

1 **SENATE FLOOR VERSION**

2 February 20, 2020

3 **AS AMENDED**

4 SENATE BILL NO. 1650

5 By: Rosino

6 [motor vehicles - Peer-to-Peer Car Sharing Program
7 Act - owners of for-rent vehicles financial
8 responsibility - forfeiture of a motor vehicle -
9 International Registration Plan - rental tax - -
10 codification - effective date]

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

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

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

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

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

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

1 2. "Peer-to-peer car sharing program" or "program" means a
2 business platform that connects vehicle owners with drivers to
3 enable the sharing of vehicles for financial consideration. A peer-
4 to-peer car sharing program shall not be considered a
5 "transportation network company" as defined in Section 1011 of Title
6 47 of the Oklahoma Statutes;

7 3. "Peer-to-peer car sharing program agreement" or "agreement"
8 means the terms and conditions applicable to a shared vehicle owner
9 and a shared vehicle driver that govern the use of a shared vehicle
10 through a peer-to-peer car sharing program;

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

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

16 6. "Shared vehicle owner" or "owner" means the registered
17 owner, or a person or entity designated by the registered owner, of
18 a vehicle made available for sharing to shared vehicle drivers
19 through a peer-to-peer car sharing program;

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

24

1 8. "Car sharing period" or "sharing period" means the period of
2 time that commences with the car sharing delivery period or, if
3 there is no car sharing delivery period, that commences with the car
4 sharing start time and, in either case, ends at the car sharing
5 termination time;

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

11 10. "Car sharing termination time" or "termination time" means
12 the earliest of the following events:

13 a. the expiration of the agreed-upon period of time
14 established for the use of a shared vehicle according
15 to the terms of the car sharing program agreement, if
16 the shared vehicle is delivered to the location agreed
17 upon in the car sharing program agreement,

18 b. when the shared vehicle is returned to a location as
19 alternatively agreed upon by the shared vehicle owner
20 and the shared vehicle driver as communicated through
21 a peer-to-peer car sharing program, or

22 c. when the shared vehicle owner, or the shared vehicle
23 owner's authorized designee, takes possession and
24 control of the shared vehicle.

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

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

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

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

19 2. Acts in concert with a shared vehicle driver who fails to
20 return the shared vehicle pursuant to the terms of the car sharing
21 program agreement.

22 C. Notwithstanding the definition of "car sharing termination
23 time" as set forth in Section 2 of this act, the assumption of
24 liability under subsection A of this section shall apply to bodily

1 injury, property damage, uninsured and underinsured motorist or
2 personal injury protection losses by damaged third parties required
3 by Section 7-600 et seq. of Title 47 of the Oklahoma Statutes.

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

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

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

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

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

20 1. A shared vehicle owner;

21 2. A shared vehicle driver;

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

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

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

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

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

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

12 The shared motor vehicle's insurer shall indemnify the car
13 sharing program to the extent of its obligation, if any, under the
14 applicable insurance policy, if it is determined that the shared
15 motor vehicle's owner was in control of the shared motor vehicle at
16 the time of the loss.

17 E. If insurance maintained by a shared vehicle owner or shared
18 vehicle driver in accordance with subsection B of this section has
19 lapsed or does not provide the required coverage, insurance
20 maintained by a peer-to-peer car sharing program shall provide the
21 coverage required by subsection A of this section beginning with the
22 first dollar of a claim and shall have the duty to defend such claim
23 except under circumstances as set forth in subsection B of Section 3
24 of this act.

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

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

6 1. Limit the liability of the peer-to-peer car sharing program
7 for any act or omission of the program itself that results in injury
8 to any person as a result of the use of a shared vehicle through a
9 peer-to-peer car sharing program; or

10 2. Limit the ability of the peer-to-peer car sharing program
11 to, by contract, seek indemnification from the shared vehicle owner
12 or the shared vehicle driver for economic loss sustained by the
13 peer-to-peer car sharing program resulting from a breach of the
14 terms and conditions of the car sharing program agreement.

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

18 At the time a vehicle owner registers as a shared vehicle owner
19 on a peer-to-peer car sharing program and prior to the time the
20 shared vehicle owner makes a shared vehicle available for car
21 sharing on the peer-to-peer car sharing program, the program shall
22 notify the shared vehicle owner that, if the shared vehicle has a
23 lien against it, the use of the shared vehicle through a peer-to-

24

1 peer car sharing program, including use without physical damage
2 coverage, may violate the terms of the contract with the lienholder.

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

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

- 11 1. Liability coverage for bodily injury and property damage;
- 12 2. Personal injury protection coverage;
- 13 3. Uninsured and underinsured motorist coverage;
- 14 4. Medical payments coverage;
- 15 5. Comprehensive physical damage coverage; and
- 16 6. Collision physical damage coverage.

