

1 ENGROSSED SENATE
2 BILL NO. 1650

By: Rosino of the Senate

3 and

4 Sims of the House

5
6 An Act relating to motor vehicles; creating the Peer-
7 to-Peer Car Sharing Program Act; providing short
8 title; defining terms; requiring assumption of
9 liability for certain losses or injuries; providing
10 for actions resulting in nonliability; providing for
11 minimum compulsory insurance coverage; stating
12 certain parties charged with maintaining insurance
13 coverage; requiring certain primary insurance
14 coverage; requiring program assume certain primary
15 liability; providing for indemnification; requiring
16 certain coverage and duty to defend; providing
17 exceptions; requiring certain nondependence on other
18 insurers; disallowing certain limits to liability and
19 contracting; allowing for certain indemnification;
20 providing for certain notice; making certain
21 exclusions; allowing for certain insurance policy
22 exclusions; requiring collection and verification of
23 certain records; requiring retention of records;
24 exempting owner from vicarious liability; providing
for right to seek contribution; requiring certain
insurable interest; providing for certain
nonliability; allowing program to maintain certain
policy coverages; requiring certain disclosures;
stating certain requirements of car sharing program
agreement; requiring certain recordkeeping; stating
certain party responsibilities and requirements;
stating certain requirements of programs and owners;
requiring verification of safety recalls; providing
for certain nonuse of car; requiring certain notice;
specifying no affect to certain taxability; providing
for timeliness of certain notice or disclosure;
stating certain requirements of certain agreement;
providing for certain valid forms of acceptance;
specifying period acceptance is valid; making certain
notice exemptions; requiring certain agreement for
airports; allowing for certain injunction; requiring
certain reasonable applications; stating certain

1 provider duties and records; amending 47 O.S. 2011,
2 Section 8-101, which relates to owners of for-rent
3 vehicles financial responsibility; providing for
4 nonapplicability to peer-to-peer vehicles; amending
5 47 O.S. 2011, Section 8-102, which relates to owner
6 of for-rent vehicle liability; providing for
7 nonapplicability to peer-to-peer vehicles; amending
8 47 O.S. 2011, Section 8-103, which relates to renting
9 a motor vehicle to another; providing for
10 nonapplicability to peer-to-peer vehicles; amending
11 47 O.S. 2011, Section 11-902b, as amended by Section
12 1, Chapter 74, O.S.L. 2014 (47 O.S. Supp. 2019,
13 Section 11-902b), which relates to the forfeiture of
14 a motor vehicle; providing for nonapplicability to
15 peer-to-peer vehicles; amending Section 3, Chapter
16 208, O.S.L. 2018 (47 O.S. Supp. 2019, Section
17 1112.3), which relates to documentation required in
18 possession or in vehicle; requiring copy of peer-to-
19 peer car sharing program agreement be in possession;
20 amending 47 O.S. 2011, Section 1120.1, which relates
21 to entry into International Registration Plan or
22 other compacts; providing for nonapplicability to
23 peer-to-peer vehicles; amending 68 O.S. 2011, Section
24 2105, as last amended by Section 11, Chapter 229,
O.S.L. 2017 (68 O.S. Supp. 2019, Section 2105), which
relates to exemptions; providing for nonapplicability
to peer-to-peer vehicles; amending 68 O.S. 2011,
Section 2110, as amended by Section 5, Chapter 316,
O.S.L. 2012 (68 O.S. Supp. 2019, Section 2110), which
relates to rental tax; clarifying certain tax on
peer-to-peer car sharing program agreements;
providing for codification; and providing an
effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1050 of Title 47, unless there
is created a duplication in numbering, reads as follows:

1 Sections 1 through 20 of this act shall be known and may be
2 cited as the "Peer-to-Peer Car Sharing Program Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1051 of Title 47, unless there
5 is created a duplication in numbering, reads as follows:

6 As used in the Peer-to-Peer Car Sharing Program Act:

7 1. "Peer-to-peer car sharing" or "sharing" means the authorized
8 use of a vehicle by an individual other than the vehicle's owner
9 through a peer-to-peer car sharing program;

10 2. "Peer-to-peer car sharing program" or "program" means a
11 business platform that connects vehicle owners with drivers to
12 enable the sharing of vehicles for financial consideration. A peer-
13 to-peer car sharing program shall not be considered a
14 "transportation network company" as defined in Section 1011 of Title
15 47 of the Oklahoma Statutes;

16 3. "Peer-to-peer car sharing program agreement" or "agreement"
17 means the terms and conditions applicable to a shared vehicle owner
18 and a shared vehicle driver that govern the use of a shared vehicle
19 through a peer-to-peer car sharing program;

20 4. "Shared vehicle" or "vehicle" means a vehicle that is
21 available for sharing through a peer-to-peer car sharing program;

22 5. "Shared vehicle driver" or "driver" means an individual who
23 has been authorized to drive the shared vehicle by the shared
24 vehicle owner under a car sharing program agreement;

1 6. "Shared vehicle owner" or "owner" means the registered
2 owner, or a person or entity designated by the registered owner, of
3 a vehicle made available for sharing to shared vehicle drivers
4 through a peer-to-peer car sharing program;

5 7. "Car sharing delivery period" or "delivery period" means the
6 period of time during which a shared vehicle is being delivered to
7 the location of the car sharing start time, if applicable, as
8 documented by the governing car sharing program agreement;

9 8. "Car sharing period" or "sharing period" means the period of
10 time that commences with the car sharing delivery period or, if
11 there is no car sharing delivery period, that commences with the car
12 sharing start time and, in either case, ends at the car sharing
13 termination time;

14 9. "Car sharing start time" or "start time" means the time when
15 the shared vehicle becomes subject to the control of the shared
16 vehicle driver, at or after the time the reservation of a shared
17 vehicle is scheduled to begin, as documented in the records of a
18 peer-to-peer car sharing program; and

19 10. "Car sharing termination time" or "termination time" means
20 the earliest of the following events:

- 21 a. the expiration of the agreed-upon period of time
22 established for the use of a shared vehicle according
23 to the terms of the car sharing program agreement, if
24

1 the shared vehicle is delivered to the location agreed
2 upon in the car sharing program agreement,

3 b. when the shared vehicle is returned to a location as
4 alternatively agreed upon by the shared vehicle owner
5 and the shared vehicle driver as communicated through
6 a peer-to-peer car sharing program, or

7 c. when the shared vehicle owner, or the shared vehicle
8 owner's authorized designee, takes possession and
9 control of the shared vehicle.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1052 of Title 47, unless there
12 is created a duplication in numbering, reads as follows:

13 A. A peer-to-peer car sharing program shall assume liability,
14 except as provided in subsection B of this section, of a shared
15 vehicle owner for bodily injury or property damage to third parties
16 or uninsured and underinsured motorist or personal injury protection
17 losses during the car sharing period, in an amount stated in the
18 peer-to-peer car sharing program agreement, which shall not be less
19 than those set forth in Section 7-600 et seq. of Title 47 of the
20 Oklahoma Statutes.

21 B. Notwithstanding the definition of "car sharing termination
22 time" as set forth in Section 2 of this act, the assumption of
23 liability under subsection A of this section shall not apply to any
24 shared vehicle owner when a shared vehicle owner:

1 1. Makes an intentional or fraudulent material representation
2 or omission to the peer-to-peer car sharing program before the car
3 sharing period in which the loss occurred; or

4 2. Acts in concert with a shared vehicle driver who fails to
5 return the shared vehicle pursuant to the terms of the car sharing
6 program agreement.

