

An Act

ENROLLED HOUSE
BILL NO. 3326

By: Miller of the House

and

Jolley of the Senate

An Act relating to motor vehicles; directing reissue of certain redesigned license plate; providing for certain apportionment; requiring reissue of license plates; authorizing promulgation of rules; providing certain procedures; specifying certain construction design and materials requirements; allowing for certain future reissue; amending Section 1, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2007, Section 7-600.2), as last amended by Section 31 of Enrolled Senate Bill No. 2122 of the 2nd Session of the 51st Oklahoma Legislature, which relates to compulsory motor vehicle insurance; providing deadline for certain Internet availability; requiring certain license plate design features; amending Section 47 O.S. 2001, Section 1113, as last amended by Section 8 of Enrolled Senate Bill No. 1793 of the 2nd Session of the 51st Oklahoma Legislature, which relates to motor vehicle registration; removing certain design requirement; providing for design; requiring certain approval; providing for codification; providing an effective date; and declaring an emergency.

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 1113.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Administrator of the Oklahoma Tax Commission shall initiate the reissue of the official vehicle license plates which

currently bear the legend "Oklahoma Native America" and, unless otherwise provided, all previous license plate designs and substitute therefor a new license plate designed by the Oklahoma Tourism and Recreation Department with the approval of the Department of Public Safety in accordance with the report of the Oklahoma License Plate Design Task Force created in Section 1113.3 of Title 47 of the Oklahoma Statutes.

B. In addition to the monies apportioned by Section 1104 of Title 47 of the Oklahoma Statutes, the following amounts of monies shall be placed to the credit of the Oklahoma Tax Commission Revolving Fund for the purpose of conducting a new general issue of license plates commencing January 1, 2009:

1. For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the first Three Million Dollars (\$3,000,000.00) collected or received by the Tax Commission pursuant to the registration of vehicles as provided by the Oklahoma Vehicle License and Registration Act; and

2. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the first Three Million Dollars (\$3,000,000.00) collected or received by the Tax Commission pursuant to the registration of vehicles as provided by the Oklahoma Vehicle License and Registration Act.

C. Subject to the Oklahoma Tax Commission Revolving Fund receiving credit for the funds referenced in subsection B of this section, the Administrator shall devise a numbering system suitable for a new general issue of license plates commencing January 1, 2009. Unless otherwise provided by the Oklahoma Vehicle License and Registration Act, new license plates will be issued to all registrants applying for an original or renewal registration on or after January 1, 2009, and will continue until all previously issued license plates have been replaced. Upon receipt of the new general issue license plate, registrants shall replace any previously issued Oklahoma general issue license plate currently displayed on their vehicle.

D. The Tax Commission shall have the authority to promulgate any rules necessary to implement such a new general issue. In conjunction with a new general issue of license plates, the Oklahoma Tax Commission and the Oklahoma Correctional Industries may utilize an alternative method of license plate inventory management.

E. Except for vehicles registered with a permanent nonexpiring license plate pursuant to Sections 1113 and 1133 of Title 47 of the Oklahoma Statutes, vehicles registered pursuant to the provisions of Section 1120 of Title 47 of the Oklahoma Statutes, certain official special license plates and license plates issued for motorcycles and mopeds, the new license plate design provided for in subsection A of this section shall be a part of all license plates issued on or after January 1, 2009. The Oklahoma Tax Commission may establish procedures for the purpose of allowing current registrants to reserve their present general issue or personalized license plate numbers for a fee of Fifteen Dollars (\$15.00), provided payment of the fees are received by the Tax Commission on or before November 1, 2008. The fees shall be deposited into the Oklahoma Tax Commission Reimbursement Fund for the purpose of conducting the new general issue of license plates.

F. The license plates shall be issued with identification numbers and letters in a color that provides a distinct contrast with a light-colored background in the plate identification area. All license plates and decals shall be made with reflectorized material as a background to the letters, numbers and characters displayed thereon. The reflectorized material shall be of such a nature as to provide effective and dependable brightness during the service period for which the license plate or decal is issued.

G. In furtherance of the public safety of Oklahoma drivers, the Department of Public Safety may request that the Oklahoma Tax Commission initiate subsequent reissues of the official vehicle license plate. Provided however, such request shall not occur more frequently than five (5) years following the most recent reissue. Upon such request and subject to the Tax Commission receiving the necessary funds the Tax Commission shall initiate the reissue.