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

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

1 A peer-to-peer car sharing program shall collect and verify
2 records pertaining to the use of a vehicle including, but not
3 limited to, times used, fees paid by the shared vehicle driver and
4 revenues received by the shared vehicle owner, and provide that
5 information upon request to the shared vehicle owner, the shared
6 vehicle owner's insurer or the shared vehicle driver's insurer to
7 facilitate a claim coverage investigation. The peer-to-peer car
8 sharing program shall retain the records for a time period not less
9 than the applicable personal injury statute of limitations.

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

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

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

20 A motor vehicle insurer that defends or indemnifies a claim
21 against a shared vehicle that is excluded under the terms of its
22 policy shall have the right to seek contribution against the motor
23 vehicle insurer of the peer-to-peer car sharing program if the claim
24 is:

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

4 2. Excluded under the terms of its policy.

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

8 A. Notwithstanding any other law, statute, rule or regulation
9 to the contrary, a peer-to-peer car sharing program shall have an
10 insurable interest in a shared vehicle during the car sharing
11 period.

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

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

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

20 2. Liability of the shared vehicle owner;

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

22 4. Liability of the shared vehicle driver.

23

24

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

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

6 1. Any right of the peer-to-peer car sharing program to seek
7 indemnification from the shared vehicle owner or the shared vehicle
8 driver for economic loss sustained by the peer-to-peer car sharing
9 program resulting from a breach of the terms and conditions of the
10 car sharing program agreement;

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

15 3. That the peer-to-peer car sharing program's insurance
16 coverage on the shared vehicle owner and the shared vehicle driver
17 is in effect only during each car sharing period and that, for any
18 use of the shared vehicle by the shared vehicle driver after the car
19 sharing termination time, the shared vehicle driver and the shared
20 vehicle owner may not have insurance coverage;

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

24

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

3 6. An emergency telephone number to personnel capable of
4 fielding roadside assistance and other customer service inquiries;
5 and

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

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

13 A. A peer-to-peer car sharing program may not enter into a
14 peer-to-peer car sharing program agreement with a driver unless the
15 driver who will operate the shared vehicle:

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

19 2. Is a nonresident who:

20 a. has a driver license issued by the state or country of
21 the driver's residence that authorizes the driver in
22 that state or country to drive vehicles of the class
23 of the shared vehicle, and
24

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

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

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

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

8 2. The number of the driver license of the shared vehicle
9 driver and each other person, if any, who will operate the shared
10 vehicle; and

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

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

15 A peer-to-peer car sharing program shall have sole
16 responsibility for any equipment, such as a global positioning
17 system or other special equipment, that is put in or on the vehicle
18 to monitor or facilitate the car sharing transaction, and shall
19 agree to indemnify and hold harmless the vehicle owner for any
20 damage to or theft of such equipment during the sharing period not
21 caused by the vehicle owner. The peer-to-peer car sharing program
22 has the right to seek indemnity from the shared vehicle driver for
23 any loss or damage to such equipment that occurs during the sharing
24 period.

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

4 A. At the time a vehicle owner registers as a shared vehicle
5 owner on a peer-to-peer car sharing program, and prior to the time
6 when the shared vehicle owner makes a shared vehicle available for
7 car sharing on the peer-to-peer car sharing program, the peer-to-
8 peer car sharing program shall:

9 1. Verify that the shared vehicle does not have any safety
10 recalls on the vehicle for which the repairs have not been made; and

11 2. Notify the shared vehicle owner of the requirements under
12 subsection B of this section.

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

17 2. If a shared vehicle owner receives an actual notice of a
18 safety recall on a shared vehicle while the shared vehicle is made
19 available on the peer-to-peer car sharing program, the shared
20 vehicle owner shall remove the shared vehicle as available on the
21 peer-to-peer car sharing program, as soon as practicably possible
22 after receiving the notice of the safety recall and until the safety
23 recall repair has been made.

24

1 3. If a shared vehicle owner receives an actual notice of a
2 safety recall while the shared vehicle is being used in the
3 possession of a shared vehicle driver, as soon as practicably
4 possible after receiving the notice of the safety recall, the shared
5 vehicle owner shall notify the peer-to-peer car sharing program
6 about the safety recall so that the shared vehicle owner may address
7 the safety recall repair.

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

11 Nothing in the Peer-to-Peer Car Sharing Program Act shall be
12 construed to affect the taxability of peer-to-peer car sharing
13 pursuant to the provisions of Title 47 or Title 68 of the Oklahoma
14 Statutes.

