

OKLAHOMA STATE SENATE  
CONFERENCE  
COMMITTEE REPORT

May 12, 2022

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB1318

By: Jech of the Senate and Newton of the House

Title: Vehicle registration; modifying deadline for registration and temporary license plate removal for certain purchases. Emergency.

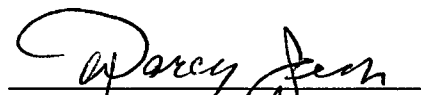
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together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:


1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute (Request #3895) be adopted.

Respectfully submitted,

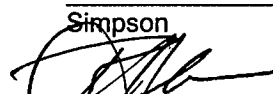
SENATE CONFEREES:

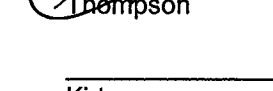
  
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HOUSE CONFEREES:

General Conference Committee on Appropriations

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 1318

6 By: Jech of the Senate

7 and

8 Newton of the House

9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to vehicle registration; amending 47  
11 O.S. 2021, Sections 1112.2 and 1137.3, which relate  
12 to transferability of license plates and registration  
13 or licensing after purchase; modifying deadline for  
14 registration and removal of temporary license plate  
15 for certain purchases; updating statutory language;  
16 amending 68 O.S. 2021, Section 2103, which relates to  
17 tax on transfer of vehicle ownership; modifying  
18 period before levy of certain tax is delinquent;  
19 updating statutory language; and declaring an  
20 emergency.

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

22 SECTION 1. AMENDATORY 47 O.S. 2021, Section 1112.2, is  
23 amended to read as follows:

24 Section 1112.2. A. Effective July 1, 2019, the license plate  
and certificate of registration shall be issued to, and remain in  
the name of, the owner of the vehicle registered and the license  
plates shall not be transferable between motor vehicle owners. When

1 a vehicle is sold or transferred in the state, the following  
2 registration procedures shall apply:

3 1. When a current and valid Oklahoma motor vehicle license  
4 plate has been obtained for use on a motor vehicle and the vehicle  
5 has been sold or otherwise transferred to a new owner, the license  
6 plate shall be removed from the vehicle and retained by the original  
7 plate owner;

8 2. In the event an owner purchases, trades, exchanges, or  
9 otherwise acquires another vehicle of the same license registration  
10 classification, the Oklahoma Tax Commission shall authorize the  
11 transfer of the current and valid license plate previously obtained  
12 by the owner to the replacement vehicle for the remainder of the  
13 current registration period. In the event the owner acquires a  
14 vehicle requiring payment of additional registration fees, the owner  
15 shall request a transfer of the license plate to the newly acquired  
16 vehicle and pay the difference in registration fees. The fee shall  
17 be calculated on a monthly prorated basis. The owner shall not be  
18 entitled to a refund:

- 19 a. when the registration fee for the vehicle to which the  
20 plate(s) is to be assigned is less than the  
21 registration fee for that vehicle to which the license  
22 plate(s) was last assigned, or  
23 b. if the owner does not have or does not acquire another  
24 vehicle to which the license plate may be transferred;

1           3. Except as provided in paragraph 4 of this subsection, in the  
2 event the owner of a license plate purchases, trades, exchanges, or  
3 otherwise acquires a vehicle for which a license plate has been  
4 issued during the current registration period, and the license plate  
5 has not been removed by the previous owner in accordance with this  
6 section, the new owner of the vehicle shall remove and return the  
7 license plate to the Tax Commission or a motor license agent.  
8 However, if the license plate has expired, the new owner shall not  
9 be required to surrender the license plate;

10           4. When a lender or lender's agent repossesses a vehicle and  
11 the license plate has not been removed in accordance with this  
12 section, the lender or lender's agent shall not be subject to the  
13 provisions of this section and the license plate shall be considered  
14 removable personal property and may be reclaimed from the  
15 repossessed vehicle; and

16           5. If a person purchases a motor vehicle from which the number  
17 plates have been removed pursuant to this section, the person may  
18 operate the motor vehicle for fifteen (15) calendar days from the  
19 date of purchase without number plates if a dated, notarized bill of  
20 sale is carried in the motor vehicle. If the vehicle is subject to  
21 a lien, the person may obtain a ~~thirty-day~~ sixty-day temporary plate  
22 issued by a motor license agent pursuant to the promulgation of  
23 rules by the Oklahoma Tax Commission to implement a motor license  
24 agent-issued temporary plate pursuant to this paragraph.

