt vehicle shall be preserved in the computer
17 files of the Tax Commission for at least five (5) years.

18 F. When registering for the first time in this state a vehicle
19 which was not originally manufactured for sale in the United States,
20 to obtain a certificate of title, the Tax Commission shall require
21 the applicant to deliver:

22 1. As evidence of ownership, if the vehicle has not previously
23 been titled in the United States, the documents constituting valid
24 proof of ownership in the country in which the vehicle was

1 originally purchased, together with a notarized translation of any
2 such documents; and

3 2. As evidence of compliance with federal law, copies of the
4 bond release letters for the vehicle issued by the United States
5 Environmental Protection Agency and the United States Department of
6 Transportation, together with a receipt issued by the Internal
7 Revenue Service indicating that the applicable federal gas guzzler
8 tax has been paid.

9 The Tax Commission shall not issue a certificate of title for a
10 vehicle which is subject to the provisions of this paragraph without
11 the required documentation from agencies of the United States and
12 evidence of ownership. Upon receipt of an application without the
13 required documentation, the Tax Commission shall return the
14 application to the applicant with notice that the certificate of
15 title may not be issued without the required documentation. Nothing
16 in this paragraph shall prohibit the Tax Commission from issuing
17 certificates of title for antique or classic vehicles not driven
18 upon the public streets, roads, or highways, ~~or~~ for mini-trucks
19 registered pursuant to Section 3 of ~~this act~~ Enrolled Senate Bill
20 No. 1998 of the 2nd Session of the 51st Oklahoma Legislature, or for
21 medium-speed electric vehicles.

22 G. When registering in this state a vehicle which was titled in
23 another state and which title contains the name of a secured party
24 on the face of the other state certificate of title, or such state

1 certificate is being held by the secured party in that state or any
2 other state, the Tax Commission or the motor license agent shall
3 complete a lien entry form as prescribed by the Tax Commission. The
4 owner of such vehicle shall file an affidavit with the Tax
5 Commission or the motor license agent stating that title to the
6 vehicle is being held by a secured party has not been issued
7 pursuant to the laws of the state where titled, and that there is an
8 existing lien or encumbrance on the vehicle. The current name and
9 address of the secured party or lienholder shall also be stated in
10 the affidavit. The form of the affidavit shall be prescribed by the
11 Tax Commission and contain any other information deemed necessary by
12 the Tax Commission. A statement of the lien or encumbrance shall be
13 included on the Oklahoma certificate of title and the lien or
14 encumbrance shall be deemed continuously perfected as though it had
15 been perfected pursuant to Section 1110 of this title. For
16 completing the lien entry form and recording the security interest
17 on the certificate of title, the Tax Commission or the motor license
18 agent shall collect a fee of Three Dollars (\$3.00) which shall be in
19 addition to other fees provided by the Oklahoma Vehicle License and
20 Registration Act. The fee, if collected by the motor license agent
21 pursuant to this subsection, shall be retained by the motor license
22 agent.

23 H. The charge for each certificate of title issued, except for
24 junked titles as defined in paragraph 4 of subsection B of this

1 section, shall be Eleven Dollars (\$11.00), which charge shall be in
2 addition to any other fees or taxes imposed by law for such vehicle.
3 One Dollar (\$1.00) of each such charge shall be deposited in the
4 Oklahoma Tax Commission Reimbursement Fund. However, the charge
5 shall not apply to any vehicle which is to be registered in this
6 state pursuant to the provisions of Section 1120 or 1133 of this
7 title and which was registered in another state at least sixty (60)
8 days prior to the time it is required to be registered in this
9 state.

10 I. The vehicle identification number of a junked vehicle shall
11 be preserved in the computer files of the Tax Commission for a
12 period of not less than five (5) years. The charge of junked titles
13 as defined in paragraph 4 of subsection B of this section shall be
14 Four Dollars (\$4.00). The fee remitted to the Tax Commission shall
15 be deposited in the Oklahoma Tax Commission Reimbursement Fund.

16 J. If a vehicle is sold to a resident of another state
17 destroyed, dismantled, or ceases to be used as a vehicle, the owner
18 shall immediately notify the Tax Commission. Absent evidence to the
19 contrary, failure to notify the Tax Commission shall be prima facie
20 evidence that the vehicle has been in continuous operation in this
21 state.

