

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 60. MOTOR VEHICLES**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Chapter 60. Motor Vehicles [AMENDED]

**SUMMARY:**

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, insure accurate internal cross-reference and comply with statutory changes. All legislative references are to the Second Regular Session of the 51<sup>st</sup> Legislature (2008).

Section 710:60-3-14 has been amended to reflect the provisions of SB1389 which provides an exception to the transfer of ownership registration fee for unrecovered-theft titles and Section 710:60-5-2 has been amended to note the title certificate color designation for an unrecovered-theft title.

Section 710:60-3-17 has been amended to reflect the provisions of SB2122 which provides for an online electronic insurance verification system effective January 1, 2009. [47:7-600.2]

Section 710:60-3-24 has been amended to conform to current statutory authority relating to the exemption of utility vehicles from the waste tire recycling fee.

New Section 710:60-3-25 has been added to conform to current statutory authority relating to the special registration rate afforded certain active duty military personnel. [47:1127]

Section 710:60-3-54 has been amended to clarify policy regarding usage of out of state ownership reassignment sheets by licensed Oklahoma vehicle dealers. [47:1137.1]

Section 710:60-3-56 has been amended to reflect the provisions of SB1654 which provides for the purchaser of a new cab and chassis truck to place the temporary license plate in the rear window. [47:1137.3]

Section 710:60-3-70 has been amended and New Section 710:60-3-115 has been added to reflect the provisions of SB1384 which provides a definition for "medium-speed electric vehicle" and guidelines for the registration and titling of low-speed and medium-speed electrical vehicles. [47:1151.4]

Section 710:60-3-99 has been amended to reflect the provisions of SB1699 which references the laden weight at which certain trucks and truck tractors become subject to the federal heavy vehicle tax. [68:2103]

Section 710:60-3-111 has been amended to reflect the provisions of SB1511 which provides for optional private trailer registrations [47:1133.3] and to reflect the provisions of SB1998 which provides the definition of "mini-trucks" and the requirements to title and register mini-trucks. [47:1102; 1151.3]

Sections 710:60-3-140, 710:60-3-141 and 710:60-3-142 were amended to reflect the provisions of SB1793 which modified the definition of "all-terrain vehicle" and added a definition for "utility vehicle" and provided for the same type of mandatory titling and registration requirements as all-terrain vehicles.

Section 710:60-3-150 has been amended to clarify existing policy for issuing certain special license plates to state legislators.

Section 710:60-5-6 has been amended to correct a typographical error and clarify policy regarding application for a replacement title.

Section 710:60-5-53 has been amended and New Section 710:60-5-61 has been added to reflect the provisions of SB1389 which authorizes the issuance of either an unrecovered theft title or a salvage title to a qualifying insurance company that has paid a total loss on an unrecovered stolen vehicle. **[47:1111]**

Section 710:60-5-73 has been amended to conform to current statutory authority that all-terrain vehicles, off-road motorcycles, low-speed electrical vehicles and medium-speed electric vehicles are exempt from odometer disclosure requirements. **[47:1102; 1105; 1107.2]**

Section 710:60-5-77 has been amended to clarify the procedure for transfer of vehicle ownership following death of intestate owner.

Section 710:60-7-4 has been amended to reflect the provisions of SB1699 relating to commercial trucks and truck tractors registering at laden weights of 55,000 lbs. or more. **[68:2103]**

Section 710:60-9-2 has been amended to clarify policy regarding notification of the Commission by motor license agents in the event of his/her residency relocation to another county.

Section 710:60-9-52 has been amended to clarify policy regarding the proper destruction of files and records containing confidential taxpayer information by motor license agents.

Section 710:60-9-72 has been amended to clarify the motor license agent semimonthly report preparation procedures due to the Commission's implementation of a document imaging process.

Section 710:60-9-134 has been amended to reflect the provisions of SB1714 which authorizes the Tax Commission to approve the location of a tag agency within a three mile radius of an existing agency if a naturally intervening geographic barrier within that radius causes the locations to be separated by not less than three miles of roadway by the most direct route. **[47:1140(A)]**

**AUTHORITY:**

68 O.S. § 203 and 47 O.S. §§ 1113, 1136, 1140, 1146, 1149, 1151.3, and 1151.4; Oklahoma Tax Commission

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., February 17, 2009, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 522-3133.