7 C. Notwithstanding the definition of "car sharing termination
8 time" as set forth in Section 2 of this act, the assumption of
9 liability under subsection A of this section shall apply to bodily
10 injury, property damage, uninsured and underinsured motorist or
11 personal injury protection losses by damaged third parties required
12 by Section 7-600 et seq. of Title 47 of the Oklahoma Statutes.

13 SECTION 4. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1053 of Title 47, unless there
15 is created a duplication in numbering, reads as follows:

16 A. A peer-to-peer car sharing program shall ensure that, during
17 each car sharing period, the shared vehicle owner and the shared
18 vehicle driver are insured under a motor vehicle liability insurance
19 policy that provides insurance coverage in amounts no less than the
20 minimum amounts set forth in Section 7-600 et seq. of Title 47 of
21 the Oklahoma Statutes, and:

22 1. Recognizes that the shared vehicle insured under the policy
23 is made available and used through a peer-to-peer car sharing
24 program; or

1 2. Does not exclude use of a shared vehicle by a shared vehicle
2 driver.

3 B. The insurance required under subsection A of this section
4 may be satisfied by motor vehicle liability insurance maintained by:

5 1. A shared vehicle owner;

6 2. A shared vehicle driver;

7 3. A peer-to-peer car sharing program; or

8 4. Any combination of a shared vehicle owner, a shared vehicle
9 driver and a peer-to-peer car sharing program.

10 C. The insurance required in subsection B of this section, that
11 is satisfying the requirement of subsection A of this section, shall
12 be primary during each car sharing period.

13 D. The peer-to-peer car sharing program shall assume primary
14 liability for a claim when it is in whole or in part providing the
15 insurance required under subsections A and B of this section and:

16 1. A dispute exists as to who was in control of the shared
17 motor vehicle at the time of the loss; and

18 2. The peer-to-peer car sharing program does not have
19 available, did not retain or fails to provide the information
20 required by Section 7 of this act.

21 The shared motor vehicle's insurer shall indemnify the car
22 sharing program to the extent of its obligation, if any, under the
23 applicable insurance policy, if it is determined that the shared
24

1 motor vehicle's owner was in control of the shared motor vehicle at
2 the time of the loss.

3 E. If insurance maintained by a shared vehicle owner or shared
4 vehicle driver in accordance with subsection B of this section has
5 lapsed or does not provide the required coverage, insurance
6 maintained by a peer-to-peer car sharing program shall provide the
7 coverage required by subsection A of this section beginning with the
8 first dollar of a claim and shall have the duty to defend such claim
9 except under circumstances as set forth in subsection B of Section 3
10 of this act.

11 F. Coverage under an automobile insurance policy maintained by
12 the peer-to-peer car sharing program shall not be dependent on
13 another automobile insurer first denying a claim, nor shall another
14 automobile insurance policy be required to first deny a claim.

15 G. Nothing in the Peer-to-Peer Car Sharing Program Act shall:

16 1. Limit the liability of the peer-to-peer car sharing program
17 for any act or omission of the program itself that results in injury
18 to any person as a result of the use of a shared vehicle through a
19 peer-to-peer car sharing program; or

20 2. Limit the ability of the peer-to-peer car sharing program
21 to, by contract, seek indemnification from the shared vehicle owner
22 or the shared vehicle driver for economic loss sustained by the
23 peer-to-peer car sharing program resulting from a breach of the
24 terms and conditions of the car sharing program agreement.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1054 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 At the time a vehicle owner registers as a shared vehicle owner
5 on a peer-to-peer car sharing program and prior to the time the
6 shared vehicle owner makes a shared vehicle available for car
7 sharing on the peer-to-peer car sharing program, the program shall
8 notify the shared vehicle owner that, if the shared vehicle has a
9 lien against it, the use of the shared vehicle through a peer-to-
10 peer car sharing program, including use without physical damage
11 coverage, may violate the terms of the contract with the lienholder.

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1055 of Title 47, unless there
14 is created a duplication in numbering, reads as follows:

15 A. An authorized insurer that writes motor vehicle liability
16 insurance in this state may exclude any and all coverage and the
17 duty to defend or indemnify for any claim afforded under a shared
18 vehicle owner's motor vehicle liability insurance policy including,
19 but not limited to:

- 20 1. Liability coverage for bodily injury and property damage;
- 21 2. Personal injury protection coverage;
- 22 3. Uninsured and underinsured motorist coverage;
- 23 4. Medical payments coverage;
- 24 5. Comprehensive physical damage coverage; and

1 6. Collision physical damage coverage.

2 B. Nothing in the Peer-to-Peer Car Sharing Program Act shall
3 invalidate or limit an exclusion contained in a motor vehicle
4 liability insurance policy including any insurance policy in use or
5 approved for use that excludes coverage for motor vehicles made
6 available for rent, sharing, hire or for any business use.

7 SECTION 7. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1056 of Title 47, unless there
9 is created a duplication in numbering, reads as follows:

10 A peer-to-peer car sharing program shall collect and verify
11 records pertaining to the use of a vehicle including, but not
12 limited to, times used, fees paid by the shared vehicle driver and
13 revenues received by the shared vehicle owner, and provide that
14 information upon request to the shared vehicle owner, the shared
15 vehicle owner's insurer or the shared vehicle driver's insurer to
16 facilitate a claim coverage investigation. The peer-to-peer car
17 sharing program shall retain the records for a time period not less
18 than the applicable personal injury statute of limitations.

19 SECTION 8. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1057 of Title 47, unless there
21 is created a duplication in numbering, reads as follows:

22 A peer-to-peer car sharing program and a shared vehicle owner
23 shall be exempt from vicarious liability in accordance with 49
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1 U.S.C., Section 30106, and under any state or local law that imposes
2 liability solely based on vehicle ownership.

3 SECTION 9. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1058 of Title 47, unless there
5 is created a duplication in numbering, reads as follows:

6 A motor vehicle insurer that defends or indemnifies a claim
7 against a shared vehicle that is excluded under the terms of its
8 policy shall have the right to seek contribution against the motor
9 vehicle insurer of the peer-to-peer car sharing program if the claim
10 is:

11 1. Made against the shared vehicle owner or the shared vehicle
12 driver for loss or injury that occurs during the car sharing period;
13 and

14 2. Excluded under the terms of its policy.

15 SECTION 10. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1059 of Title 47, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Notwithstanding any other law, statute, rule or regulation
19 to the contrary, a peer-to-peer car sharing program shall have an
20 insurable interest in a shared vehicle during the car sharing
21 period.

22 B. Nothing in this section shall create liability on a peer-to-
23 peer car sharing program to maintain the coverage mandated by
24 Section 4 of this act.

1 C. A peer-to-peer car sharing program may own and maintain as
2 the named insured one or more policies of motor vehicle liability
3 insurance that provide coverage for:

4 1. Liabilities assumed by the peer-to-peer car sharing program
5 under a peer-to-peer car sharing program agreement;

6 2. Liability of the shared vehicle owner;

7 3. Damage or loss to the shared motor vehicle; or

8 4. Liability of the shared vehicle driver.