22 K. If a vehicle is stolen, the owner shall immediately notify
23 the appropriate law enforcement agency. Immediately after receiving
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1 such notification, the law enforcement agency shall notify the Tax
2 Commission.

3 L. Except for all-terrain vehicles, utility vehicles and
4 motorcycles used exclusively for off-road use, no title for an out-
5 of-state vehicle, except any commercial truck or truck-tractor
6 registered pursuant to Section 1120 of this title which is engaged
7 in interstate commerce or any trailer or semitrailer registered
8 pursuant to Section 1133 of this title which is engaged in
9 interstate commerce, shall be issued without an inspection of such
10 vehicle and payment of a fee of Four Dollars (\$4.00) for such
11 inspection; provided, the Tax Commission may enter into reciprocal
12 agreements with other states for such inspections to be performed at
13 locations outside the boundaries of this state for vehicles which:

- 14 1. Are offered for sale at auction;
- 15 2. Have been solely used as vehicles for rent under the
16 ownership of a licensed motor vehicle dealer or a person engaged in
17 the business of renting motor vehicles; or
- 18 3. Have not been registered in this or any other state for more
19 than one (1) year.

20 The inspection shall include a comparison of the vehicle
21 identification number on the vehicle with the number recorded on the
22 ownership records and the recording of the actual odometer reading
23 on the vehicle. The four-dollar fee shall be collected by the motor
24 license agent or Tax Commission when the title is issued. The motor

1 license agent shall retain Two Dollars (\$2.00). The remaining Two
2 Dollars (\$2.00) shall be deposited in the Oklahoma Tax Commission
3 Reimbursement Fund.

4 The Tax Commission may allow the inspection to be performed at a
5 location out-of-state by another state's department of motor
6 vehicles or state police.

7 M. No title for any out-of-state vehicle offered for sale at
8 salvage pools, salvage disposal sales, or an auction, or by a dealer
9 or a licensed automotive dismantler and parts recycler, shall be
10 issued without an inspection to compare the vehicle identification
11 number on the vehicle with the number recorded on the ownership
12 record and to record the actual odometer reading on the vehicle.
13 Upon request of the seller, person or entity conducting an auction,
14 dealer or licensed dismantler, the inspection shall be conducted at
15 the location or place of business of the sale, auction, dealer, or
16 the dismantler. The inspection shall be conducted by any motor
17 license agent or a duly authorized employee thereof; provided, if
18 the vehicle identification number on the vehicle offered for sale at
19 salvage pools, salvage disposal sales or a classic or antique
20 auction does not match the number recorded on the ownership record,
21 the inspection may be conducted at the location of or place of
22 business of such sale or auction by any state, county or city law
23 enforcement officer. The Tax Commission may enter into reciprocal
24

1 agreements with other states for such inspections to be performed at
2 locations outside the boundaries of this state for vehicles which:

3 1. Are offered for sale at auction;

4 2. Have been solely used as vehicles for rent under the
5 ownership of a licensed motor vehicle dealer or a person engaged in
6 the business of renting motor vehicles; or

7 3. Have not been registered in this or any other state for more
8 than one (1) year.

9 The inspection shall be certified upon forms prescribed by the Tax
10 Commission. The name and other identification of the authorized
11 person conducting the inspection shall be legibly printed or typed
12 on the form. Prior to any inspection by any employee of a motor
13 license agent, the motor license agent shall notify the Tax
14 Commission of the name and any other identification information
15 requested by the Tax Commission of the authorized person. A
16 signature specimen of the authorized person shall be submitted to
17 the Tax Commission by the employing motor license agent. If the
18 authorization to inspect vehicles is withdrawn or the employer-
19 employee relationship is terminated, the motor license agent,
20 immediately, shall notify the Tax Commission and return any
21 remaining inspection forms to the Tax Commission. The fee for the
22 inspection shall be Four Dollars (\$4.00). The motor license agent
23 shall retain Three Dollars (\$3.00) of the fee. Fees received by a
24 motor license agent or an authorized employee thereof shall be

1 handled and accounted for in the manner as prescribed by law for any
2 other fees paid to or received by a motor license agent. Out-of-
3 state vehicles brought into this state by a person licensed in
4 another state to sell new or used vehicles to be sold within this
5 state at a motor vehicle auction which is limited to dealer-to-
6 dealer transactions shall not be required to be inspected, unless
7 the vehicle is purchased by an Oklahoma dealer. Any person licensed
8 in another state to sell new or used motor vehicles, who offers a
9 motor vehicle for sale within this state at a motor vehicle auction
10 which is limited to dealer-to-dealer transactions, shall not be
11 within the definition of "owner" in Section 1102 of this title, for
12 purposes of Section 1101 et seq. of this title.