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

18 A. A notice or disclosure required to be provided, delivered,
19 posted or otherwise made available by a motor vehicle rental company
20 or a peer-to-peer car sharing program shall be deemed timely and
21 effectively made if the notice or disclosure is provided or
22 delivered electronically at or before the time required or included
23 in a master or member agreement in effect at the time of the vehicle
24 rental transaction or peer-to-peer car sharing program agreement.

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

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

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

10 3. Where the customer does not receive the terms and conditions
11 at the time of service.

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

15 A. Electronic or written acceptance shall be deemed a valid
16 form of acceptance of a notice or disclosure.

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

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

22 A notice or disclosure made pursuant to the Peer-to-Peer Car
23 Sharing Program Act shall be exempt from placement or stylistic
24 display requirements including but not limited to location, font

1 size, typeset or other specifically stated description, if the
2 notice or disclosure is generally consistent in appearance with the
3 entirety of the communication in which it is contained.

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

7 **A. A peer-to-peer car sharing program, a shared vehicle owner**
8 **using a peer-to-peer car sharing program or a motor vehicle rental**
9 **company shall, upon request of an airport including but not limited**
10 **to any entity operating an airport pursuant to Section 65.5 of Title**
11 **3 of the Oklahoma Statutes, or any entity owning or responsible for**
12 **regulating or managing any public facility on public property within**
13 **this state, enter into an agreement, which agreement may be a**
14 **concession agreement, prior to:**

15 **1. Listing, publishing or advertising shared vehicles or other**
16 **motor vehicles parked on or delivered to airport property or at**
17 **airport facilities or other public facilities on public property;**

18 **2. Facilitating the use of shared vehicles or other motor**
19 **vehicles to transport airport customers to or from airport property**
20 **or airport facilities, or customers of other public facilities on**
21 **public property, regardless of whether that use is to be initiated**
22 **or has a start time which occurs on or off airport property or**
23 **airport facilities or in other public facilities on public property;**
24 **or**

1 3. Promoting or marketing shared vehicles or other motor
2 vehicles to transport airport customers to or from airport property
3 or airport facilities, or customers of other public facilities on
4 public property, regardless of whether that transportation is to be
5 initiated or has a start time which occurs on or off airport
6 property or airport facilities or other public facilities on public
7 property.

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

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

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

19 2. Performs, participates in or undertakes any of the actions
20 set forth in paragraph 1, 2 or 3 of subsection A of this section
21 before entering into an agreement described in subsection A of this
22 section after request by an airport,

23 then the affected airport or an entity owning or responsible for
24 regulating or managing any public facility on public property may

1 **seek an injunction prohibiting operations at the airport or in**
2 **public facilities on public property and may also seek damages**
3 **against the peer-to-peer car sharing program, shared vehicle owner**
4 **or motor vehicle rental company.**

5 **D. Record of the shared vehicle driver's address, license**
6 **number, state of issuance of the driver license, the location where**
7 **any shared vehicle driver was picked up and where the car sharing**
8 **location commenced shall be provided to an airport or a regulator or**
9 **manager of any public facility on public property.**

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

13 In the event a motor vehicle rental company or a peer-to-peer
14 car sharing program facilitates rental or sharing via digital,
15 electronic or other means that allow customers to obtain possession
16 of a shared vehicle or other motor vehicle, as applicable, without
17 in-person contact with an agent or employee of the motor vehicle
18 rental company or peer-to-peer car sharing program, or where the
19 customer does not execute a contract at the time of the transaction,
20 the motor vehicle rental company or peer-to-peer car sharing program
21 shall be deemed to have met all obligations to physically inspect
22 and compare the customer's driver license when such provider:

23 1. At the time the customer enrolls, or any time thereafter, in
24 a membership program, master agreement or other means of

1 establishing use of the provider's services, requires verification
2 that the customer is a licensed driver; or

3 2. Prior to the customer taking possession of the shared
4 vehicle or other motor vehicle, as applicable, requires
5 documentation that verifies the customer's identity.

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

8 Section 8-101. ~~(a)~~ A. It shall be unlawful for the owner of
9 any motor vehicle engaged in the business of renting motor vehicles
10 without drivers to rent a motor vehicle without a driver otherwise
11 than as a part of a bona fide transaction involving the sale of such
12 motor vehicle, unless ~~he~~ the owner has previously notified the
13 Department of Public Safety of the intention to so rent such vehicle
14 and has given proof of financial responsibility, and the Oklahoma
15 Tax Commission shall not register any such vehicle unless and until
16 the owner gives proof of financial responsibility either as provided
17 in this section or, in the alternative, as provided in Section 8-102
18 of this title. The Department shall cancel the registration of any
19 motor vehicle rented without a driver whenever the Department
20 ascertains that the owner has failed or is unable to give and
21 maintain such proof of financial responsibility. The provisions of
22 this section shall not apply to a shared vehicle as defined in and
23 operated in compliance with the Peer-to-Peer Car Sharing Program
24 Act.