9 SECTION 11. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1060 of Title 47, unless there
11 is created a duplication in numbering, reads as follows:

12 Each car sharing program agreement made in this state shall
13 disclose to the shared vehicle owner and the shared vehicle driver:

14 1. Any right of the peer-to-peer car sharing program to seek
15 indemnification from the shared vehicle owner or the shared vehicle
16 driver for economic loss sustained by the peer-to-peer car sharing
17 program resulting from a breach of the terms and conditions of the
18 car sharing program agreement;

19 2. That a motor vehicle liability insurance policy issued to
20 the shared vehicle owner for the shared vehicle, or to the shared
21 vehicle driver, does not provide a defense or indemnification for
22 any claim asserted by the peer-to-peer car sharing program;

23 3. That the peer-to-peer car sharing program's insurance
24 coverage on the shared vehicle owner and the shared vehicle driver

1 is in effect only during each car sharing period and that, for any
2 use of the shared vehicle by the shared vehicle driver after the car
3 sharing termination time, the shared vehicle driver and the shared
4 vehicle owner may not have insurance coverage;

5 4. The daily rate, fees and, if applicable, any insurance or
6 protection package costs that are charged to the shared vehicle
7 owner or the shared vehicle driver;

8 5. That the shared vehicle owner's motor vehicle liability
9 insurance may not provide coverage for a shared vehicle;

10 6. An emergency telephone number to personnel capable of
11 fielding roadside assistance and other customer service inquiries;
12 and

13 7. If there are conditions under which a shared vehicle driver
14 must maintain a personal automobile insurance policy with certain
15 applicable coverage limits on a primary basis in order to book a
16 shared motor vehicle.

17 SECTION 12. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1061 of Title 47, unless there
19 is created a duplication in numbering, reads as follows:

20 A. A peer-to-peer car sharing program may not enter into a
21 peer-to-peer car sharing program agreement with a driver unless the
22 driver who will operate the shared vehicle:
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24

1 1. Holds a driver license issued under Section 6-101 et seq. of
2 Title 47 of the Oklahoma Statutes that authorizes the driver to
3 operate vehicles of the class of the shared vehicle; or

4 2. Is a nonresident who:

5 a. has a driver license issued by the state or country of
6 the driver's residence that authorizes the driver in
7 that state or country to drive vehicles of the class
8 of the shared vehicle, and

9 b. is at least the same age as that required of a
10 resident to drive; or

11 3. Otherwise is specifically authorized by Section 6-101 et
12 seq. of Title 47 of the Oklahoma Statutes to drive vehicles of the
13 class of the shared vehicle.

14 B. A peer-to-peer car sharing program shall keep a record of:

15 1. The name and address of the shared vehicle driver;

16 2. The number of the driver license of the shared vehicle
17 driver and each other person, if any, who will operate the shared
18 vehicle; and

19 3. The place of issuance of the driver license.

20 SECTION 13. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1062 of Title 47, unless there
22 is created a duplication in numbering, reads as follows:

23 A peer-to-peer car sharing program shall have sole
24 responsibility for any equipment, such as a global positioning

1 system or other special equipment, that is put in or on the vehicle
2 to monitor or facilitate the car sharing transaction, and shall
3 agree to indemnify and hold harmless the vehicle owner for any
4 damage to or theft of such equipment during the sharing period not
5 caused by the vehicle owner. The peer-to-peer car sharing program
6 has the right to seek indemnity from the shared vehicle driver for
7 any loss or damage to such equipment that occurs during the sharing
8 period.

9 SECTION 14. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1063 of Title 47, unless there
11 is created a duplication in numbering, reads as follows:

12 A. At the time a vehicle owner registers as a shared vehicle
13 owner on a peer-to-peer car sharing program, and prior to the time
14 when the shared vehicle owner makes a shared vehicle available for
15 car sharing on the peer-to-peer car sharing program, the peer-to-
16 peer car sharing program shall:

- 17 1. Verify that the shared vehicle does not have any safety
18 recalls on the vehicle for which the repairs have not been made; and
19 2. Notify the shared vehicle owner of the requirements under
20 subsection B of this section.

21 B. 1. If the shared vehicle owner has received an actual
22 notice of a safety recall on the vehicle, a shared vehicle owner may
23 not make a vehicle available as a shared vehicle on a peer-to-peer
24 car sharing program until the safety recall repair has been made.

1 2. If a shared vehicle owner receives an actual notice of a
2 safety recall on a shared vehicle while the shared vehicle is made
3 available on the peer-to-peer car sharing program, the shared
4 vehicle owner shall remove the shared vehicle as available on the
5 peer-to-peer car sharing program, as soon as practicably possible
6 after receiving the notice of the safety recall and until the safety
7 recall repair has been made.

8 3. If a shared vehicle owner receives an actual notice of a
9 safety recall while the shared vehicle is being used in the
10 possession of a shared vehicle driver, as soon as practicably
11 possible after receiving the notice of the safety recall, the shared
12 vehicle owner shall notify the peer-to-peer car sharing program
13 about the safety recall so that the shared vehicle owner may address
14 the safety recall repair.

15 SECTION 15. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1064 of Title 47, unless there
17 is created a duplication in numbering, reads as follows:

18 Nothing in the Peer-to-Peer Car Sharing Program Act shall be
19 construed to affect the taxability of peer-to-peer car sharing
20 pursuant to the provisions of Title 47 or Title 68 of the Oklahoma
21 Statutes.

22 SECTION 16. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1065 of Title 47, unless there
24 is created a duplication in numbering, reads as follows:

1 A. A notice or disclosure required to be provided, delivered,
2 posted or otherwise made available by a motor vehicle rental company
3 or a peer-to-peer car sharing program shall be deemed timely and
4 effectively made if the notice or disclosure is provided or
5 delivered electronically at or before the time required or included
6 in a master or member agreement in effect at the time of the vehicle
7 rental transaction or peer-to-peer car sharing program agreement.

8 B. For purposes of the Peer-to-Peer Car Sharing Program Act, a
9 master or member agreement shall include, but not be limited to, a
10 service:

11 1. Which is offered by a motor vehicle rental company or a
12 peer-to-peer car sharing program that permits customers to bypass a
13 retail service location and obtain a product or service directly;

14 2. Where a motor vehicle rental company or a peer-to-peer car
15 sharing program does not require customers to execute an agreement
16 at the time of service; or

17 3. Where the customer does not receive the terms and conditions
18 at the time of service.

19 SECTION 17. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1066 of Title 47, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Electronic or written acceptance shall be deemed a valid
23 form of acceptance of a notice or disclosure.

24

1 B. Acceptance shall remain effective until such time as the
2 acceptance is affirmatively withdrawn by the customer.

3 SECTION 18. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1067 of Title 47, unless there
5 is created a duplication in numbering, reads as follows:

6 A notice or disclosure made pursuant to the Peer-to-Peer Car
7 Sharing Program Act shall be exempt from placement or stylistic
8 display requirements including but not limited to location, font
9 size, typeset or other specifically stated description, if the
10 notice or disclosure is generally consistent in appearance with the
11 entirety of the communication in which it is contained.