1 B. 1. The new owner of a motor vehicle shall, within ~~thirty~~  
2 ~~(30)~~ sixty (60) calendar days from the date of vehicle purchase or  
3 acquisition, make application to record the registration of the  
4 vehicle by the transfer to, or purchase of, a license plate for the  
5 newly acquired vehicle with the Tax Commission or motor license  
6 agent and shall pay all taxes and fees provided by law.

7 2. Any person failing to register a motor vehicle by timely  
8 transferring the license plate as provided by this section shall pay  
9 the penalty levied in Section 1132 of this title.

10 C. A surviving spouse, desiring to operate a vehicle devolving  
11 from a deceased spouse, shall present an application for certificate  
12 of title to the Tax Commission or motor license agent in his or her  
13 name within ~~thirty (30)~~ sixty (60) days of obtaining ownership. The  
14 Tax Commission or motor license agent shall then transfer the  
15 license plate to the surviving spouse.

16 D. The Oklahoma Tax Commission shall be authorized to  
17 promulgate such rules as may be required to implement the license  
18 plate transfers authorized by this section including, but not  
19 limited to, such rules as may be required for a system under which  
20 the license plate is registered to an individual and not a vehicle  
21 for all license plates issued on or after July 1, 2019.

22 SECTION 2. AMENDATORY 47 O.S. 2021, Section 1137.3, is  
23 amended to read as follows:  
24

1 Section 1137.3. The purchaser of every new motor vehicle,  
2 travel trailer or commercial trailer shall register or license the  
3 same within ~~thirty (30)~~ sixty (60) days from the date of purchase  
4 for purchases made on or after the effective date of this act. It  
5 shall be the responsibility of the selling dealer to place a  
6 temporary license plate, in size similar to the permanent Oklahoma  
7 license plate but of a weatherproof plastic-impregnated substance  
8 approved by the Oklahoma Motor Vehicle Commission, upon a new motor  
9 vehicle, travel trailer or commercial trailer when a transaction is  
10 completed for the sale of ~~said~~ the vehicle or trailer. Except for  
11 cab and chassis trucks, the temporary license plate under this  
12 section shall be placed at the location provided for the permanent  
13 motor vehicle license plate. The purchaser of a new cab and chassis  
14 truck may place the temporary license plate under this section in  
15 the rear window. ~~Said~~ The temporary license plate shall show the  
16 dealer's license number which is issued to him or her each year by  
17 the Oklahoma Tax Commission, the date the new motor vehicle, travel  
18 trailer or commercial trailer was purchased and the company name of  
19 the selling dealer. The Oklahoma Motor Vehicle Commission is hereby  
20 directed to develop a temporary license plate design to incorporate  
21 these requirements in a manner that will permit law enforcement  
22 personnel to readily identify the dealer license number and date of  
23 the vehicle purchase. The Motor Vehicle Commission is further  
24 authorized to develop additional requirements and parameters

1 designed to discourage or prevent illegal duplication and use of the  
2 temporary license plate. On or before ~~thirty (30)~~ sixty (60) days  
3 from the date of purchase of a new motor vehicle, travel trailer or  
4 commercial trailer, for purchases made on or after the effective  
5 date of this act, ~~said the~~ temporary license plate shall be removed  
6 and replaced with a permanent, current Oklahoma license plate. Use  
7 of ~~said the~~ temporary license plate by a licensed dealer for other  
8 than the purpose of normally doing business shall constitute grounds  
9 for revocation of the dealer's license.

10 It shall be unlawful for any licensed dealer of new motor  
11 vehicles, travel trailers or commercial trailers to procure the  
12 registration and licensing of any new motor vehicle, travel trailer  
13 or commercial trailer sold by such licensed dealer or to act as the  
14 agent for such purchaser in the procurement of ~~said the~~ registration  
15 and licensing. The license of any licensed dealer of new motor  
16 vehicles, travel trailers or commercial trailers violating the  
17 provisions of this section shall be revoked.

