

1 use traveling on four or more low-pressure tires, and having a seat
2 designed to be straddled by the operator and handlebars for
3 steering;

4 2. "Carrying capacity" means the carrying capacity of a vehicle
5 as determined or declared in tons of cargo or payload by the owner;
6 provided, that such declared capacity shall not be less than the
7 minimum tonnage capacity fixed, listed or advertised by the
8 manufacturer of any vehicle;

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

12 4. "Chips and oil" or the term "road oil and crushed rock"
13 means, with respect to materials authorized for use in the surfacing
14 of roads or highways in this title or in any equivalent statute
15 pertaining to road or highway surfacing in the State of Oklahoma,
16 any asphaltic materials. Wherever chips and oil or road oil and
17 crushed rock are authorized for use in the surfacing of roads or
18 highways in this state, whether by the Department of Transportation,
19 or by the county commissioners, or other road building authority
20 subject to the Oklahoma Vehicle License and Registration Act,
21 asphaltic materials are also authorized for use in such surfacing
22 and construction;

23 5. "Combined laden weight" means the weight of a truck or
24 station wagon and its cargo or payload transported thereon, or the

1 weight of a truck or truck-tractor plus the weight of any trailers
2 or semitrailers together with the cargo or payload transported
3 thereon;

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

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

11 8. "Commercial vehicle" means any vehicle over eight thousand
12 (8,000) pounds combined laden weight used primarily for business or
13 commercial purposes. Each motor vehicle being registered pursuant
14 to the provisions of this section shall have the name of the
15 commercial establishment or the words "Commercial Vehicle"
16 permanently and prominently displayed upon the outside of the
17 vehicle in letters not less than two (2) inches high. Such letters
18 shall be in sharp contrast to the background and shall be of
19 sufficient shape and color as to be readily legible during daylight
20 hours, from a distance of fifty (50) feet while the vehicle is not
21 in motion;

22 9. "Commission" or "Tax Commission" means the Oklahoma Tax
23 Commission;

24

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

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

15 12. "Interstate commerce" means any commerce moving between any
16 place in a state and any place in another state or between places in
17 the same state through another state;

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

23
24

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

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

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

18 17. "Manufactured home dealer" means any person, firm or
19 corporation engaged in the business of selling any new and unused,
20 or used, or both new and used manufactured homes. Such information
21 and a valid franchise letter as proof of authorization to sell any
22 such new manufactured home product line or lines shall be attached
23 to the application for a dealer license to sell manufactured homes.
24 "Manufactured home dealer" shall not include any person, firm or

1 corporation who sells or contracts for the sale of the dealer's own
2 personally titled manufactured home or homes. No person, firm or
3 corporation shall be considered a manufactured home dealer as to any
4 manufactured home purchased or acquired by such person, firm or
5 corporation for purposes other than resale; provided, that the
6 restriction set forth in this sentence shall not prevent an
7 otherwise qualified person, firm or corporation from utilizing a
8 single manufactured home as a sales office;

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

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

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

22 21. "Nonresident" means any person who is not a resident of
23 this state;

24

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

5 23. "Owner" means any person owning, operating or possessing
6 any vehicle herein defined;

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

13 25. "Powersports vehicle" means motorcycles, scooters, mopeds,
14 all-terrain vehicles, and utility vehicles;

15 26. "Powersports vehicle dealer" means any person, firm, or
16 corporation who is in the business of selling any new and unused or
17 used, or both new and used powersports vehicles except for those
18 dealers engaged principally in agricultural or farm implement sales;

19 27. "Rebodied vehicle" means a vehicle:

20 a. which has been assembled using a new body or new major
21 component which is of the identical type as the
22 original vehicle and is licensed by the manufacturer
23 of the original vehicle and other original, new or
24 reconditioned parts. For purposes of this paragraph,

1 "new body or new major component" means a new body,
2 cab, frame, front end clip or rear end clip, and

3 b. which is not a salvage, rebuilt, or junked vehicle as
4 defined by paragraphs 1, 2, or 5 of subsection A of
5 Section 1105 of this title, and

6 c. for which the Tax Commission has assigned or will
7 assign a new identifying number.

8 28. "Recreational vehicle" means every vehicle which is built
9 on or permanently attached to a self-propelled motor chassis or
10 chassis cab which becomes an integral part of the completed vehicle
11 and is capable of being operated on the highways. In order to
12 qualify as a recreational vehicle pursuant to this paragraph such
13 vehicle shall be permanently constructed and equipped for human
14 habitation, having its own sleeping and kitchen facilities,
15 including permanently affixed cooking facilities, water tanks and
16 holding tank with permanent toilet facilities. Recreational vehicle
17 shall not include manufactured homes or any vehicle with portable
18 sleeping, toilet and kitchen facilities which are designed to be
19 removed from such vehicle;

20 ~~28.~~ 29. "Remanufactured vehicle" means a vehicle which has been
21 assembled by a vehicle remanufacturer using a new body and which may
22 include original, reconditioned, or remanufactured parts, and which
23 is not a salvage, rebuilt, or junked vehicle as defined by
24