12 SECTION 19. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1068 of Title 47, unless there
14 is created a duplication in numbering, reads as follows:

15 A. A peer-to-peer car sharing program, a shared vehicle owner
16 using a peer-to-peer car sharing program or a motor vehicle rental
17 company shall, upon request of an airport including but not limited
18 to any entity operating an airport pursuant to Section 65.5 of Title
19 3 of the Oklahoma Statutes, or any entity owning or responsible for
20 regulating or managing any public facility on public property within
21 this state, enter into an agreement, which agreement may be a
22 concession agreement, prior to:

23

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1 1. Listing, publishing or advertising shared vehicles or other
2 motor vehicles parked on or delivered to airport property or at
3 airport facilities or other public facilities on public property;

4 2. Facilitating the use of shared vehicles or other motor
5 vehicles to transport airport customers to or from airport property
6 or airport facilities, or customers of other public facilities on
7 public property, regardless of whether that use is to be initiated
8 or has a start time which occurs on or off airport property or
9 airport facilities or in other public facilities on public property;
10 or

11 3. Promoting or marketing shared vehicles or other motor
12 vehicles to transport airport customers to or from airport property
13 or airport facilities, or customers of other public facilities on
14 public property, regardless of whether that transportation is to be
15 initiated or has a start time which occurs on or off airport
16 property or airport facilities or other public facilities on public
17 property.

18 B. The agreement specified in subsection A of this section
19 shall set forth standards, regulations, procedures and fees
20 applicable to peer-to-peer car sharing programs and motor vehicle
21 rental companies for access to vehicle drivers that are airport
22 customers, or customers of other public land or public facilities.

23 C. If the car sharing program, shared vehicle owner or motor
24 vehicle rental company:

1 1. Fails or refuses to enter into an agreement described in
2 subsection A of this section after request by an airport or an
3 entity owning or responsible for regulating or managing any public
4 facility on public property; and

5 2. Performs, participates in or undertakes any of the actions
6 set forth in paragraph 1, 2 or 3 of subsection A of this section
7 before entering into an agreement described in subsection A of this
8 section after request by an airport,

9 then the affected airport or an entity owning or responsible for
10 regulating or managing any public facility on public property may
11 seek an injunction prohibiting operations at the airport or in
12 public facilities on public property and may also seek damages
13 against the peer-to-peer car sharing program, shared vehicle owner
14 or motor vehicle rental company.

15 D. Record of the shared vehicle driver's address, license
16 number, state of issuance of the driver license, the location where
17 any shared vehicle driver was picked up and where the car sharing
18 location commenced shall be provided to an airport or a regulator or
19 manager of any public facility on public property.

20 SECTION 20. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1069 of Title 47, unless there
22 is created a duplication in numbering, reads as follows:

23 In the event a motor vehicle rental company or a peer-to-peer
24 car sharing program facilitates rental or sharing via digital,

1 | electronic or other means that allow customers to obtain possession
2 | of a shared vehicle or other motor vehicle, as applicable, without
3 | in-person contact with an agent or employee of the motor vehicle
4 | rental company or peer-to-peer car sharing program, or where the
5 | customer does not execute a contract at the time of the transaction,
6 | the motor vehicle rental company or peer-to-peer car sharing program
7 | shall be deemed to have met all obligations to physically inspect
8 | and compare the customer's driver license when such provider:

9 | 1. At the time the customer enrolls, or any time thereafter, in
10 | a membership program, master agreement or other means of
11 | establishing use of the provider's services, requires verification
12 | that the customer is a licensed driver; or

13 | 2. Prior to the customer taking possession of the shared
14 | vehicle or other motor vehicle, as applicable, requires
15 | documentation that verifies the customer's identity.

16 | SECTION 21. AMENDATORY 47 O.S. 2011, Section 8-101, is
17 | amended to read as follows:

18 | Section 8-101. ~~(a)~~ A. It shall be unlawful for the owner of
19 | any motor vehicle engaged in the business of renting motor vehicles
20 | without drivers to rent a motor vehicle without a driver otherwise
21 | than as a part of a bona fide transaction involving the sale of such
22 | motor vehicle, unless ~~he~~ the owner has previously notified the
23 | Department of Public Safety of the intention to so rent such vehicle
24 | and has given proof of financial responsibility, and the Oklahoma

1 Tax Commission shall not register any such vehicle unless and until
2 the owner gives proof of financial responsibility either as provided
3 in this section or, in the alternative, as provided in Section 8-102
4 of this title. The Department shall cancel the registration of any
5 motor vehicle rented without a driver whenever the Department
6 ascertains that the owner has failed or is unable to give and
7 maintain such proof of financial responsibility. The provisions of
8 this section shall not apply to a shared vehicle as defined in and
9 operated in compliance with the Peer-to-Peer Car Sharing Program
10 Act.

11 ~~(b)~~ B. Such owner shall submit to the Commissioner of Public
12 Safety evidence that there has been issued to him or her by an
13 insurance carrier authorized to do business in this state, a public
14 liability insurance policy or policies covering each such motor
15 vehicle so rented in the amounts as hereinafter stated and insuring
16 every person operating such vehicle under a rental agreement or
17 operating the vehicle with the express or implied permission of the
18 owner against loss from the liability imposed by law upon such
19 person arising out of the operation of ~~said~~ the vehicle in the
20 amount of Twenty-five Thousand Dollars (\$25,000.00) for bodily
21 injury to or death of one person and, subject to ~~said~~ the limit as
22 respects bodily injury to or death of any one person, the amount of
23 Fifty Thousand Dollars (\$50,000.00) on account of bodily injury to
24 or death of more than one person in any one accident and Twenty-five

1 Thousand Dollars (\$25,000.00) for damage to property of others in
2 any one accident. Provided, that the Commissioner is authorized to
3 accept, in lieu of such public liability insurance policy covering
4 specific vehicles, proof by evidence satisfactory to the
5 Commissioner of a valid and binding lease contract between the owner
6 and a renter wherein it is agreed between such owner and the lessee-
7 renter that such lessee-renter accepts responsibility for loss from
8 any liability imposed by law upon any person arising out of the
9 operation, either by express or implied permission of the lessee-
10 renter, of any vehicle covered by such lease in amounts not less
11 than the minimum amounts before set out in this subsection, together
12 with satisfactory evidence of issuance to such lessee-renter, by an
13 insurance carrier authorized to do business in this state, of proper
14 public liability insurance policies in amounts of not less than the
15 minimum amounts before set out in this subsection or sufficient
16 showing of financial responsibility of such lessee-renter as is
17 required of owners by the provisions of Section 8-102 of this title.

18 ~~(e)~~ C. The owner shall maintain such policy or policies in full
19 force and effect during all times that he or she is engaged in the
20 business of renting any motor vehicle without a driver unless ~~said~~
21 the owner shall have given proof of financial responsibility as
22 provided in Section 8-102 of this title.

23
24

1 ~~(d)~~ D. The policy or policies need not cover any liability
2 incurred by the renter of any vehicle to any passenger in such
3 vehicle.

4 ~~(e)~~ E. When any suit or action is brought against the owner of
5 a for-rent motor vehicle upon a liability under this title, it shall
6 be the duty of the judge of the court before whom the case is
7 pending to cause a preliminary hearing to be had, in the absence of
8 the jury, for the purpose of determining whether the owner has
9 obtained and there is in full force and effect, a policy or policies
10 of insurance covering the person operating the vehicle under a
11 rental agreement, in the limits above mentioned. When it appears
12 that the owner has obtained such policy or policies and that the
13 same are in full force and effect, the judge or magistrate before
14 whom such action is pending shall dismiss the action as to the owner
15 of the motor vehicle.