18 SECTION 3. AMENDATORY 68 O.S. 2021, Section 2103, is  
19 amended to read as follows:

20 Section 2103. A. 1. Except as otherwise provided in Sections  
21 2101 through 2108 of this title, there shall be levied an excise tax  
22 upon the transfer of legal ownership of any vehicle registered in  
23 this state and upon the use of any vehicle registered in this state  
24 and upon the use of any vehicle registered for the first time in

1 this state. Except for persons that possess an agricultural  
2 exemption pursuant to Section 1358.1 of this title, the excise tax  
3 shall be levied upon transfers of legal ownership of all-terrain  
4 vehicles and motorcycles used exclusively off roads and highways  
5 which occur on or after July 1, 2005, and upon transfers of legal  
6 ownership of utility vehicles used exclusively off roads and  
7 highways which occur on or after July 1, 2008. The excise tax for  
8 new and used all-terrain vehicles, utility vehicles and motorcycles  
9 used exclusively off roads and highways shall be levied at four and  
10 one-half percent (4 1/2%) of the actual sales price of each new and  
11 used all-terrain vehicle and motorcycle used exclusively off roads  
12 and highways before any discounts or credits are given for a trade-  
13 in. Provided, the minimum excise tax assessment for such all-  
14 terrain vehicles, utility vehicles and motorcycles used exclusively  
15 off roads and highways shall be Five Dollars (\$5.00). The excise  
16 tax for new vehicles shall be levied at three and one-fourth percent  
17 (3 1/4%) of the value of each new vehicle. The excise tax for used  
18 vehicles shall be as follows:

- 19 a. from October 1, 2000, until June 30, 2001, Twenty  
20 Dollars (\$20.00) on the first One Thousand Dollars  
21 (\$1,000.00) or less of value of such vehicle, and  
22 three and one-fourth percent (3 1/4%) of the remaining  
23 value of such vehicle,

24



1           b.    for the year beginning July 1, 2001, and ending June  
2                    30, 2002, Twenty Dollars (\$20.00) on the first One  
3                    Thousand Two Hundred Fifty Dollars (\$1,250.00) or less  
4                    of value of such vehicle, and three and one-fourth  
5                    percent (3 1/4%) of the remaining value of such  
6                    vehicle, and

7           c.    for the year beginning July 1, 2002, and all  
8                    subsequent years, Twenty Dollars (\$20.00) on the first  
9                    One Thousand Five Hundred Dollars (\$1,500.00) or less  
10                  of value of such vehicle, and three and one-fourth  
11                  percent (3 1/4%) of the remaining value of such  
12                  vehicle.

13           2.    There shall be levied an excise tax of Ten Dollars (\$10.00)  
14 for any:

15           a.    truck or truck-tractor registered under the provisions  
16                  of subsection A of Section 1133 of Title 47 of the  
17                  Oklahoma Statutes, for a laden weight or combined  
18                  laden weight of fifty-five thousand (55,000) pounds or  
19                  more,

20           b.    trailer or semitrailer registered under subsection C  
21                  of Section 1133 of Title 47 of the Oklahoma Statutes,  
22                  which is primarily designed to transport cargo over  
23                  the highways of this state and generally recognized as  
24                  such, and

1 c. frac tank, as defined by Section 54 of Title 17 of the  
2 Oklahoma Statutes, and registered under subsection C  
3 of Section 1133 of Title 47 of the Oklahoma Statutes.

4 Except for frac tanks, the excise tax levied pursuant to this  
5 paragraph shall not apply to special mobilized machinery, trailers,  
6 or semitrailers manufactured, modified or remanufactured for the  
7 purpose of providing services other than transporting cargo over the  
8 highways of this state. The excise tax levied pursuant to this  
9 paragraph shall also not apply to pickup trucks, vans, or sport  
10 utility vehicles.

11 3. The tax levied pursuant to this section shall be due at the  
12 time of the transfer of legal ownership or first registration in  
13 this state of such vehicle; provided, the tax shall not be due at  
14 the time of the issuance of a certificate of title for an all-  
15 terrain vehicle, utility vehicle or motorcycle used exclusively off  
16 roads and highways which is not required to be registered but which  
17 the owner chooses to register pursuant to the provisions of  
18 subsection B of Section 1115.3 of Title 47 of the Oklahoma Statutes,  
19 and shall be collected by the Oklahoma Tax Commission or Corporation  
20 Commission, as applicable, or an appointed motor license agent, at  
21 the time of the issuance of a certificate of title for any such  
22 vehicle. In the event an excise tax is collected on the transfer of  
23 legal ownership or use of the vehicle during any calendar year, then  
24 an additional excise tax must be collected upon all subsequent