SECTION 2. AMENDATORY Section 1, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2007, Section 7-600.2), as last amended by Section 31 of Enrolled Senate Bill No. 2122 of the 2nd Session of the 51st Oklahoma Legislature, is amended to read as follows:

Section 7-600.2 A. The Department of Public Safety shall promulgate and adopt rules for an online verification system for motor vehicle insurance or bond as required by the Compulsory Insurance Law, subject to the following:

1. The Oklahoma Tax Commission and the Insurance Department shall cooperate with the Department of Public Safety in the development of the verification system;

2. The verification system shall be accessible through the Internet, World Wide Web or a similar proprietary or common carrier electronic system by authorized personnel of the Department, the Oklahoma Tax Commission, the courts, law enforcement personnel, and any other entities authorized by the Department;

3. The verification system shall provide for direct inquiry and response between the Department and insurance carriers, or such other method of inquiry and response as agreed to by the Department and individual insurance carriers, and direct access to insurers' records by personnel authorized by the Department;

4. The verification system shall be available twenty-four (24) hours a day to verify the insurance status of any vehicle registered in this state through the vehicle's identification number, policy number, registered owner's name or other identifying characteristic or marker as prescribed by the Department in its rules;

5. The Department shall conduct a pilot project to test the system prior to statewide use;

6. The verification system shall be installed and operational no later than July 1, 2008, following an appropriate testing period and after December 31, 2009, the verification system shall be installed and operational through the Internet as a web-based portal system;

7. The Department may contract with a private vendor to assist in establishing and maintaining the verification system;

8. The verification system shall include appropriate provisions, consistent with industry standards, to secure its data against unauthorized access and to maintain a record of all information requests;

9. Information contained in the verification system shall not be considered a public record;

10. Any law enforcement officer, during a traffic stop or accident investigation, may access information from the online verification system to establish compliance with the Compulsory

Insurance Law and to verify the current validity of the policy described on a security verification form and produced by the operator of a motor vehicle during the traffic stop or accident investigation; and

11. All information exchanged between the Department and insurance companies, any database created, and all reports, responses, or other information generated for the purposes of the verification system shall not be subject to the Oklahoma Open Records Act.

B. This section shall not apply to a policy issued pursuant to paragraph 3 of subsection A of Section 7-601.1 of this title or paragraph 3 of subsection A of Section 7-602 of this title to insure a commercial motor vehicle.

C. Insurance carriers shall cooperate with the Department in establishing and maintaining the insurance verification system and shall provide access to motor vehicle insurance policy status information as provided in the Department's rules.

D. The Oklahoma Tourism and Recreation Department shall cooperate with the Department of Public Safety to assure any license plate designs which are created in consultation with their Department shall incorporate features which assist in the effective implementation of the on-line verification system.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 1113, as last amended by Section 8 of Enrolled Senate Bill No. 1793 of the 2nd Session of the 51st Oklahoma Legislature, is amended to read as follows:

Section 1113. A. 1. Except for all-terrain vehicles, utility vehicles and motorcycles used exclusively off roads and highways, upon the filing of a registration application and the payment of the fees provided for in the Oklahoma Vehicle License and Registration Act, the Oklahoma Tax Commission or Corporation Commission, as applicable, shall assign to the vehicle described in the application a distinctive number, and issue to the owner of the vehicle a certificate of registration, one license plate and a yearly decal. The Oklahoma Tax Commission shall assign an all-terrain vehicle, utility vehicle or motorcycle used exclusively off roads and highways a distinctive number and issue to the owner a certificate of registration and a decal but not a license plate. For each subsequent registration year, the Tax Commission shall issue a

yearly decal to be affixed to the license plate, except for an all-terrain vehicle, utility vehicle or motorcycle used exclusively off roads and highways. The initial decal for an all-terrain vehicle, utility vehicle or motorcycle shall be attached to the front of the vehicle and shall be in clear view. The decal shall be on the front or on the front fork of the motorcycle used exclusively off roads and highways and the decal shall be in clear view. The yearly decal shall have an identification number and the last two numbers of the registration year for which it shall expire. Except as provided by Section 1113A of this title, the license plate shall be affixed to the exterior of the vehicle until a replacement license plate is applied for. If the owner applies for a replacement license plate, the Tax Commission shall charge the fee provided for in Section 1114 of this title. The yearly decal will validate the license plate for each registration period other than the year the license plate is issued. The license plate and decal shall be of such size, color, design and numbering as the Tax Commission may direct. However, yearly decals issued to the owner of a vehicle who has filed an affidavit with the appropriate motor license agent in accordance with Section 7-607 of this title shall be a separate and distinct color from all other decals issued under this section.