1 ~~(b)~~ B. Such owner shall submit to the Commissioner of Public
2 Safety evidence that there has been issued to him or her by an
3 insurance carrier authorized to do business in this state, a public
4 liability insurance policy or policies covering each such motor
5 vehicle so rented in the amounts as hereinafter stated and insuring
6 every person operating such vehicle under a rental agreement or
7 operating the vehicle with the express or implied permission of the
8 owner against loss from the liability imposed by law upon such
9 person arising out of the operation of ~~said~~ the vehicle in the
10 amount of Twenty-five Thousand Dollars (\$25,000.00) for bodily
11 injury to or death of one person and, subject to ~~said~~ the limit as
12 respects bodily injury to or death of any one person, the amount of
13 Fifty Thousand Dollars (\$50,000.00) on account of bodily injury to
14 or death of more than one person in any one accident and Twenty-five
15 Thousand Dollars (\$25,000.00) for damage to property of others in
16 any one accident. Provided, that the Commissioner is authorized to
17 accept, in lieu of such public liability insurance policy covering
18 specific vehicles, proof by evidence satisfactory to the
19 Commissioner of a valid and binding lease contract between the owner
20 and a renter wherein it is agreed between such owner and the lessee-
21 renter that such lessee-renter accepts responsibility for loss from
22 any liability imposed by law upon any person arising out of the
23 operation, either by express or implied permission of the lessee-
24 renter, of any vehicle covered by such lease in amounts not less

1 than the minimum amounts before set out in this subsection, together
2 with satisfactory evidence of issuance to such lessee-renter, by an
3 insurance carrier authorized to do business in this state, of proper
4 public liability insurance policies in amounts of not less than the
5 minimum amounts before set out in this subsection or sufficient
6 showing of financial responsibility of such lessee-renter as is
7 required of owners by the provisions of Section 8-102 of this title.

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

13 ~~(d)~~ ~~Said~~ D. The policy or policies need not cover any liability
14 incurred by the renter of any vehicle to any passenger in such
15 vehicle.

16 ~~(e)~~ E. When any suit or action is brought against the owner of
17 a for-rent motor vehicle upon a liability under this title, it shall
18 be the duty of the judge of the court before whom the case is
19 pending to cause a preliminary hearing to be had, in the absence of
20 the jury, for the purpose of determining whether the owner has
21 obtained and there is in full force and effect, a policy or policies
22 of insurance covering the person operating the vehicle under a
23 rental agreement, in the limits above mentioned. When it appears
24 that the owner has obtained such policy or policies and that the

1 same are in full force and effect, the judge or magistrate before
2 whom such action is pending shall dismiss the action as to the owner
3 of the motor vehicle.

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

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

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

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

23 1. If he or she applies for registration of one motor vehicle,
24 in the sum of at least Twenty Thousand Dollars (\$20,000.00) for any

1 one person injured or killed and in the sum of Forty Thousand
2 Dollars (\$40,000.00) for any number more than one injured or killed
3 in any one accident.

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

11 ~~(b)~~ B. The Department of Public Safety shall cancel the
12 registration of any motor vehicle rented without a driver whenever
13 the Department ascertains that the owner has failed or is unable to
14 comply with the requirements of this section.

15 ~~(c)~~ C. Any owner of a for-rent motor vehicle who has given
16 proof of financial responsibility under this section or who in
17 violation of ~~this act~~ Section 8-101 et seq. of this title, has
18 failed to give proof of financial responsibility shall be jointly
19 and severally liable with any person operating such vehicle for any
20 damages caused by the negligence of any person operating the vehicle
21 by or with the permission of the owner, except that the foregoing
22 provision shall not confer any right of action upon any passenger in
23 any such rented vehicle as against the owner.

24

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

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

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

10 Section 8-103. A. No person shall rent a motor vehicle to any
11 other person unless the person to whom the vehicle is to be rented
12 is duly licensed to operate a motor vehicle as required under this
13 ~~act~~ title or, in the case of a nonresident, then duly licensed under
14 the laws of the state or country of his or her residence.

15 B. No person shall rent a motor vehicle to another until he or
16 she has inspected the driver license of the person to whom the
17 vehicle is to be rented and compared and verified the signature
18 thereon with the signature of such person written in his or her
19 presence.