1 paragraphs 1, 2, and 5, respectively, of subsection A of Section
2 1105 of this title;

3 ~~29.~~ 30. "Rental trailer" means all small or utility trailers or
4 semitrailers constructed and suitable for towing by a passenger
5 automobile and designed only for carrying property, when the
6 trailers or semitrailers are owned by, or are in the possession of,
7 any person engaged in renting or leasing such trailers or
8 semitrailers for intrastate or interstate use or combined intrastate
9 and interstate use;

10 ~~30.~~ 31. "Special mobilized machinery" means special purpose
11 machines or devices, either self-propelled or drawn as trailers or
12 semitrailers, which derive no revenue from the transportation of
13 persons or property, whose use of the highway is only incidental,
14 and whose useful revenue producing service is performed at
15 destinations in an area away from the traveled surface of an
16 established open highway;

17 ~~31.~~ 32. "State" means the State of Oklahoma;

18 ~~32.~~ 33. "Station wagon" means any passenger vehicle which does
19 not have a separate luggage compartment or trunk and which does not
20 have open beds, and has one or more rear seats readily lifted out or
21 folded, whether same is called a station wagon or ranch wagon;

22 ~~33.~~ 34. "Travel trailer" means any vehicular portable structure
23 built on a chassis, used as a temporary dwelling for travel,
24 recreational or vacation use, and, when factory-equipped for the

1 road, it shall have a body width not exceeding eight (8) feet and an
2 overall length not exceeding forty (40) feet, including the hitch or
3 coupling;

4 ~~34.~~ 35. "Travel trailer dealer" means any person, firm or
5 corporation engaged in the business of selling any new and unused,
6 or used, or both new and used travel trailers. Such information and
7 a valid franchise letter as proof of authorization to sell any such
8 new travel trailer product line or lines shall be attached to the
9 application for a dealer license to sell travel trailers. "Travel
10 trailer dealer" shall not include any person, firm or corporation
11 who sells or contracts for the sale of his or her own personally
12 titled travel trailer or trailers. No person, firm or corporation
13 shall be considered as a travel trailer dealer as to any travel
14 trailer purchased or acquired by such person, firm or corporation
15 for purposes other than resale;

16 ~~35.~~ 36. "Used motor vehicle dealer" means "used motor vehicle
17 dealer" as defined in Section 581 of this title;

18 ~~36.~~ 37. "Used vehicle" means any vehicle which has been sold,
19 bargained, exchanged or given away, or used to the extent that it
20 has become what is commonly known, and generally recognized, as a
21 "secondhand" vehicle. This shall also include any vehicle other
22 than a remanufactured vehicle, regardless of age, owned by any
23 person who is not a dealer;

24

1 ~~37.~~ 38. "Utility vehicle" means a vehicle powered by an
2 internal combustion engine, manufactured and used exclusively for
3 off-highway use, equipped with seating for two or more people and a
4 steering wheel, traveling on four or more wheels;

5 ~~38.~~ 39. "Vehicle" means any type of conveyance or device in,
6 upon or by which a person or property is or may be transported from
7 one location to another upon the avenues of public access within the
8 state. "Vehicle" does not include bicycles, trailers except travel
9 trailers and rental trailers, or implements of husbandry as defined
10 in Section 1-125 of this title. All implements of husbandry used as
11 conveyances shall be required to display the owner's driver license
12 number or license plate number of any vehicle owned by the owner of
13 the implement of husbandry on the rear of the implement in numbers
14 not less than two (2) inches in height. The use of the owner's
15 social security number on the rear of the implement of husbandry
16 shall not be required; and

17 ~~39.~~ 40. "Vehicle remanufacturer" means a commercial entity
18 which assembles remanufactured vehicles.

19 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1105, as
20 last amended by Section 3, Chapter 297, O.S.L. 2008 (47 O.S. Supp.
21 2010, Section 1105), is amended to read as follows:

22 Section 1105. A. As used in the Oklahoma Vehicle License and
23 Registration Act:

24

- 1 1. "Salvage vehicle" means any vehicle which is within the last
2 ten (10) model years and which has been damaged by collision or
3 other occurrence to the extent that the cost of repairing the
4 vehicle for safe operation on the highway exceeds sixty percent
5 (60%) of its fair market value, as defined by Section 1111 of this
6 title, immediately prior to the damage. For purposes of this
7 section, actual repair costs shall only include labor and parts for
8 actual damage to the suspension, motor, transmission, frame or
9 unibody and designated structural components;
- 10 2. "Rebuilt vehicle" means any salvage vehicle which has been
11 rebuilt and inspected for the purpose of registration and title;
- 12 3. "Flood-damaged vehicle" means a salvage or rebuilt vehicle
13 which was damaged by flooding or a vehicle which was submerged at a
14 level to or above the dashboard of the vehicle and on which an
15 amount of loss was paid by the insurer;
- 16 4. "Unrecovered-theft vehicle" means a vehicle which has been
17 stolen and not yet recovered;
- 18 5. "Recovered-theft vehicle" means a vehicle, including a
19 salvage or rebuilt vehicle, which was recovered from a theft; and
- 20 6. "Junked vehicle" means any vehicle which is incapable of
21 operation or use on the highway, has no resale value except as a
22 source of parts or scrap and has an eighty percent (80%) loss in
23 fair market value.
- 24

