

THE HOUSE OF REPRESENTATIVES  
Monday, February 26, 2007

House Bill No. 1606

HOUSE BILL NO. 1606 - By: SHANNON AND ROAN of the House and COATES of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 1102, as last amended by Section 2, Chapter 295, O.S.L. 2006 (47 O.S. Supp. 2006, Section 1102), which relates to definitions used in the Oklahoma Vehicle License and Registration Act; modifying certain definition; and providing an effective date.

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

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1102, as last amended by  
2 Section 2, Chapter 295, O.S.L. 2006 (47 O.S. Supp. 2006, Section 1102), is amended to  
3 read as follows:

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

5 1. "All-terrain vehicle" means a motorized vehicle manufactured and used  
6 exclusively for off-highway use which is ~~sixty (60)~~ forty-eight (48) inches or less in width,  
7 with an unladen dry weight of ~~one thousand five hundred (1,500)~~ eight hundred (800)  
8 pounds or less, traveling on two or more low-pressure tires, and having a seat designed to  
9 be straddled by the operator and handlebars for steering;

10 2. "Carrying capacity" means the carrying capacity of a vehicle as determined or  
11 declared in tons of cargo or payload by the owner; provided, that such declared capacity

1 shall not be less than the minimum tonnage capacity fixed, listed or advertised by the  
2 manufacturer of any vehicle;

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

5 4. "Chips and oil" or the term "road oil and crushed rock" means, with respect to  
6 materials authorized for use in the surfacing of roads or highways in this title or in any  
7 equivalent statute pertaining to road or highway surfacing in the State of Oklahoma, any  
8 asphaltic materials. Wherever chips and oil or road oil and crushed rock are authorized  
9 for use in the surfacing of roads or highways in this state, whether by the Department of  
10 Transportation, or by the county commissioners, or other road building authority subject  
11 to the Oklahoma Vehicle License and Registration Act, asphaltic materials are also  
12 authorized for use in such surfacing and construction;

13 5. "Combined laden weight" means the weight of a truck or station wagon and its  
14 cargo or payload transported thereon, or the weight of a truck or truck-tractor plus the  
15 weight of any trailers or semitrailers together with the cargo or payload transported  
16 thereon;

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

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

1           8. “Commercial vehicle” means any vehicle over eight thousand (8,000) pounds  
2 combined laden weight used primarily for business or commercial purposes. Each motor  
3 vehicle being registered pursuant to the provisions of this section shall have the name of  
4 the commercial establishment or the words “Commercial Vehicle” permanently and  
5 prominently displayed upon the outside of the vehicle in letters not less than two (2)  
6 inches high. Such letters shall be in sharp contrast to the background and shall be of  
7 sufficient shape and color as to be readily legible during daylight hours, from a distance  
8 of fifty (50) feet while the vehicle is not in motion;

9           9. “Commission” or “Tax Commission” means the Oklahoma Tax Commission;

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

14          11. “Interstate commerce” means any commerce moving between any place in a  
15 state and any place in another state or between places in the same state through another  
16 state;

17          12. “Laden weight” means the combined weight of a vehicle when fully equipped for  
18 use and the cargo or payload transported thereon; provided that in no event shall the  
19 laden weight be less than the unladen weight of the vehicle fully equipped for use, plus  
20 the manufacturer’s rated carrying capacity;

1           13. “Local authorities” means every county, municipality or local board or body  
2 having authority to adopt police regulations under the Constitution and laws of this  
3 state;

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

10           15. “Manufactured home” means a residential dwelling built in accordance with the  
11 National Manufactured Housing Construction and Safety Standards Act of 1974, 42  
12 U.S.C., Section 5401 et seq., and rules promulgated pursuant thereto and the rules  
13 promulgated by the Oklahoma Used Motor Vehicle and Parts Commission pursuant to  
14 Section 582 of this title;

15           16. “Manufactured home dealer” means any person, firm or corporation engaged in  
16 the business of selling any new and unused, or used, or both new and used manufactured  
17 homes. Such information and a valid franchise letter as proof of authorization to sell any  
18 such new manufactured home product line or lines shall be attached to said application  
19 for a dealer license to sell manufactured homes. “Manufactured home dealer” shall not  
20 include any person, firm or corporation who sells or contracts for the sale of the dealer’s  
21 own personally titled manufactured home or homes. No person, firm or corporation shall  
22 be considered a manufactured home dealer as to any manufactured home purchased or

1 acquired by such person, firm or corporation for purposes other than resale; provided,  
2 that the restriction set forth in this sentence shall not prevent an otherwise qualified  
3 person, firm or corporation from utilizing a single manufactured home as a sales office;

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

7 18. "New vehicle" or "unused vehicle" means a vehicle which has been in the  
8 possession of the manufacturer, distributor or wholesaler or has been sold only by the  
9 manufacturer, distributor or wholesaler to a dealer;

10 19. "Nonresident" means any person who is not a resident of this state;

11 20. "Off-road motorcycle" means any motorcycle, as defined in Section 1-135 of this  
12 title, when such motorcycle has been manufactured for and used exclusively off roads,  
13 highways and any other paved surfaces;

14 21. "Owner" means any person owning, operating or possessing any vehicle herein  
15 defined;

16 22. "Person" means any individual, copartner, joint venture, association,  
17 corporation, limited liability company, estate, trust, business trust, syndicate, the State  
18 of Oklahoma, or any county, city, municipality, school district or other political  
19 subdivision thereof, or any group or combination acting as a unit, or any receiver  
20 appointed by the state or federal court;

21 23. "Recreational vehicle" means every vehicle which is built on or permanently  
22 attached to a self-propelled motor chassis or chassis cab which becomes an integral part

1 of the completed vehicle and is capable of being operated on the highways. In order to  
2 qualify as a recreational vehicle pursuant to this paragraph such vehicle shall be  
3 permanently constructed and equipped for human habitation, having its own sleeping  
4 and kitchen facilities, including permanently affixed cooking facilities, water tanks and  
5 holding tank with permanent toilet facilities. Recreational vehicle shall not include  
6 manufactured homes or any vehicle with portable sleeping, toilet and kitchen facilities  
7 which are designed to be removed from such vehicle;

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

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

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

22 27. "State" means the State of Oklahoma;

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

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

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

18           31. “Used motor vehicle dealer” means “used motor vehicle dealer” as defined in  
19 Section 581 of this title;

20           32. “Used vehicle” means any vehicle which has been sold, bargained, exchanged or  
21 given away, or used to the extent that it has become what is commonly known, and  
22 generally recognized, as a “secondhand” vehicle. This shall also include any vehicle other

1 than a remanufactured vehicle, regardless of age, owned by any person who is not a  
2 dealer;

3 33. "Vehicle" means any type of conveyance or device in, upon or by which a person  
4 or property is or may be transported from one location to another upon the avenues of  
5 public access within the state. "Vehicle" does not include bicycles, trailers except travel  
6 trailers and rental trailers, or implements of husbandry as defined in Section 1-125 of  
7 this title. All implements of husbandry used as conveyances shall be required to display  
8 the owner's driver's license number or license plate number of any vehicle owned by the  
9 owner of the implement of husbandry on the rear of the implement in numbers not less  
10 than two (2) inches in height. The use of the owner's social security number on the rear  
11 of the implement of husbandry shall not be required; and

12 34. "Vehicle remanufacturer" means a commercial entity which assembles  
13 remanufactured vehicles.

14 SECTION 2. This act shall become effective November 1, 2007.

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,  
16 dated 02-22-07 - DO PASS, As Coauthored.