1 transfers of legal ownership. In computing the motor vehicle excise  
2 tax, the amount collected shall be rounded to the nearest dollar.  
3 The excise tax levied by this section shall be delinquent from and  
4 after the ~~thirtieth~~ sixtieth day after the legal ownership or  
5 possession of any vehicle is obtained. Any person failing or  
6 refusing to pay the tax as herein provided on or before date of  
7 delinquency shall pay in addition to the tax a penalty of One Dollar  
8 (\$1.00) per day for each day of delinquency, but such penalty shall  
9 in no event exceed the amount of the tax. Of each dollar penalty  
10 collected pursuant to this subsection:

- 11 a. twenty-five cents (\$0.25) shall be apportioned as  
12 provided in Section 1104 of this title,
- 13 b. twenty-five cents (\$0.25) shall be retained by the  
14 motor license agent, and
- 15 c. fifty cents (\$0.50) shall be deposited in the General  
16 Revenue Fund for the fiscal year beginning on July 1,  
17 2011, and for all subsequent fiscal years, shall be  
18 deposited in the State Highway Construction and  
19 Maintenance Fund.

20 B. The excise tax levied in subsection A of this section and  
21 assessed on all commercial vehicles registered pursuant to Section  
22 1120 of Title 47 of the Oklahoma Statutes and trailers and  
23 semitrailers registered under subsection C of Section 1133 of Title  
24 47 of the Oklahoma Statutes to transport cargo over the highways of

1 this state shall be in lieu of all sales and use taxes levied  
2 pursuant to the Oklahoma Sales Tax Code or the Use Tax Code. The  
3 transfer of legal ownership of any motor vehicle as used in this  
4 section and the Sales Tax Code and the Use Tax Code shall include  
5 the lease, lease purchase or lease finance agreement involving any  
6 truck in excess of eight thousand (8,000) pounds combined laden  
7 weight or any truck-tractor provided the vehicle is registered in  
8 Oklahoma pursuant to Section 1120 of Title 47 of the Oklahoma  
9 Statutes or any frac tank, trailer, semitrailer or open commercial  
10 vehicle registered pursuant to Section 1133 of Title 47 of the  
11 Oklahoma Statutes. The excise tax levied pursuant to this section  
12 shall not be subsequently collected at the end of the lease period  
13 if the lessee acquires complete legal title of the vehicle.

14 C. The provisions of this section shall not apply to transfers  
15 made without consideration between:

- 16 1. Husband and wife;
- 17 2. Parent and child; or
- 18 3. An individual and an express trust which that individual or  
19 the spouse, child or parent of that individual has a right to  
20 revoke.

21 D. 1. There shall be a credit allowed with respect to the  
22 excise tax paid for a new vehicle which is a replacement for:

- 23 a. a new original vehicle which is stolen from the  
24 purchaser/registrant within ninety (90) days of the

1 date of purchase of the original vehicle as certified  
2 by a police report or other documentation as required  
3 by the Tax Commission, or

4 b. a defective new original vehicle returned by the  
5 purchaser/registrant to the seller within six (6)  
6 months of the date of purchase of the defective new  
7 original vehicle as certified by the manufacturer.

8 2. The credit allowed pursuant to paragraph 1 of this  
9 subsection shall be in the amount of the excise tax which was paid  
10 for the new original vehicle and shall be applied to the excise tax  
11 due on the replacement vehicle. In no event shall the credit be  
12 refunded.

13 E. Despite any other definitions of the terms "new vehicle" and  
14 "used vehicle", to the contrary, contained in any other law, the  
15 term "new vehicle" as used in this section shall also include any  
16 vehicle of the latest manufactured model which is owned or acquired  
17 by a licensed used motor vehicle dealer which has not previously  
18 been registered in this state and upon which the motor vehicle  
19 excise tax as set forth in this section has not been paid. However,  
20 upon the sale or transfer by a licensed used motor vehicle dealer  
21 located in this state of any such vehicle which is the latest  
22 manufactured model, the vehicle shall be considered a used vehicle  
23 for purposes of determining excise tax.

1 F. The provisions of this section shall not apply to state  
2 government entities.

3 SECTION 4. It being immediately necessary for the preservation  
4 of the public peace, health or safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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