1 B. The owner of every vehicle in this state shall possess a
2 certificate of title as proof of ownership of such vehicle, except
3 those vehicles registered pursuant to Section 1120 of this title and
4 trailers registered pursuant to Section 1133 of this title,
5 previously titled by anyone in another state and engaged in
6 interstate commerce, and except as provided in subsection M of this
7 section. Except for owners that possess an agricultural exemption
8 permit pursuant to Section 1358.1 of Title 68 of the Oklahoma
9 Statutes, the owner of an all-terrain vehicle or a motorcycle used
10 exclusively off roads or highways in this state which is purchased
11 or the ownership of which is transferred on or after July 1, 2005,
12 and the owner of a utility vehicle used exclusively off roads and
13 highways in this state which is purchased or the ownership of which
14 is transferred on or after July 1, 2008, shall possess a certificate
15 of title as proof of ownership. Any person possessing an
16 agricultural exemption permit and owning an all-terrain vehicle or a
17 motorcycle used exclusively off roads or highways in this state
18 which is purchased or the ownership of which is transferred on or
19 after July 1, 2008, shall possess a certificate of title as proof of
20 ownership. Upon receipt of proper application information by such
21 owner, the Oklahoma Tax Commission shall issue an original or
22 transfer certificate of title. Until July 1, 2008, any security
23 interest in an all-terrain vehicle that attached and was perfected
24 before July 1, 2005, and that has not otherwise terminated shall

1 remain perfected, and shall take priority over any subsequently
2 perfected security interest in the same all-terrain vehicle,
3 notwithstanding that a certificate of title may have been issued
4 with respect to the same all-terrain vehicle on or after July 1,
5 2005, and that a lien may have been recorded on said certificate of
6 title. There shall be ~~seven~~ eight types of certificates of title:

7 1. Original title for any motor vehicle which is not a
8 remanufactured, salvage, unrecovered-theft, rebuilt, rebodied or
9 junked vehicle;

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

13 3. Rebuilt title for any motor vehicle which is a rebuilt
14 vehicle;

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

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

20 6. Remanufactured title for any vehicle which is a
21 remanufactured vehicle; ~~and~~

22 7. Unrecovered-theft title for any motor vehicle which has been
23 stolen and not recovered; and

24

1 8. Rebobied title for any motor vehicle which is a rebobied
2 vehicle.

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

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

23 a. a full description of the vehicle,
24

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

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

- a. the vehicle has been damaged or stolen,
- b. the owner did or did not receive any payment for the loss from an insurer, or
- c. the vehicle is titled or registered in a state that does not classify the vehicle or brand the title because of damage to or loss of the vehicle similar to the classifications or brands utilized by this state.

The declaration shall be based upon the best information and knowledge of the owner and shall be in addition to the requirements

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

13 3. The certificate of title shall have the following security
14 features:

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

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

1 5. The certificate of title shall be of such size and design
2 and color as the Tax Commission may direct pursuant to the
3 provisions of this section. The title shall be on colored paper or
4 other material as designated by the Tax Commission and be of such
5 intensity or hue as will allow easy identification as to whether the
6 title is an original title, a salvage title, a rebuilt title,
7 remanufactured title, rebodied title or a junked title. The type of
8 title shall be identified on the front of the certificate of title.
9 The original title, rebuilt title, remanufactured title, an
10 unrecovered-theft title, rebodied title or classic title shall be
11 identified by the word "Original", "Rebuilt", "Remanufactured",
12 "Unrecovered Theft", "Rebodied" or "Classic" printed in the upper
13 right quadrant of the certificate of title, in the space which is
14 currently captioned "type of title". A rebodied title shall also
15 identify on the front of the title the year, make and model of the
16 originally manufactured vehicle which has been rebodied and display
17 a notation that reads as follows: "This vehicle has been assembled
18 with new major components licensed by the original manufacturer".

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

1 state shown thereon to be the last transferee to the applicant upon
2 a form to be prescribed and approved by the Tax Commission. A
3 manufacturer's certificate of origin shall contain:

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

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

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

22 E. In the absence of a dealer's or manufacturer's number, the
23 Tax Commission may assign such identifying number to the vehicle,
24 which shall be permanently stamped, burned or pressed or attached

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

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

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

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, for mini-trucks
19 registered pursuant to Section 1151.3 of this title ~~3 of Enrolled~~
20 ~~Senate Bill No. 1998 of the 2nd Session of the 51st Oklahoma~~
21 ~~Legislature~~, or for 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
24

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 3. This act shall become effective November 1, 2011.

6

7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
8 04-14-2011 - DO PASS.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24