20 C. Every person renting a motor vehicle to another shall keep a
21 record of the registration number of the motor vehicle so rented,
22 the name and address and driver license number of the person to whom
23 the vehicle is rented, the expiration date of ~~said~~ the license and
24 place where ~~said~~ the license was issued. Such record shall be open

1 to inspection by any police officer or officer or employee of the
2 Department of Public Safety.

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

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

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

13 1. Any person who has been previously convicted of an offense
14 under Section 11-902, 11-903, or 11-904 of this title and who on or
15 after July 1, 1999, is convicted of an offense under Section 11-902,
16 11-903, or 11-904 of this title within ten (10) years of any prior
17 conviction under Section 11-902, 11-903, or 11-904 of this title and
18 where at least one of the offenses, current or prior, involved the
19 death of or serious bodily injury to another person; or

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

22 B. A motion for forfeiture may be filed at the time of charging
23 but not later than thirty (30) days after the verdict or plea of
24 guilty or nolo contendere. If a motion of intent to forfeit is

1 filed prior to the verdict or plea of guilty or nolo contendere, the
2 proceedings shall be stayed until the disposition of the criminal
3 case. Notice shall be required even though the proceedings are
4 stayed. If the motion is filed prior to the disposition on the
5 criminal case, the district attorney shall notify the Oklahoma Tax
6 Commission and the Tax Commission shall place a lien upon the
7 vehicle title. No person shall sell, damage, destroy, transfer or
8 perfect a security interest on any vehicle subject to forfeiture.
9 Prior to filing a motion for forfeiture, the district attorney shall
10 verify whether the vehicle was sold during any period of impoundment
11 as provided by law. Any vehicle sold in an impound sale to pay
12 towing, wrecker services or storage expenses shall not be subject to
13 forfeiture as provided in this section.

14 C. Upon filing a motion for forfeiture, except when the
15 proceedings are stayed pursuant to subsection B of this section, the
16 court shall schedule a hearing on the matter. The hearing shall be
17 not less than twenty (20) days nor more than forty-five (45) days
18 from the date the motion is filed. The district attorney within
19 three (3) days of filing a motion of intent to forfeit shall notify
20 the convicted person, lienholders of record, and any person
21 appearing to have an ownership or security interest in the vehicle.
22 The notice shall contain the date, time and place of the hearing.
23 When a motion for forfeiture has been stayed pending disposition of
24 the criminal case and a verdict or plea of guilty or nolo contendere

1 has been entered, the district attorney shall give notice of the
2 forfeiture hearing not less than ten (10) days prior to the hearing.
3 The notice of persons specified in this subsection shall be by
4 certified mail to the address shown upon the records of the Oklahoma
5 Tax Commission. For owners or interested parties, other than
6 lienholders of record, whose addresses are unknown, but who are
7 believed to have an interest in the vehicle, notice shall be by one
8 publication in a newspaper of general circulation in the county
9 where the motion is filed. The written notice shall include:

- 10 1. A full description of the motor vehicle;
- 11 2. The date, time and place of the forfeiture hearing;
- 12 3. The legal authority under which the motor vehicle may be
13 forfeited; and
- 14 4. Notice of the right to intervene to protect an interest in
15 the motor vehicle.

16 D. A forfeiture proceeding shall not extinguish any security
17 interest of a lienholder of record; provided, however, the court may
18 order the sale of the motor vehicle and the satisfaction of that
19 security interest from the proceeds of sale as provided in
20 subsection K of this section.

21 For purposes of a forfeiture proceeding, an affidavit obtained
22 from the lienholder of record, in the absence of evidence of bad
23 faith, shall be prima facie evidence of the amount of secured
24 indebtedness owed to that lienholder. It shall be the

1 responsibility of the district attorney to obtain such affidavit
2 prior to the forfeiture proceeding.

3 In the absence of evidence of bad faith, no lienholder of record
4 shall be required to attend the forfeiture proceeding to protect its
5 interest in the motor vehicle. However, each lienholder of record
6 shall be given notice of the forfeiture hearing as provided in
7 subsection C of this section. The district attorney shall notify
8 each lienholder of record at least ten (10) days before the sale of
9 the motor vehicle ordered forfeited pursuant to this section;
10 provided, the lienholder was not represented at the forfeiture
11 proceeding.

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

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

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

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

24

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

4 G. If a person satisfies the requirements of subsection F of
5 this section, or if there is a lienholder of record that has
6 provided an affidavit pursuant to subsection D of this section, the
7 court shall order either an amount equal to the value of the
8 interest of that person in the motor vehicle to be paid to that
9 person upon sale of the motor vehicle after payment of costs and
10 expenses or release the vehicle from the forfeiture proceedings if
11 either the lienholder described in subsection D of this section or
12 the person intervening in accordance with subsection F of this
13 section has full right, title and interest in the vehicle.