2. The license plate shall be securely attached to the rear of the vehicle, except truck-tractor plates which shall be attached to the front of the vehicle. The Tax Commission may, with the concurrence of the Department of Public Safety, by Joint Rule, change and direct the manner, place and location of display of any vehicle license plate when such action is deemed in the public interest. The license plate, decal and all letters and numbers shall be clearly visible at all times. The operation of a vehicle in this state, regardless of where such vehicle is registered, upon which the license plate is covered, overlaid or otherwise screened with any material, whether such material be clear, translucent, tinted or opaque, shall be a violation of this paragraph.

3. Upon payment of the annual registration fee provided in Section 1133 of this title, the Tax Commission or Corporation Commission, as applicable, or a motor license agent may issue a permanent nonexpiring license plate to an owner of one hundred or more commercial motor vehicles and for vehicles registered under the provisions of Section 1120 of this title. Upon payment of the annual registration fee, the Tax Commission or Corporation Commission shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued. Provided, if the registrant submits its application through

electronic means, such qualified owners of one hundred or more commercial motor vehicles, properly registered pursuant to the provisions of Section 1133 of this title, may elect to receive a permanent certificate of registration that shall be carried at all times in the vehicle for which it is issued.

4. Every vehicle owned by an agency of this state shall be exempt from the payment of registration fees required by this title. Provided, such vehicle shall be registered and shall otherwise comply with the provisions of the Oklahoma Vehicle License and Registration Act.

B. The license plates required under the provisions of this title shall conform to the requirements and specifications listed hereinafter:

1. Each license plate shall have a space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

2. The provisions of the Oklahoma Vehicle License and Registration Act regarding the issuance of yearly decals shall not apply to the issuance of apportioned license plates, including license plates for state vehicles, and exempt plates for governmental entities and fire departments organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes;

3. Within the limits herein prescribed the Tax Commission shall redesign the official vehicle license plates which currently bear the legend "Oklahoma OK" or "Oklahoma is OK!" and substitute therefor the legend "Oklahoma Native America" as further described in this paragraph. Except for personalized license plates and license plates issued for motorcycles and mopeds, the emblem on the state flag of Oklahoma as provided for in Section 91 of Title 25 of the Oklahoma Statutes shall be a part of all license plates issued after December 31, 1988. The Tax Commission may continue to issue license plates with the legend "Oklahoma is OK!" or "Oklahoma OK" until any inventory of such license plates is depleted but the Tax Commission shall not produce or cause to be produced any additional license plates with these legends. Except for personalized license plates, license plates issued for commercial vehicles, and license plates issued for motorcycles and mopeds, the "Oklahoma Native America" emblem shall be a part of all license plates issued after December 31, 1993. The specifications for lettering style and appearance for the legend "Oklahoma Native America" shall be

provided to the Tax Commission by the Oklahoma Tourism and Recreation Department. ~~The license plates shall be issued with the letters and numerals in the colors of green and white.~~ All license plates and decals shall be made with reflectorized material as a background to the letters, numbers and characters displayed thereon. The reflectorized material shall be of such a nature as to provide effective and dependable brightness during the service period for which the license plate or decal is issued;

4. Except as otherwise provided in this subsection, the Tax Commission shall design appropriate official license plates for all state vehicles. Such license plates shall be permanent in nature and designed in such manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred to a nongovernmental owner;

5. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Highway Patrol. The license plates shall have the legend "Oklahoma OK" and shall contain the letters "OHP" followed by the state seal and the badge number of the Highway Patrol officer to whom the vehicle is assigned. The words "Oklahoma Highway Patrol" shall also be included on such license plates; and

6. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Military Department. Such license plates shall have the legend "Oklahoma OK" and shall contain the letters "OMD" followed by the state seal and three numbers or letters as designated by the Adjutant General. The words "Oklahoma Military Department" shall also be included on such license plates; and

7. Within the limits prescribed in this section, the Oklahoma Tourism and Recreation Department shall design any license plates required by the initiation of a license plate reissuance by the Oklahoma Tax Commission at the request of the Department of Public Safety pursuant to the provisions of Section 1 of this act. Any such new designs shall be submitted by the Oklahoma Tourism and Recreation Department to the Department of Public Safety for its approval prior to being issued by the Oklahoma Tax Commission.