16 ~~(f)~~ F. Whenever the owner of a motor vehicle rents such vehicle
17 without a driver to another, it shall be unlawful for the latter to
18 permit any other person to operate such vehicle without the
19 permission of the owner.

20 ~~(g)~~ G. Any person who violates any of the provisions of this
21 section shall be guilty of a misdemeanor, and upon conviction
22 thereof, shall be punished by a fine of not more than Five Hundred
23 Dollars (\$500.00) or by imprisonment in the county jail for not more
24 than six (6) months, or by both such fine and imprisonment.

1 SECTION 22. AMENDATORY 47 O.S. 2011, Section 8-102, is
2 amended to read as follows:

3 Section 8-102. ~~(a)~~ A. In the event the owner of a for-rent
4 motor vehicle has not given proof of financial responsibility as
5 provided in Section 8-101 of this title, then the Oklahoma Tax
6 Commission shall not register any motor vehicle owned by such person
7 and rented, or intended to be rented, to another unless such owner
8 shall demonstrate, to the satisfaction of the Commissioner of Public
9 Safety, his or her financial ability to respond in damages as
10 follows:

11 1. If he or she applies for registration of one motor vehicle,
12 in the sum of at least Twenty Thousand Dollars (\$20,000.00) for any
13 one person injured or killed and in the sum of Forty Thousand
14 Dollars (\$40,000.00) for any number more than one injured or killed
15 in any one accident.

16 2. If he or she applies for the registration of more than one
17 motor vehicle, then in the foregoing sums for one motor vehicle, and
18 Twenty Thousand Dollars (\$20,000.00) additional for each motor
19 vehicle in excess of one, but it shall be sufficient for the owner
20 to demonstrate ability to respond in damages in the sum of Two
21 Hundred Thousand Dollars (\$200,000.00) for any number of motor
22 vehicles.

23 ~~(b)~~ B. The Department of Public Safety shall cancel the
24 registration of any motor vehicle rented without a driver whenever

1 the Department ascertains that the owner has failed or is unable to
2 comply with the requirements of this section.

3 ~~(e)~~ C. Any owner of a for-rent motor vehicle who has given
4 proof of financial responsibility under this section or who in
5 violation of ~~this act~~ Section 8-101 et seq. of this title, has
6 failed to give proof of financial responsibility shall be jointly
7 and severally liable with any person operating such vehicle for any
8 damages caused by the negligence of any person operating the vehicle
9 by or with the permission of the owner, except that the foregoing
10 provision shall not confer any right of action upon any passenger in
11 any such rented vehicle as against the owner.

12 ~~(d)~~ D. Nothing in this section shall be construed to prevent an
13 owner from making defense in any such action upon the ground of
14 comparative or contributory negligence to the extent to which such
15 defense is allowed in other cases.

16 E. The provisions of this section shall not apply to a shared
17 vehicle as defined in and operated in compliance with the Peer-to-
18 Peer Car Sharing Program Act.

19 SECTION 23. AMENDATORY 47 O.S. 2011, Section 8-103, is
20 amended to read as follows:

21 Section 8-103. A. No person shall rent a motor vehicle to any
22 other person unless the person to whom the vehicle is to be rented
23 is duly licensed to operate a motor vehicle as required under this
24

1 ~~act~~ title or, in the case of a nonresident, then duly licensed under
2 the laws of the state or country of his or her residence.

3 B. No person shall rent a motor vehicle to another until he or
4 she has inspected the driver license of the person to whom the
5 vehicle is to be rented and compared and verified the signature
6 thereon with the signature of such person written in his or her
7 presence.

8 C. Every person renting a motor vehicle to another shall keep a
9 record of the registration number of the motor vehicle so rented,
10 the name and address and driver license number of the person to whom
11 the vehicle is rented, the expiration date of ~~said~~ the license and
12 place where ~~said~~ the license was issued. Such record shall be open
13 to inspection by any police officer or officer or employee of the
14 Department of Public Safety.

15 D. The provisions of this section shall not apply to a shared
16 vehicle as defined in and operated in compliance with the Peer-to-
17 Peer Car Sharing Program Act.

18 SECTION 24. AMENDATORY 47 O.S. 2011, Section 11-902b, as
19 amended by Section 1, Chapter 74, O.S.L. 2014 (47 O.S. Supp. 2019,
20 Section 11-902b), is amended to read as follows:

21 Section 11-902b. A. The district attorney may file a motion
22 requesting forfeiture of the motor vehicle involved in the
23 commission of an eligible offense as provided in this section. The
24 provisions of this section shall apply to:

1 1. Any person who has been previously convicted of an offense
2 under Section 11-902, 11-903, or 11-904 of this title and who on or
3 after July 1, 1999, is convicted of an offense under Section 11-902,
4 11-903, or 11-904 of this title within ten (10) years of any prior
5 conviction under Section 11-902, 11-903, or 11-904 of this title and
6 where at least one of the offenses, current or prior, involved the
7 death of or serious bodily injury to another person; or

8 2. Any person who has been convicted of a third or subsequent
9 felony offense under Section 11-902 of this title.

10 B. A motion for forfeiture may be filed at the time of charging
11 but not later than thirty (30) days after the verdict or plea of
12 guilty or nolo contendere. If a motion of intent to forfeit is
13 filed prior to the verdict or plea of guilty or nolo contendere, the
14 proceedings shall be stayed until the disposition of the criminal
15 case. Notice shall be required even though the proceedings are
16 stayed. If the motion is filed prior to the disposition on the
17 criminal case, the district attorney shall notify the Oklahoma Tax
18 Commission and the Tax Commission shall place a lien upon the
19 vehicle title. No person shall sell, damage, destroy, transfer or
20 perfect a security interest on any vehicle subject to forfeiture.
21 Prior to filing a motion for forfeiture, the district attorney shall
22 verify whether the vehicle was sold during any period of impoundment
23 as provided by law. Any vehicle sold in an impound sale to pay

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1 towing, wrecker services or storage expenses shall not be subject to
2 forfeiture as provided in this section.

3 C. Upon filing a motion for forfeiture, except when the
4 proceedings are stayed pursuant to subsection B of this section, the
5 court shall schedule a hearing on the matter. The hearing shall be
6 not less than twenty (20) days nor more than forty-five (45) days
7 from the date the motion is filed. The district attorney within
8 three (3) days of filing a motion of intent to forfeit shall notify
9 the convicted person, lienholders of record, and any person
10 appearing to have an ownership or security interest in the vehicle.
11 The notice shall contain the date, time and place of the hearing.
12 When a motion for forfeiture has been stayed pending disposition of
13 the criminal case and a verdict or plea of guilty or nolo contendere
14 has been entered, the district attorney shall give notice of the
15 forfeiture hearing not less than ten (10) days prior to the hearing.
16 The notice of persons specified in this subsection shall be by
17 certified mail to the address shown upon the records of the Oklahoma
18 Tax Commission. For owners or interested parties, other than
19 lienholders of record, whose addresses are unknown, but who are
20 believed to have an interest in the vehicle, notice shall be by one
21 publication in a newspaper of general circulation in the county
22 where the motion is filed. The written notice shall include:

- 23 1. A full description of the motor vehicle;
- 24 2. The date, time and place of the forfeiture hearing;

1 3. The legal authority under which the motor vehicle may be
2 forfeited; and

3 4. Notice of the right to intervene to protect an interest in
4 the motor vehicle.