14 H. At the hearing, the court may order the forfeiture of the
15 motor vehicle if it is determined by a preponderance of the evidence
16 that the forfeiture of the motor vehicle will serve one or more of
17 the following purposes:

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

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

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

1 4. Expression of public condemnation of the serious or
2 aggravated nature of the conduct of the convicted person; or

3 5. Satisfaction of monetary amounts for criminal penalties.

4 I. Upon forfeiture of a motor vehicle pursuant to this act, the
5 court shall require the owner to surrender the motor vehicle, the
6 certificate of title, and the registration of the motor vehicle.

7 The vehicle, the certificate of title, and the registration shall be
8 delivered to the Department of Public Safety within three (3) days
9 of the forfeiture order. The expense of delivering the vehicle
10 shall be paid by the district attorney. Costs of delivering the
11 vehicle to the Department shall be reimbursable as costs of
12 conducting the sale. A motor vehicle forfeited pursuant to this ~~act~~
13 section, shall be sold by the Department of Public Safety as
14 provided by law for the sale of other forfeited property, except as
15 otherwise provided in this section.

16 J. If a vehicle was impounded at the time of delivery to the
17 Department and a forfeiture order is subsequently issued, all
18 towing, wrecker services, and storage expenses shall be satisfied
19 from the sale of the vehicle. If a vehicle is released from
20 forfeiture and the vehicle has been delivered to the Department with
21 impound expenses still owing, all impound expenses, including
22 towing, wrecker service and storage expenses, shall be paid by the
23 person prevailing on the dismissal of the forfeiture proceeding and
24 the release of the vehicle to such person. If a notice for sale of

1 the vehicle was filed for satisfaction of impound expenses prior to
2 the filing of a motion for forfeiture, the vehicle shall be sold as
3 provided by law for unpaid towing, wrecker services, and storage
4 expenses and shall not be subject to forfeiture. If the convicted
5 person redeems his or her interest in the vehicle at a sale for
6 impound expenses, a forfeiture proceeding may thereafter proceed as
7 authorized by this ~~act~~ section. Neither the notice of sale for
8 towing, wrecker services, and storage expenses nor the sale of such
9 vehicle for impound expenses shall serve to extend the requirement
10 for filing a motion to forfeit as provided in subsection B of this
11 section.

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

- 15 1. To satisfy the interest of any lienholder of record;
- 16 2. To the Department of Public Safety for the cost of
17 conducting the sale, including expense of delivery, court filing
18 fees, and publication expense;
- 19 3. To satisfy impound expenses, including any towing, wrecker
20 service and storage expenses incurred prior to delivery to the
21 Department of Public Safety;
- 22 4. To satisfy the interest of any person making proof as
23 provided in subsection F of this section;

24

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

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

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

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

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

22 SECTION 25. AMENDATORY Section 3, Chapter 208, O.S.L.
23 2018 (47 O.S. Supp. 2019, Section 1112.3), is amended to read as
24 follows:

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

7 1. Registration certificate or an official copy thereof;

8 2. True copy of rental or lease documentation issued for a
9 motor vehicle;

10 3. True copy of a peer-to-peer car sharing program agreement
11 for a shared vehicle;

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

14 ~~4.~~ 5. Temporary receipt printed upon self-initiated electronic
15 renewal of a registration via the Internet; or

16 ~~5.~~ 6. Cab card issued for a vehicle registered under the
17 International Registration Plan.

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

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

23 Section 1120.1. A. The Corporation Commission, when in the
24 interest of the State of Oklahoma and its residents, may enter into

1 the International Registration Plan or other compacts or agreements
2 with other states to permit motor vehicle registration and license
3 taxes on any motor vehicle to be used as a rental motor vehicle as
4 defined in the International Registration Plan.

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

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

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

14 C. Upon registration and payment of the fees required by this
15 section, the owner shall receive a license plate which shall be
16 valid until the vehicle is permanently withdrawn from the rental
17 fleet of the owner.