13 N. A licensed motor vehicle dealer, upon payment of a fee of
14 Fifteen Dollars (\$15.00), may reassign an out-of-state certificate
15 of title to a used motor vehicle provided such dealer obtains the
16 appropriate inspection form required by either subsection L or M of
17 this section and attaches the form to the out-of-state certificate
18 of title. Motor license agents shall be allowed to retain Two
19 Dollars and twenty-five cents (\$2.25) of the fee plus an additional
20 Two Dollars (\$2.00) or Three Dollars (\$3.00) as provided in
21 subsections L and M of this section for performance of the
22 inspection. Two Dollars (\$2.00) of the fee shall be deposited in
23 the Tax Commission Reimbursement Fund. An out-of-state vehicle
24 which has been rebuilt shall be inspected pursuant to the provisions

1 of Section 1111 of this title. The Tax Commission shall train motor
2 license agents in interpreting vehicle identification numbers to
3 assure that it accurately describes the vehicle and to detect
4 rollback or alteration of the odometer. Failure of a motor license
5 agent to inspect the vehicle and make the required notations shall
6 be a misdemeanor punishable by a fine of not more than One Thousand
7 Dollars (\$1,000.00) for the first offense and Five Thousand Dollars
8 (\$5,000.00) for the second offense or subsequent offense, or by
9 imprisonment in the county jail for not more than six (6) months, or
10 by both such fine and imprisonment.

11 O. The ownership of any unrecovered vehicle which has been
12 declared a total loss by an insurer because of theft shall be
13 transferred to the insurer by an unrecovered-theft vehicle title;
14 provided, the ownership of any such vehicle which has been declared
15 a total loss by an insurer licensed by the Insurance Department of
16 the State of Oklahoma and maintaining a multi-state motor vehicle
17 salvage processing center in this state shall be transferred to the
18 insurer by a salvage or an unrecovered-theft title without the
19 requirement of a visual inspection of the vehicle identification
20 number by the insurer. Upon recovery of the vehicle, the ownership
21 shall be transferred by an original title, salvage title, or junked
22 title, as may be appropriate based upon an estimate of the amount of
23 loss submitted by the insurer.

24

1 P. The owner of any vehicle which is incapable of operation or
2 use on the public roads and has no resale value, except as parts,
3 scrap or junk, may deliver the certificate of title to the vehicle
4 to the Tax Commission for cancellation. Upon verification that any
5 perfected lien against the vehicle has been released, the
6 certificate of title shall be canceled without any fee, charge, or
7 cost required from the owner. The vehicle identification numbers on
8 the certificates of title shall be preserved in the computer files
9 of the Tax Commission for at least five (5) years from the date of
10 cancellation of the certificate of title. The Tax Commission shall
11 prescribe and provide an affidavit form to be completed by the owner
12 of any vehicle for which the certificate of title is canceled. No
13 title or registration shall subsequently be issued for a vehicle for
14 which the certificate of title has been surrendered pursuant to this
15 subsection. The Tax Commission shall prescribe a form for the
16 transfer of ownership of a vehicle for which the certificate of
17 title has been canceled.

18 Q. The owner of a vehicle which is not within the last ten (10)
19 model years, not roadworthy and not capable of repair for operation
20 or use on the roads and highways shall transfer the vehicle only
21 upon a certificate of ownership prescribed by the Tax Commission, if
22 the certificate of title to the vehicle is lost, has been canceled,
23 or otherwise not available. The prescribed ownership form shall
24 include the names and addresses of the buyer and seller, the driver

1 license number or social security number of the seller, the make and
2 model of the vehicle, and the public vehicle identification number.
3 If there is no public vehicle identification number, the vehicle
4 shall be inspected by a law enforcement officer to verify the
5 absence of the number on the vehicle and the prescribed ownership
6 form shall include a signed statement, by such officer, verifying
7 the absence of the number.