5 D. A forfeiture proceeding shall not extinguish any security
6 interest of a lienholder of record; provided, however, the court may
7 order the sale of the motor vehicle and the satisfaction of that
8 security interest from the proceeds of sale as provided in
9 subsection K of this section.

10 For purposes of a forfeiture proceeding, an affidavit obtained
11 from the lienholder of record, in the absence of evidence of bad
12 faith, shall be prima facie evidence of the amount of secured
13 indebtedness owed to that lienholder. It shall be the
14 responsibility of the district attorney to obtain such affidavit
15 prior to the forfeiture proceeding.

16 In the absence of evidence of bad faith, no lienholder of record
17 shall be required to attend the forfeiture proceeding to protect its
18 interest in the motor vehicle. However, each lienholder of record
19 shall be given notice of the forfeiture hearing as provided in
20 subsection C of this section. The district attorney shall notify
21 each lienholder of record at least ten (10) days before the sale of
22 the motor vehicle ordered forfeited pursuant to this section;
23 provided, the lienholder was not represented at the forfeiture
24 proceeding.

1 E. Any person having an ownership or security interest in a
2 vehicle subject to forfeiture which is not perfected by a lien of
3 record may file a written objection to the motion to forfeit within
4 ten (10) days of the mailing of the notice of intent to forfeit.

5 F. At the hearing, any person who claims an ownership or
6 security interest in the motor vehicle which is not perfected by a
7 lien of record shall be required to establish by a preponderance of
8 the evidence that:

9 1. The person has an interest in the motor vehicle and such
10 interest was acquired in good faith;

11 2. The person is not the person convicted of the offense that
12 resulted in the forfeiture proceeding; and

13 3. The person did not know or have reasonable cause to believe
14 that the vehicle would be used in the commission of a felony
15 offense.

16 G. If a person satisfies the requirements of subsection F of
17 this section, or if there is a lienholder of record that has
18 provided an affidavit pursuant to subsection D of this section, the
19 court shall order either an amount equal to the value of the
20 interest of that person in the motor vehicle to be paid to that
21 person upon sale of the motor vehicle after payment of costs and
22 expenses or release the vehicle from the forfeiture proceedings if
23 either the lienholder described in subsection D of this section or
24

1 the person intervening in accordance with subsection F of this
2 section has full right, title and interest in the vehicle.

3 H. At the hearing, the court may order the forfeiture of the
4 motor vehicle if it is determined by a preponderance of the evidence
5 that the forfeiture of the motor vehicle will serve one or more of
6 the following purposes:

7 1. Incapacitation of the convicted person from the commission
8 of any future offense under Section 11-902, 11-903, or 11-904 of
9 this title;

10 2. Protection of the safety and welfare of the public;

11 3. Deterrence of other persons who are potential offenders
12 under Section 11-902, 11-903, or 11-904 of this title;

13 4. Expression of public condemnation of the serious or
14 aggravated nature of the conduct of the convicted person; or

15 5. Satisfaction of monetary amounts for criminal penalties.

16 I. Upon forfeiture of a motor vehicle pursuant to this act, the
17 court shall require the owner to surrender the motor vehicle, the
18 certificate of title, and the registration of the motor vehicle.

19 The vehicle, the certificate of title, and the registration shall be
20 delivered to the Department of Public Safety within three (3) days
21 of the forfeiture order. The expense of delivering the vehicle
22 shall be paid by the district attorney. Costs of delivering the
23 vehicle to the Department shall be reimbursable as costs of
24 conducting the sale. A motor vehicle forfeited pursuant to this ~~act~~

1 section, shall be sold by the Department of Public Safety as
2 provided by law for the sale of other forfeited property, except as
3 otherwise provided in this section.

4 J. If a vehicle was impounded at the time of delivery to the
5 Department and a forfeiture order is subsequently issued, all
6 towing, wrecker services, and storage expenses shall be satisfied
7 from the sale of the vehicle. If a vehicle is released from
8 forfeiture and the vehicle has been delivered to the Department with
9 impound expenses still owing, all impound expenses, including
10 towing, wrecker service and storage expenses, shall be paid by the
11 person prevailing on the dismissal of the forfeiture proceeding and
12 the release of the vehicle to such person. If a notice for sale of
13 the vehicle was filed for satisfaction of impound expenses prior to
14 the filing of a motion for forfeiture, the vehicle shall be sold as
15 provided by law for unpaid towing, wrecker services, and storage
16 expenses and shall not be subject to forfeiture. If the convicted
17 person redeems his or her interest in the vehicle at a sale for
18 impound expenses, a forfeiture proceeding may thereafter proceed as
19 authorized by this ~~act~~ section. Neither the notice of sale for
20 towing, wrecker services, and storage expenses nor the sale of such
21 vehicle for impound expenses shall serve to extend the requirement
22 for filing a motion to forfeit as provided in subsection B of this
23 section.

24

1 K. Except as provided in subsection J of this section, proceeds
2 from the sale of any vehicle forfeited pursuant to this ~~act~~ section
3 shall be paid in the following order:

4 1. To satisfy the interest of any lienholder of record;

5 2. To the Department of Public Safety for the cost of
6 conducting the sale, including expense of delivery, court filing
7 fees, and publication expense;

8 3. To satisfy impound expenses, including any towing, wrecker
9 service and storage expenses incurred prior to delivery to the
10 Department of Public Safety;

11 4. To satisfy the interest of any person making proof as
12 provided in subsection F of this section;

13 5. To satisfy criminal penalties, costs and assessments
14 pursuant to paragraph 5 of subsection H of this section if so
15 ordered by the court;

16 6. To the office of the district attorney who filed the
17 forfeiture proceeding not exceeding twenty-five percent (25%) of any
18 remaining proceeds. Such payment shall be deposited in a special
19 fund for such purpose as determined by the district attorney's
20 office; and

21 7. The balance of the proceeds to be deposited in the Drug
22 Abuse Education and Treatment Revolving Fund established pursuant to
23 Section 2-503.2 of Title 63 of the Oklahoma Statutes for the benefit
24 of drug court treatment as provided by law.

1 L. If a motor vehicle subject to forfeiture as provided by this
2 act is a vehicle leased pursuant to a commercial rental agreement
3 for a period of ninety (90) days or less or a shared vehicle as
4 defined in and operated in compliance with the Peer-to-Peer Car
5 Sharing Program Act, then the vehicle shall not be subject to the
6 forfeiture proceedings provided by this ~~act~~ section.

7 M. Upon the court dismissing a forfeiture proceeding, any lien
8 placed upon the vehicle title by the Oklahoma Tax Commission
9 pursuant to subsection B of this section shall be released.