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

21 SECTION 27. AMENDATORY 68 O.S. 2011, Section 2105, as
22 last amended by Section 11, Chapter 229, O.S.L. 2017 (68 O.S. Supp.
23 2019, Section 2105), is amended to read as follows:

24

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

4 1. Any vehicle owned by a nonresident person who operates
5 principally in some other state but who is in Oklahoma only
6 occasionally;

7 2. Any vehicle brought into this state by a person formerly
8 living in another state, who has owned and registered the vehicle in
9 such other state of residence at least sixty (60) days prior to the
10 time it is required to be registered in this state; provided,
11 however, this paragraph shall not apply to businesses engaged in
12 renting cars without a driver;

13 3. Any vehicle registered by the State of Oklahoma, by any of
14 the political subdivisions thereof, or by a fire department
15 organized pursuant to Section 592 of Title 18 of the Oklahoma
16 Statutes to be used for the purposes of the fire department, or a
17 vehicle which is the subject of a lease or lease-purchase agreement
18 executed between the person seeking an original or transfer
19 certificate of title for the vehicle and a municipality, county,
20 school district, or fire protection district. The person seeking an
21 original or transfer certificate of title shall provide adequate
22 proof that the vehicle is subject to a lease or lease-purchase
23 agreement with a municipality, county, school district, or fire
24 protection district at the time the excise tax levied would

1 otherwise be payable. The Oklahoma Tax Commission shall have the
2 authority to determine what constitutes adequate proof as required
3 by this section;

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

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

10 a. if such vehicle, travel trailer, or commercial trailer
11 has been registered in Oklahoma and the excise tax
12 paid thereon, or

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

16 Provided, the provisions of this paragraph shall not be
17 construed as allowing an exemption to any person not licensed as a
18 dealer of used motor vehicles, travel trailers, or commercial
19 trailers, or as an automotive dismantler and parts recycler in this
20 state;

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

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

1 b. the state from which the dealer is licensed offers
2 reciprocal privileges to a dealer licensed in this
3 state, pursuant to a reciprocal agreement between the
4 duly authorized agent of the Tax Commission and the
5 licensing state;

6 7. Any vehicle, the ownership of which was obtained by the
7 lienholder or mortgagee under or by foreclosure of a lien or
8 mortgage in the manner provided by law or to the insurer under
9 subrogated rights arising by reason of loss under an insurance
10 contract;

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

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

14 a. from one corporation to another corporation pursuant
15 to a reorganization. As used in this subsection the
16 term "reorganization" means:

17 (1) a statutory merger or consolidation, or

18 (2) the acquisition by a corporation of substantially
19 all of the properties of another corporation when
20 the consideration is solely all or a part of the
21 voting stock of the acquiring corporation, or of
22 its parent or subsidiary corporation,

23 b. in connection with the winding up, dissolution, or
24 liquidation of a corporation only when there is a

1 distribution in kind to the shareholders of the
2 property of such corporation,

3 c. to a corporation where the former owners of the
4 vehicle or motor vehicle transferred are, immediately
5 after the transfer, in control of the corporation, and
6 the stock or securities received by each is
7 substantially in proportion to the interest in the
8 vehicle or motor vehicle prior to the transfer,

9 d. to a partnership if the former owners of the vehicle
10 or motor vehicle transferred are, immediately after
11 the transfer, members of such partnership and the
12 interest in the partnership received by each is
13 substantially in proportion to the interest in the
14 vehicle or motor vehicle prior to the transfer,

15 e. from a partnership to the members thereof when made in
16 the dissolution of such partnership,

17 f. to a limited liability company if the former owners of
18 the vehicle or motor vehicle transferred are,
19 immediately after the transfer, members of the limited
20 liability company and the interest in the limited
21 liability company received by each is substantially in
22 proportion to the interest in the vehicle or motor
23 vehicle prior to the transfer, or

24

1 g. from a limited liability company to the members
2 thereof when made in the dissolution of such
3 partnership;

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

7 a. the vehicle shall not be rented to the same person for
8 a period exceeding ninety (90) days,

9 b. any such vehicle exempted from the excise tax by these
10 provisions shall not be placed under any type of lease
11 agreement,

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

1 salvage title pursuant to law or if the vehicle is
2 sold and transferred in this state at any time prior
3 to the expiration of twelve (12) months:

4 (1) to the manufacturer of the vehicle or its
5 controlled financing arm, or

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

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

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

15 (2) the sale is made to a person specified in
16 division (1) or (2) of subparagraph c of this
17 paragraph, or

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

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

21 Provided, the provisions of this paragraph shall not apply to a
22 shared vehicle as defined in the Peer-to-Peer Car Sharing Program
23 Act;
24

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

7 12. Any new motor vehicle, registered in the name of a
8 manufacturer or dealer of new motor vehicles, for which a license
9 plate has been issued pursuant to Section 1116.1 of Title 47 of the
10 Oklahoma Statutes, if such vehicle is authorized by the manufacturer
11 or dealer for personal use by an individual. The authorization for
12 such use shall not exceed four (4) months which shall not be renewed
13 or the exemption provided by this subsection shall not be
14 applicable. The exemption provided by this subsection shall not be
15 applicable to a transfer of ownership or registration subsequent to
16 the first registration of the vehicle by a manufacturer or dealer;

