

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 1851

By: Fetgatter of the House

5 and

6 **Murdock** of the Senate

7  
8  
9 AS INTRODUCED

10 An Act relating to motor vehicles; requiring the  
11 registration and titling of High-mobility  
12 Multipurpose Wheeled Vehicles; requiring the  
13 promulgation of certain rules; authorizing certain  
14 operation of High-mobility Multipurpose Wheeled  
15 Vehicles; requiring compliance with certain  
16 regulations and rules; amending 47 O.S. 2011, Section  
17 1102, as last amended by Section 1, Chapter 57,  
18 O.S.L. 2016 (47 O.S. Supp. 2018, Section 1102), which  
19 relates to definitions used in the Oklahoma Vehicle  
20 License and Registration Act; defining term;  
21 providing for codification; and providing an  
22 effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1151.5 of Title 47, unless there  
is created a duplication in numbering, reads as follows:

A. High-mobility Multipurpose Wheeled Vehicles (HMMWVs) shall  
be registered pursuant to the provisions of the Oklahoma Vehicle

1 License and Registration Act. The Tax Commission shall promulgate  
2 rules for the titling and registration of HMMWVs.

3 B. High-mobility Multipurpose Wheeled Vehicles (HMMWVs) which  
4 have been titled and registered pursuant to the provisions of the  
5 Oklahoma Vehicle License and Registration Act may be operated on the  
6 roadways of this state. Operators of HMMWVs shall comply with all  
7 traffic regulations and rules of conduct for the operation of motor  
8 vehicles on the roadways of this state provided by law.

9 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1102, as  
10 last amended by Section 1, Chapter 57, O.S.L. 2016 (47 O.S. Supp.  
11 2018, Section 1102), is amended to read as follows:

12 Section 1102. As used in the Oklahoma Vehicle License and  
13 Registration Act:

14 1. "All-terrain vehicle" means a vehicle manufactured and used  
15 exclusively for off-highway use traveling on four or more non-  
16 highway tires, and being fifty (50) inches or less in width;

17 2. "Carrying capacity" means the carrying capacity of a vehicle  
18 as determined or declared in tons of cargo or payload by the owner;  
19 provided, that such declared capacity shall not be less than the  
20 minimum tonnage capacity fixed, listed or advertised by the  
21 manufacturer of any vehicle;

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

1       4. "Chips and oil" or the term "road oil and crushed rock"  
2 means, with respect to materials authorized for use in the surfacing  
3 of roads or highways in this title or in any equivalent statute  
4 pertaining to road or highway surfacing in the State of Oklahoma,  
5 any asphaltic materials. Wherever chips and oil or road oil and  
6 crushed rock are authorized for use in the surfacing of roads or  
7 highways in this state, whether by the Department of Transportation,  
8 or by the county commissioners, or other road building authority  
9 subject to the Oklahoma Vehicle License and Registration Act,  
10 asphaltic materials are also authorized for use in such surfacing  
11 and construction;

12       5. "Combined laden weight" means the weight of a truck or  
13 station wagon and its cargo or payload transported thereon, or the  
14 weight of a truck or truck-tractor plus the weight of any trailers  
15 or semitrailers together with the cargo or payload transported  
16 thereon;

17       6. "Commercial trailer" means any trailer, as defined in  
18 Section 1-180 of this title, or semitrailer, as defined in Section  
19 1-162 of this title, when such trailer or semitrailer is used  
20 primarily for business or commercial purposes;

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

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

12       9. "Commission" or "Tax Commission" means the Oklahoma Tax  
13 Commission;

14       10. "Construction machinery" means machines or devices drawn as  
15 trailers which are designed and used for construction, tree trimming  
16 and waste maintenance projects, which derive no revenue from the  
17 transportation of persons or property, whose use of the highway is  
18 only incidental and which are not mounted or affixed to another  
19 vehicle; provided, construction machinery shall not include  
20 implements of husbandry as defined in Section 1-125 of this title;

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

3 12. "High-mobility Multipurpose Wheeled Vehicle" or "HMMWV"  
4 means a four-wheel-drive tactical military vehicle that can carry a  
5 wide variety of military hardware, more commonly known as a Humvee;

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

15 ~~13.~~ 14. "Interstate commerce" means any commerce moving between  
16 any place in a state and any place in another state or between  
17 places in the same state through another state;

18 ~~14.~~ 15. "Laden weight" means the combined weight of a vehicle  
19 when fully equipped for use and the cargo or payload transported  
20 thereon; provided, that in no event shall the laden weight be less  
21 than the unladen weight of the vehicle fully equipped for use, plus  
22 the manufacturer's rated carrying capacity;

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1       ~~15.~~ 16. "Local authorities" means every county, municipality or  
2 local board or body having authority to adopt police regulations  
3 under the Constitution and laws of this state;