10 SECTION 25. AMENDATORY Section 3, Chapter 208, O.S.L.
11 2018 (47 O.S. Supp. 2019, Section 1112.3), is amended to read as
12 follows:

13 Section 1112.3. A. Except as otherwise provided in subsection
14 B of this section, at all times while a vehicle is being used or
15 operated on the roads of this state, the operator of the vehicle
16 shall have in his or her possession or carry in the vehicle and
17 exhibit upon demand to any peace officer of the state or duly
18 authorized employee of the Department of Public Safety, either a:

- 19 1. Registration certificate or an official copy thereof;
- 20 2. True copy of rental or lease documentation issued for a
21 motor vehicle;
- 22 3. True copy of a peer-to-peer car sharing program agreement
23 for a shared vehicle;

24

1 4. Registration certificate or an official copy thereof issued
2 for a replacement vehicle in the same registration period;

3 ~~4.~~ 5. Temporary receipt printed upon self-initiated electronic
4 renewal of a registration via the Internet; or

5 ~~5.~~ 6. Cab card issued for a vehicle registered under the
6 International Registration Plan.

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

10 SECTION 26. AMENDATORY 47 O.S. 2011, Section 1120.1, is
11 amended to read as follows:

12 Section 1120.1. A. The Corporation Commission, when in the
13 interest of the State of Oklahoma and its residents, may enter into
14 the International Registration Plan or other compacts or agreements
15 with other states to permit motor vehicle registration and license
16 taxes on any motor vehicle to be used as a rental motor vehicle as
17 defined in the International Registration Plan.

18 B. The Tax Commission or Corporation Commission, as applicable,
19 shall require that each rental motor vehicle be assessed the
20 following registration fees in lieu of the fee schedule set forth in
21 Section 1132 of this title:

22 1. A fee of Fifteen Dollars (\$15.00) shall be assessed for the
23 first year of registration in this or any other state; and
24

1 2. A fee of Ten Dollars (\$10.00) shall be assessed in the first
2 year and each subsequent year of registration in this or any other
3 state.

4 C. Upon registration and payment of the fees required by this
5 section, the owner shall receive a license plate which shall be
6 valid until the vehicle is permanently withdrawn from the rental
7 fleet of the owner.

8 D. The provisions of this section shall not apply to a shared
9 vehicle as defined in and operated in compliance with the Peer-to-
10 Peer Car Sharing Program Act.

11 SECTION 27. AMENDATORY 68 O.S. 2011, Section 2105, as
12 last amended by Section 11, Chapter 229, O.S.L. 2017 (68 O.S. Supp.
13 2019, Section 2105), is amended to read as follows:

14 Section 2105. An original or a transfer certificate of title
15 shall be issued without the payment of the excise tax levied by
16 Section 2101 et seq. of this title for:

17 1. Any vehicle owned by a nonresident person who operates
18 principally in some other state but who is in Oklahoma only
19 occasionally;

20 2. Any vehicle brought into this state by a person formerly
21 living in another state, who has owned and registered the vehicle in
22 such other state of residence at least sixty (60) days prior to the
23 time it is required to be registered in this state; provided,
24

1 however, this paragraph shall not apply to businesses engaged in
2 renting cars without a driver;

3 3. Any vehicle registered by the State of Oklahoma, by any of
4 the political subdivisions thereof, or by a fire department
5 organized pursuant to Section 592 of Title 18 of the Oklahoma
6 Statutes to be used for the purposes of the fire department, or a
7 vehicle which is the subject of a lease or lease-purchase agreement
8 executed between the person seeking an original or transfer
9 certificate of title for the vehicle and a municipality, county,
10 school district, or fire protection district. The person seeking an
11 original or transfer certificate of title shall provide adequate
12 proof that the vehicle is subject to a lease or lease-purchase
13 agreement with a municipality, county, school district, or fire
14 protection district at the time the excise tax levied would
15 otherwise be payable. The Oklahoma Tax Commission shall have the
16 authority to determine what constitutes adequate proof as required
17 by this section;

18 4. Any vehicle, the legal ownership of which is obtained by the
19 applicant for a certificate of title by inheritance;

20 5. Any used motor vehicle, travel trailer, or commercial
21 trailer which is owned and being offered for sale by a person
22 licensed as a dealer to sell the same, under the provisions of the
23 Oklahoma Vehicle License and Registration Act:

24

1 a. if such vehicle, travel trailer, or commercial trailer
2 has been registered in Oklahoma and the excise tax
3 paid thereon, or

4 b. when such vehicle, travel trailer, or commercial
5 trailer has been registered in some other state but is
6 not the latest manufactured model.

7 Provided, the provisions of this paragraph shall not be
8 construed as allowing an exemption to any person not licensed as a
9 dealer of used motor vehicles, travel trailers, or commercial
10 trailers, or as an automotive dismantler and parts recycler in this
11 state;

12 6. Any vehicle which was purchased by a person licensed to sell
13 new or used motor vehicles in another state:

14 a. if such vehicle is not purchased for operation or
15 resale in this state, and

16 b. the state from which the dealer is licensed offers
17 reciprocal privileges to a dealer licensed in this
18 state, pursuant to a reciprocal agreement between the
19 duly authorized agent of the Tax Commission and the
20 licensing state;

21 7. Any vehicle, the ownership of which was obtained by the
22 lienholder or mortgagee under or by foreclosure of a lien or
23 mortgage in the manner provided by law or to the insurer under
24

1 subrogated rights arising by reason of loss under an insurance
2 contract;

3 8. Any vehicle which is taxed on an ad valorem basis;

4 9. Any vehicle or motor vehicle, the legal ownership of which
5 is obtained by transfers:

6 a. from one corporation to another corporation pursuant
7 to a reorganization. As used in this subsection the
8 term "reorganization" means:

9 (1) a statutory merger or consolidation, or

10 (2) the acquisition by a corporation of substantially
11 all of the properties of another corporation when
12 the consideration is solely all or a part of the
13 voting stock of the acquiring corporation, or of
14 its parent or subsidiary corporation,

15 b. in connection with the winding up, dissolution, or
16 liquidation of a corporation only when there is a
17 distribution in kind to the shareholders of the
18 property of such corporation,

19 c. to a corporation where the former owners of the
20 vehicle or motor vehicle transferred are, immediately
21 after the transfer, in control of the corporation, and
22 the stock or securities received by each is
23 substantially in proportion to the interest in the
24 vehicle or motor vehicle prior to the transfer,

- 1 d. to a partnership if the former owners of the vehicle
2 or motor vehicle transferred are, immediately after
3 the transfer, members of such partnership and the
4 interest in the partnership received by each is
5 substantially in proportion to the interest in the
6 vehicle or motor vehicle prior to the transfer,
- 7 e. from a partnership to the members thereof when made in
8 the dissolution of such partnership,
- 9 f. to a limited liability company if the former owners of
10 the vehicle or motor vehicle transferred are,
11 immediately after the transfer, members of the limited
12 liability company and the interest in the limited
13 liability company received by each is substantially in
14 proportion to the interest in the vehicle or motor
15 vehicle prior to the transfer, or
- 16 g. from a limited liability company to the members
17 thereof when made in the dissolution of such
18 partnership;

19 10. Any vehicle which is purchased by a person to be used by a
20 business engaged in renting motor vehicles without a driver,
21 provided:

- 22 a. the vehicle shall not be rented to the same person for
23 a period exceeding ninety (90) days,
- 24

1 b. any such vehicle exempted from the excise tax by these
2 provisions shall not be placed under any type of lease
3 agreement,