8 The certificate of ownership shall be completed in triplicate.
9 The buyer and seller shall each retain a copy. Within thirty (30)
10 days of the transaction, the seller shall submit one copy to the Tax
11 Commission or a motor license agent accompanied with a fee of Four
12 Dollars (\$4.00). One Dollar (\$1.00) shall be retained by the motor
13 license agent and Three Dollars (\$3.00) shall be deposited in the
14 Oklahoma Tax Commission Reimbursement Fund in the State Treasury.

15 Upon receipt of the certificate, the Tax Commission shall verify
16 that any perfected lien upon the vehicle has been released. If the
17 lien is not released, the Tax Commission shall mail notice of the
18 transfer to the lienholder at the lienholder's last-known address.
19 If a certificate of title has been issued, it shall be canceled and
20 the vehicle identification number shall be preserved in the computer
21 of the Tax Commission for at least five (5) years. The buyer of the
22 vehicle may not be sued and shall not be liable for monetary damages
23 to the lienholder, however, the vehicle shall be subject to a valid
24 repossession by a lienholder.

1 R. The Tax Commission shall notify the chief administrative
2 officer of the agency or department responsible for issuing motor
3 vehicle certificates of title in each state in the United States of
4 the types of motor vehicle certificate of title effective in
5 Oklahoma on and after January 1, 1989.

6 S. When registering for the first time in this state a
7 remanufactured vehicle which has not been registered in any other
8 state since its remanufacture, before issuing a certificate of
9 title, the Tax Commission shall require the applicant to deliver a
10 statement of origin from the remanufacturer.

11 T. If a vehicle is sold to a foreign buyer pursuant to the
12 provisions of the Automotive Dismantlers and Parts Recycler Act, the
13 licensed seller shall stamp the title with: "EXPORT ONLY.
14 NONTRANSFERABLE IN THE UNITED STATES." The licensed seller shall
15 supply the Tax Commission the title number, the vehicle
16 identification number and the foreign buyer's bid identification
17 number on a form prescribed by the Tax Commission. The Tax
18 Commission shall cancel the title, and the vehicle identification
19 number shall be preserved in the computer files of the Tax
20 Commission for a period of not less than five (5) years.

21 U. The Tax Commission shall not be considered a necessary party
22 to any lawsuit which is instigated for the purpose of determining
23 ownership of a vehicle, wherein the Tax Commission's only
24 involvement would be to issue title, and the court shall issue an

1 order dismissing the Tax Commission from the pending action. In the
2 event no other party or lienholder can be identified as to ownership
3 or claim, the Tax Commission shall accept an affidavit of ownership
4 from the party claiming ownership and issue proper title thereon.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1151.4 of Title 47, unless there
7 is created a duplication in numbering, reads as follows:

8 A. Medium-speed electric vehicles shall be registered pursuant
9 to the provisions of the Oklahoma Vehicle License and Registration
10 Act. The Oklahoma Tax Commission shall promulgate rules for the
11 titling and registration of medium-speed electric vehicles.

12 B. Medium-speed electric vehicles which have been titled and
13 registered pursuant to the provisions of the Oklahoma Vehicle
14 License and Registration Act may be operated on the roadways of this
15 state with a posted speed limit of forty-five (45) miles per hour or
16 less; provided, however, medium-speed electric vehicles shall not be
17 permitted to travel upon any highway in this state which is a part
18 of the National System of Interstate and Defense Highways and which
19 otherwise meets or exceeds the National Highway Traffic Safety
20 Administration regulations set forth in 49 C.F.R. 571.500.

21 Operators of medium-speed electric vehicles shall comply with all
22 traffic regulations and rules of conduct for the operation of motor
23 vehicles on the roadways of this state provided by law.

24

1 SECTION 5. REPEALER 47 O.S. 2001, Section 1105, as last
2 amended by Section 1 of Enrolled Senate Bill No. 1389 of the 2nd
3 Session of the 51st Oklahoma Legislature, is hereby repealed.

4 SECTION 6. Sections 2 through 5 of this act shall become
5 effective November 1, 2008.

6 SECTION 7. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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