17 13. Any vehicle, travel trailer, or commercial trailer of the
18 latest manufacturer model purchased by a franchised Oklahoma dealer
19 licensed to sell the same which holds a franchise of the same line-
20 make as the vehicle, travel trailer, or commercial trailer being
21 registered;

22 14. Any vehicle which is the subject of a lease or lease-
23 purchase agreement and which the ownership of such vehicle is being
24

1 obtained by the lessee, if the vehicle excise tax was paid at the
2 time of the initial lease or lease-purchase agreement;

3 15. Any vehicle which:

4 a. is purchased by a private, nonprofit organization
5 which is exempt from taxation pursuant to the
6 provisions of Section 501(c)(3) of the Internal
7 Revenue Code, 26 U.S.C., Section 501(c)(3), and which
8 is primarily funded by a fraternal or civic service
9 organization with at least one hundred local chapters
10 or clubs, and

11 b. is designed and used to provide mobile health
12 screening services to the general public at no cost to
13 the recipient, and for which no reimbursement of any
14 kind is received from any health insurance provider,
15 health maintenance organization, or governmental
16 program;

17 16. Any vehicle which is purchased by an individual who has
18 been honorably discharged from active service in any branch of the
19 Armed Forces of the United States or Oklahoma National Guard and who
20 has been certified by the United States Department of Veterans
21 Affairs, its successor, or the Armed Forces of the United States to
22 be a disabled veteran in receipt of compensation at the one-hundred-
23 percent rate for a permanent disability sustained through military
24 action or accident resulting from disease contracted while in such

1 active service and registered with the veterans registry created by
2 the Oklahoma Department of Veterans Affairs; provided, that if the
3 veteran has previously received exemption pursuant to this
4 paragraph, no registration with the veterans registry shall be
5 required. This exemption may not be claimed by an individual for
6 more than one vehicle in a consecutive three-year period, unless the
7 vehicle is a replacement for a vehicle which was destroyed and
8 declared by the insurer to be a total loss claim. The Tax
9 Commission shall promulgate any rules necessary to implement the
10 provisions of this section; or

11 17. Any vehicle on which ownership is transferred by a
12 reposessor directly back to the owner or owners from whom the
13 vehicle was repossessed; provided, ownership shall be assigned by
14 the reposessor within thirty (30) days of issuance of the
15 repossession title and shall be identical to that reflected in the
16 vehicle title record immediately prior to the repossession.

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

20 Section 2110. A. There is hereby levied a rental tax of six
21 percent (6%) on the gross receipts of all motor vehicle rental
22 agreements and peer-to-peer car sharing program agreements as
23 provided in this section. This tax shall be levied on any ~~rental~~
24 such agreement of ninety (90) days or less duration on any motor

1 vehicle that is shared through a peer-to-peer car sharing program as
2 defined in Section 2 of this act or rented to a person by a business
3 engaged in renting motor vehicles without a driver in Oklahoma,
4 irrespective of the state in which the vehicle is registered. This
5 rental tax shall not apply to the following:

6 1. Any lease agreements;

7 2. Any truck or truck-tractor registered pursuant to the
8 provisions of Section 1120 or Section 1133 of Title 47 of the
9 Oklahoma Statutes having a laden weight or a combined laden weight
10 of eight thousand (8,000) pounds or more; or

11 3. Any trailer or semitrailer registered pursuant to the
12 provisions of Section 1133 of Title 47 of the Oklahoma Statutes.

13 For purposes of this section, "vehicle" and "person" shall have the
14 same meanings as defined in Section 2101 of this title.

15 B. The rental tax specified in subsection A of this section
16 shall be apportioned in the manner as provided in Section 2102 of
17 this title.

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

22 D. The tax hereby levied shall be collected at the time of the
23 payment of the rental agreement or peer-to-peer car sharing program
24 agreement and shall be due and payable to the Oklahoma Tax

1 Commission by the business engaged in renting these vehicles or
2 peer-to-peer car sharing program on the twentieth day of each month
3 following the month in which payments for ~~rental~~ agreements subject
4 to tax are made. The Tax Commission shall implement such rules and
5 regulations and devise such forms as it deems necessary for the
6 orderly collection of this tax and the excise tax and penalty
7 provided for in paragraph ~~9~~ 10 of Section 2105 of this title.

8 E. The provisions of this section shall not apply to state
9 government entities.

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

11 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
12 February 20, 2020 - DO PASS AS AMENDED

13
14
15
16
17
18
19
20
21
22
23
24