4 c. on any such vehicle exempted from the excise tax by
5 this subsection that is reregistered in this state,
6 without a prior sale or transfer to the persons
7 specified in divisions (1) and (2) of this
8 subparagraph, at any time prior to the expiration of
9 twelve (12) months from the date of issuance of the
10 original title, the seller shall pay immediately the
11 amount of excise tax which would have been due had
12 this exemption not been granted plus a penalty of
13 twenty percent (20%). No such excise tax or penalty
14 shall become due and payable if the vehicle is sold or
15 transferred in a condition either physical or
16 mechanical which would render it eligible for a
17 salvage title pursuant to law or if the vehicle is
18 sold and transferred in this state at any time prior
19 to the expiration of twelve (12) months:

20 (1) to the manufacturer of the vehicle or its
21 controlled financing arm, or

22 (2) to a factory authorized franchised new motor
23 vehicle dealer which holds a franchise of the
24 same line-make of the vehicle being purchased, or

1 d. when this exemption is claimed, the Tax Commission
2 shall issue a special title which shall restrict the
3 transfer of the title only within this state prior to
4 the expiration of twelve (12) months unless:

5 (1) payment of the excise tax plus penalty as
6 provided in this section is made,

7 (2) the sale is made to a person specified in
8 division (1) or (2) of subparagraph c of this
9 paragraph, or

10 (3) the vehicle is eligible for a salvage title.

11 For all other tax purposes vehicles herein exempted shall be
12 treated as though the excise tax has been paid.

13 Provided, the provisions of this paragraph shall not apply to a
14 shared vehicle as defined in the Peer-to-Peer Car Sharing Program
15 Act;

16 11. Any vehicle of the latest manufactured model, registered
17 from a title in the name of the original manufacturer or assigned to
18 the original manufacturer and issued by any state and transferred to
19 a licensed, franchised Oklahoma motor vehicle dealer, as defined by
20 Section 1102 of Title 47 of the Oklahoma Statutes, which holds a
21 franchise of the same line-make as the vehicle being registered;

22 12. Any new motor vehicle, registered in the name of a
23 manufacturer or dealer of new motor vehicles, for which a license
24 plate has been issued pursuant to Section 1116.1 of Title 47 of the

1 Oklahoma Statutes, if such vehicle is authorized by the manufacturer
2 or dealer for personal use by an individual. The authorization for
3 such use shall not exceed four (4) months which shall not be renewed
4 or the exemption provided by this subsection shall not be
5 applicable. The exemption provided by this subsection shall not be
6 applicable to a transfer of ownership or registration subsequent to
7 the first registration of the vehicle by a manufacturer or dealer;

8 13. Any vehicle, travel trailer, or commercial trailer of the
9 latest manufacturer model purchased by a franchised Oklahoma dealer
10 licensed to sell the same which holds a franchise of the same line-
11 make as the vehicle, travel trailer, or commercial trailer being
12 registered;

13 14. Any vehicle which is the subject of a lease or lease-
14 purchase agreement and which the ownership of such vehicle is being
15 obtained by the lessee, if the vehicle excise tax was paid at the
16 time of the initial lease or lease-purchase agreement;

17 15. Any vehicle which:

18 a. is purchased by a private, nonprofit organization
19 which is exempt from taxation pursuant to the
20 provisions of Section 501(c)(3) of the Internal
21 Revenue Code, 26 U.S.C., Section 501(c)(3), and which
22 is primarily funded by a fraternal or civic service
23 organization with at least one hundred local chapters
24 or clubs, and

1 b. is designed and used to provide mobile health
2 screening services to the general public at no cost to
3 the recipient, and for which no reimbursement of any
4 kind is received from any health insurance provider,
5 health maintenance organization, or governmental
6 program;

7 16. Any vehicle which is purchased by an individual who has
8 been honorably discharged from active service in any branch of the
9 Armed Forces of the United States or Oklahoma National Guard and who
10 has been certified by the United States Department of Veterans
11 Affairs, its successor, or the Armed Forces of the United States to
12 be a disabled veteran in receipt of compensation at the one-hundred-
13 percent rate for a permanent disability sustained through military
14 action or accident resulting from disease contracted while in such
15 active service and registered with the veterans registry created by
16 the Oklahoma Department of Veterans Affairs; provided, that if the
17 veteran has previously received exemption pursuant to this
18 paragraph, no registration with the veterans registry shall be
19 required. This exemption may not be claimed by an individual for
20 more than one vehicle in a consecutive three-year period, unless the
21 vehicle is a replacement for a vehicle which was destroyed and
22 declared by the insurer to be a total loss claim. The Tax
23 Commission shall promulgate any rules necessary to implement the
24 provisions of this section; or

1 17. Any vehicle on which ownership is transferred by a
2 reposessor directly back to the owner or owners from whom the
3 vehicle was repossessed; provided, ownership shall be assigned by
4 the reposessor within thirty (30) days of issuance of the
5 repossession title and shall be identical to that reflected in the
6 vehicle title record immediately prior to the repossession.

7 SECTION 28. AMENDATORY 68 O.S. 2011, Section 2110, as
8 amended by Section 5, Chapter 316, O.S.L. 2012 (68 O.S. Supp. 2019,
9 Section 2110), is amended to read as follows:

10 Section 2110. A. There is hereby levied a rental tax of six
11 percent (6%) on the gross receipts of all motor vehicle rental
12 agreements and peer-to-peer car sharing program agreements as
13 provided in this section. This tax shall be levied on any ~~rental~~
14 such agreement of ninety (90) days or less duration on any motor
15 vehicle that is shared through a peer-to-peer car sharing program as
16 defined in Section 2 of this act or rented to a person by a business
17 engaged in renting motor vehicles without a driver in Oklahoma,
18 irrespective of the state in which the vehicle is registered. This
19 rental tax shall not apply to the following:

- 20 1. Any lease agreements;
- 21 2. Any truck or truck-tractor registered pursuant to the
22 provisions of Section 1120 or Section 1133 of Title 47 of the
23 Oklahoma Statutes having a laden weight or a combined laden weight
24 of eight thousand (8,000) pounds or more; or

1 3. Any trailer or semitrailer registered pursuant to the
2 provisions of Section 1133 of Title 47 of the Oklahoma Statutes.
3 For purposes of this section, "vehicle" and "person" shall have the
4 same meanings as defined in Section 2101 of this title.

5 B. The rental tax specified in subsection A of this section
6 shall be apportioned in the manner as provided in Section 2102 of
7 this title.

8 C. A deduction from gross receipts for bad debts shall be
9 allowed for the rental tax specified in subsection A of this
10 section. For purposes of this section, "bad debts" shall have the
11 same meaning as defined in Section 1366 of this title.

12 D. The tax hereby levied shall be collected at the time of the
13 payment of the rental agreement or peer-to-peer car sharing program
14 agreement and shall be due and payable to the Oklahoma Tax
15 Commission by the business engaged in renting these vehicles or
16 peer-to-peer car sharing program on the twentieth day of each month
17 following the month in which payments for ~~rental~~ agreements subject
18 to tax are made. The Tax Commission shall implement such rules and
19 regulations and devise such forms as it deems necessary for the
20 orderly collection of this tax and the excise tax and penalty
21 provided for in paragraph ~~9~~ 10 of Section 2105 of this title.

22 E. The provisions of this section shall not apply to state
23 government entities.

24 SECTION 29. This act shall become effective November 1, 2020.

1 Passed the Senate the 3rd day of March, 2020.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

7
8 _____
9 Presiding Officer of the House
10 of Representatives