C. Where the applicant has satisfactorily shown that the applicant owns the vehicle sought to be registered but is unable to produce documentary evidence of the ownership, a license plate may be issued upon approval by the Tax Commission or Corporation

Commission, as applicable. In such instances the reason for not issuing a certificate of title shall be indicated on the receipt given to the applicant. It shall still be the duty of the applicant to immediately take all necessary steps to obtain the Oklahoma certificate of title and it shall be unlawful for the applicant to sell the vehicle until the certificate has been obtained in the applicant's name.

D. The certificate of registration provided for in this section shall be in convenient form, and the certificate of registration, or a certified copy or photostatic copy thereof, duly authenticated by the Tax Commission or Corporation Commission, as applicable, shall be carried at all times in or upon commercial vehicles so registered, in such manner as to permit a ready examination thereof upon demand by any peace officer of the state or duly authorized employee of the Department of Public Safety. Any such officer or agent may seize and hold such commercial vehicle when the operator of the same does not have the registration certificate in the operator's possession or when any such officer or agent determines that the registration certificate has been obtained by misrepresentation of any essential or material fact or when any number or identifying information appearing on such certificate has been changed, altered, obliterated or concealed in any way, until the proper registration or identification of such vehicle has been made or produced by the owner thereof.

E. The purchaser of a new or used manufactured home shall, within thirty (30) days of the date of purchase, register the home with the Tax Commission or a motor license agent pursuant to the provisions of Section 1117 of this title. For a new manufactured home, it shall be the responsibility of the dealer selling the home to place a temporary license plate on the home in the same manner as provided in Section 1128 of this title for other new motor vehicles. For the first year that any manufactured home is registered in this state, the Tax Commission shall issue a metal license plate which shall be affixed to the manufactured home. The temporary dealer license plate or the metal license plate shall be displayed on the manufactured home at all times when upon a public roadway; provided, a repossession affidavit issued pursuant to Sections 1110 and 1126 of this title shall be permissible in lieu of a current license plate and decal for the purposes of removing a repossessed manufactured home to a secure location. Manufactured homes previously registered and subject to ad valorem taxation as provided by law shall have a decal affixed at the time ad valorem taxes are paid for such manufactured home; provided, for a manufactured home

permanently affixed to real estate, no decal or license plate shall be required to be affixed and the owner thereof shall be given a receipt upon payment of ad valorem taxes due on the home. The Tax Commission shall make sufficient plates and decals available to the various motor license agents of the state in order for an owner of a manufactured home to acquire the plate or decal. A ~~One Dollar~~ ~~(\$1.00)~~ one-dollar fee shall be charged for issuance of any plate or decal. The fee shall be apportioned each month to the General Revenue Fund of the State Treasury.

F. The manufactured home license plate shall be designed so that it is easily visible for purposes of verification by a county assessor that the manufactured home is properly assessed for ad valorem taxation. The plate shall be designed for a yearly decal. In the first year of registration, a decal shall be issued for placement on the license plate indicating payment of applicable registration fees and excise taxes. In the second and all subsequent years for which the manufactured home is subject to ad valorem taxation, an annual decal shall be affixed to the license plate as evidence of payment of ad valorem taxes. The Tax Commission shall issue decals to the various county treasurers of the state in order for a manufactured home owner to obtain such decal each year. Upon presentation of a valid ad valorem tax receipt, the manufactured home owner shall be issued the annual decal.

G. Upon the registration of a manufactured home in this state for the first time or upon discovery of a manufactured home previously registered within this state for which the information required by this subsection is not known, the Tax Commission shall obtain:

1. The name of the owner of the manufactured home;
2. The serial number or identification number of the manufactured home;
3. A legal description or address of the location for the home;
4. The actual retail selling price of the manufactured home excluding Oklahoma taxes;
5. The certificate of title number for the home; and

6. Any other information which the Tax Commission deems to be necessary.

The application for registration shall also include the school district in which the manufactured home is located or is to be located. The information shall be entered into a computer data system which shall be used by the Tax Commission to provide information to county assessors upon request by the assessor. The assessor may request any information from the system in order to properly assess a manufactured home for ad valorem taxation.

SECTION 4. This act shall become effective July 1, 2008.

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

Passed the House of Representatives the 19th day of May, 2008.

David Dealy
Presiding Officer of the House of
Representatives

Passed the Senate the 21st day of May, 2008.

Rufus Brough
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 22nd
day of May, 2008,
at 3:55 o'clock P M.

By: [Signature]

Approved by the Governor of the State of Oklahoma the 2nd day of
June, 2008, at 3:55 o'clock P M.

[Signature]
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
4th day of June, 2008,
at 1:40 o'clock P M.

By: [Signature]