4       ~~16.~~ 17. "Low-speed electrical vehicle" means any four-wheeled  
5 electrical vehicle that is powered by an electric motor that draws  
6 current from rechargeable storage batteries or other sources of  
7 electrical current and whose top speed is greater than twenty (20)  
8 miles per hour but not greater than twenty-five (25) miles per hour  
9 and is manufactured in compliance with the National Highway Traffic  
10 Safety Administration standards for low-speed vehicles in 49 C.F.R.  
11 571.500;

12       ~~17.~~ 18. "Manufactured home" means a residential dwelling built  
13 in accordance with the National Manufactured Housing Construction  
14 and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.,  
15 and rules promulgated pursuant thereto and the rules promulgated by  
16 the Oklahoma Used Motor Vehicle and Parts Commission pursuant to  
17 Section 582 of this title. "Manufactured home" shall not mean a  
18 park model recreational vehicle as defined in this section;

19       ~~18.~~ 19. "Manufactured home dealer" means any person, firm or  
20 corporation engaged in the business of selling any new and unused,  
21 or used, or both new and used manufactured homes. Such information  
22 and a valid franchise letter as proof of authorization to sell any  
23 such new manufactured home product line or lines shall be attached  
24 to the application for a dealer license to sell manufactured homes.

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

10 ~~19.~~ 20. "Medium-speed electrical vehicle" means any self-  
11 propelled, electrically powered four-wheeled motor vehicle, equipped  
12 with a roll cage or crush-proof body design, whose speed attainable  
13 in one (1) mile is more than thirty (30) miles per hour but not  
14 greater than thirty-five (35) miles per hour;

15 ~~20.~~ 21. "Motor license agent" means any person appointed,  
16 designated or authorized by the Oklahoma Tax Commission to collect  
17 the fees and to enforce the provisions provided for in the Oklahoma  
18 Vehicle License and Registration Act;

19 ~~21.~~ 22. "New vehicle" or "unused vehicle" means a vehicle which  
20 has been in the possession of the manufacturer, distributor or  
21 wholesaler or has been sold only by the manufacturer, distributor or  
22 wholesaler to a dealer;

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

1       ~~23.~~ 24. "Off-road motorcycle" means any motorcycle, as defined  
2 in Section 1-135 of this title, when such motorcycle has been  
3 manufactured for and used exclusively off roads, highways and any  
4 other paved surfaces;

5       ~~24.~~ 25. "Owner" means any person owning, operating or  
6 possessing any vehicle herein defined;

7       ~~25.~~ 26. "Park model recreational vehicle" means a vehicle that  
8 is:

- 9           a. designed and marketed as temporary living quarters for  
10           camping, recreational, seasonal or travel use,
- 11           b. not permanently affixed to real property for use as a  
12           permanent dwelling,
- 13           c. built on a single chassis mounted on wheels with a  
14           gross trailer area not exceeding four hundred (400)  
15           square feet in the setup mode, and
- 16           d. certified by the manufacturer as complying with  
17           standard A119.5 of the American National Standards  
18           Institute, Inc.;

19       ~~26.~~ 27. "Person" means any individual, copartner, joint  
20 venture, association, corporation, limited liability company,  
21 estate, trust, business trust, syndicate, the State of Oklahoma, or  
22 any county, city, municipality, school district or other political  
23 subdivision thereof, or any group or combination acting as a unit,  
24 or any receiver appointed by the state or federal court;



1       ~~27.~~ 28. "Rebodied vehicle" means a vehicle:

- 2           a.    which has been assembled using a new body or new major  
3                component which is of the identical type as the  
4                original vehicle and is licensed by the manufacturer  
5                of the original vehicle and other original, new or  
6                reconditioned parts. For purposes of this paragraph,  
7                "new body or new major component" means a new body,  
8                cab, frame, front\_end clip or rear\_end clip,  
9           b.    which is not a salvage, rebuilt, or junked vehicle as  
10                defined by paragraph 1, 2, or 6 of subsection A of  
11                Section 1105 of this title, and  
12           c.    for which the Tax Commission has assigned or will  
13                assign a new identifying number;

14       ~~28.~~ 29. "Recreational off-highway vehicle" means a vehicle  
15       manufactured and used exclusively for off-highway use, traveling on  
16       four or more non-highway tires, and being sixty-five (65) inches or  
17       less in width;

18       ~~29.~~ 30. "Recreational vehicle" means every vehicle which is  
19       built on or permanently attached to a self-propelled motor chassis  
20       or chassis cab which becomes an integral part of the completed  
21       vehicle and is capable of being operated on the highways. In order  
22       to qualify as a recreational vehicle pursuant to this paragraph such  
23       vehicle shall be permanently constructed and equipped for human  
24       habitation, having its own sleeping and kitchen facilities,

1 including permanently affixed cooking facilities, water tanks and  
2 holding tank with permanent toilet facilities. Recreational vehicle  
3 shall not include manufactured homes or any vehicle with portable  
4 sleeping, toilet and kitchen facilities which are designed to be  
5 removed from such vehicle. Recreational vehicle shall include park  
6 model recreational vehicles as defined in this section;

7 ~~30.~~ 31. "Remanufactured vehicle" means a vehicle which has been  
8 assembled by a vehicle remanufacturer using a new body and which may  
9 include original, reconditioned, or remanufactured parts, and which  
10 is not a salvage, rebuilt, or junked vehicle as defined by  
11 paragraphs 1, 2, and 6, respectively, of subsection A of Section  
12 1105 of this title;

13 ~~31.~~ 32. "Rental trailer" means all small or utility trailers or  
14 semitrailers constructed and suitable for towing by a passenger  
15 automobile and designed only for carrying property, when the  
16 trailers or semitrailers are owned by, or are in the possession of,  
17 any person engaged in renting or leasing such trailers or  
18 semitrailers for intrastate or interstate use or combined intrastate  
19 and interstate use;

20 ~~32.~~ 33. "Special mobilized machinery" means special purpose  
21 machines or devices, either self-propelled or drawn as trailers or  
22 semitrailers, which derive no revenue from the transportation of  
23 persons or property, whose use of the highway is only incidental,  
24 and whose useful revenue-producing service is performed at

1 destinations in an area away from the traveled surface of an  
2 established open highway;

3 ~~33.~~ 34. "State" means the State of Oklahoma;

4 ~~34.~~ 35. "Station wagon" means any passenger vehicle which does  
5 not have a separate luggage compartment or trunk and which does not  
6 have open beds, and has one or more rear seats readily lifted out or  
7 folded, whether same is called a station wagon or ranch wagon;

8 ~~35.~~ 36. "Travel trailer" means any vehicular portable structure  
9 built on a chassis, used as a temporary dwelling for travel,  
10 recreational or vacation use, and, when factory-equipped for the  
11 road, it shall have a body width not exceeding eight (8) feet and an  
12 overall length not exceeding forty (40) feet, including the hitch or  
13 coupling;

14 ~~36.~~ 37. "Travel trailer dealer" means any person, firm or  
15 corporation engaged in the business of selling any new and unused,  
16 or used, or both new and used travel trailers. Such information and  
17 a valid franchise letter as proof of authorization to sell any such  
18 new travel trailer product line or lines shall be attached to the  
19 application for a dealer license to sell travel trailers. "Travel  
20 trailer dealer" shall not include any person, firm or corporation  
21 who sells or contracts for the sale of his or her own personally  
22 titled travel trailer or trailers. No person, firm or corporation  
23 shall be considered as a travel trailer dealer as to any travel  
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1 trailer purchased or acquired by such person, firm or corporation  
2 for purposes other than resale;

3 ~~37.~~ 38. "Used motor vehicle dealer" means "used motor vehicle  
4 dealer" as defined in Section 581 of this title;

5 ~~38.~~ 39. "Used vehicle" means any vehicle which has been sold,  
6 bargained, exchanged or given away, or used to the extent that it  
7 has become what is commonly known, and generally recognized, as a  
8 "secondhand" vehicle. This shall also include any vehicle other  
9 than a remanufactured vehicle, regardless of age, owned by any  
10 person who is not a dealer;

11 ~~39.~~ 40. "Utility vehicle" means a vehicle powered by an  
12 internal combustion engine, manufactured and used exclusively for  
13 off-highway use, equipped with seating for two or more people and a  
14 steering wheel, traveling on four or more wheels;

15 ~~40.~~ 41. "Vehicle" means any type of conveyance or device in,  
16 upon or by which a person or property is or may be transported from  
17 one location to another upon the avenues of public access within the  
18 state. "Vehicle" does not include bicycles, trailers except travel  
19 trailers and rental trailers, or implements of husbandry as defined  
20 in Section 1-125 of this title. All implements of husbandry used as  
21 conveyances shall be required to display the owner's driver license  
22 number or license plate number of any vehicle owned by the owner of  
23 the implement of husbandry on the rear of the implement in numbers  
24 not less than two (2) inches in height. The use of the owner's

1 Social Security number on the rear of the implement of husbandry  
2 shall not be required; and

3 ~~41.~~ 42. "Vehicle remanufacturer" means a commercial entity  
4 which assembles remanufactured vehicles.

5 SECTION 3. This act shall become effective November 1, 2019.

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7 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/21/2019 -  
8 DO PASS, As Coauthored.

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