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: February 18, 2009, 2:00 p.m. in the office of the Oklahoma Tax Commission, 2501 Lincoln Blvd., 4th Floor, Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat McDonald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver's license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although it has been determined that the promulgation of these rules is not expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at [www.oktax.state.ok.us](http://www.oktax.state.ok.us) or obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2009, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

Lisa Haws, Tax Policy Analyst, Phone: 405-521-3133, FAX 405-522-0063, Email: [LHaws@oktax.state.ok.us](mailto:LHaws@oktax.state.ok.us)

## CHAPTER 60. MOTOR VEHICLES

### SUBCHAPTER 3. REGISTRATION AND LICENSING

#### PART 1. GENERAL PROVISIONS

##### **710:60-3-14. Transfer of ownership registration**

**Fee generally due on transfer of title; exceptions.** A transfer of ownership registration fee is due when transferring any Oklahoma title with the following exceptions:

- (1) Name changes (same person only). This exemption would not apply to adding or dropping a name.
- (2) Salvage vehicles - including going into salvage
- (3) Licensed Oklahoma used dealers
- (4) Manufactured homes
- (5) Commercial ~~Trailers~~ trailers
- (6) Political ~~Subdivision~~ subdivision of the state
- (7) Repossessions
- (8) Charitable organization licensed through the Oklahoma Secretary of State's Office
- (9) Unrecovered-theft vehicles

##### **710:60-3-17. Liability insurance**

(a) **Insurance verification form.** The owner of a motor vehicle to be registered or titled in this state must surrender a current insurance security verification form to the tag agent prior to the processing of his registration, unless otherwise provided. Photocopies or faxes of current, valid verification forms are acceptable for vehicle registration purposes. The security verification shall contain the following information:

- (1) Name and address of the carrier.
- (2) The name and address where security may be verified, if other than carrier.
- (3) Name of insured.
- (4) Notice that an owner's policy has been issued pursuant to Compulsory Insurance Law.
- (5) Year, make, and at least the last three digits of the VIN of each insured vehicle. (Note: Not required if Owner's form states "Fleet Coverage.")
- (6) Inclusive dates liability policy is in effect.
- (7) A warning to the owner of state law requirements that one copy be surrendered on registration and one copy carried in the vehicle.

(b) **Registration in conformity with insurance period.** The registration should be issued only within the inclusive dates shown on the certification form.

(c) **Applicable only to motor vehicles; vehicles not in use.** Only motor vehicles are subject to the liability insurance verification process described herein. Trailers or boats are not included in the motor vehicle category and will not require a security verification form. Owners of vehicles not in use at the time of registration may register their vehicle upon signing a Non-Use Affidavit (OTC Form 797).

- (1) The yearly validation decal issued to the owner of a vehicle who has filed a Non-Use Affidavit (OTC Form 797) in lieu of liability insurance verification will be issued a decal of a separate and distinct color from all other yearly decals. It shall be the owner's responsibility to obtain insurance if such vehicles are put into service at a later time.
- (2) The owner of the vehicle is not required, upon putting the vehicle back in service, to purchase another decal indicating the liability insurance coverage. If the owner chooses to

purchase another decal, a valid insurance verification form will be required and payment of a replacement tag/decal fee, and the insurance verification fee.

(d) **Fleet vehicles.** On blanket coverage of fleet vehicles, the year, make and serial number are not required on the certification form. It shall bear the term "Fleet Coverage". This term shall be typed or written on the lower right hand portion of the registration certificate by the tag agent.

(e) **Exceptions to insurance verification requirements.** The following shall not be required to surrender a security verification form to the tag agent.

(1) Any vehicle owned or leased by the Federal or State Government or any agency or political subdivision thereof.

(2) A company owned vehicle bearing the symbol or logo which, according to the records of the Department of Public Safety, reflects a deposit, bond, self-insurance, or fleet policy. (These companies will be issued an equivalent form from the Department of Public Safety.)

(3) Any vehicle authorized for operation under a permit number from the Interstate Commerce Commission or the Oklahoma Corporation Commission.

(4) Any licensed taxicab.

(5) Any vehicle held for sale by a licensed Used Car Dealer.

(6) Applicant for a duplicate Oklahoma title, provided registration renewal is not required.

(7) Applicant for title (only) to a vehicle to be later registered under the International Registration Plan.

(8) All-terrain vehicles and off-road motorcycles.

(f) **Processing fee authorized.** The motor license agent is authorized to charge a fee for processing a security verification form or Non Use Affidavit upon registration of a motor vehicle.

(g) **Military personnel insurance verification.** Members of the United States Armed Forces may furnish a vehicle insurance policy or bond from an out-of-state insurance company indicating compliance with the liability insurance requirements of the Oklahoma Vehicle License and Registration Act. If the service person is an out-of-state resident who is stationed in Oklahoma, the form must be from Oklahoma or from the service person's state of residence, as indicated on the Armed Forces Affidavit (OTC Form 779). If the service person is a resident of Oklahoma, the form must be either an Oklahoma form, or a form from the state in which the service person is currently stationed.

(h) **Electronic insurance verification.** In cooperation with the Oklahoma Department of Public Safety and the Oklahoma Insurance Department, the Commission shall implement an online electronic liability insurance verification system effective January 1, 2009 and instruct motor license agents in its use. Following the advent of electronic insurance verification, no vehicle subject to such liability insurance verification shall be registered in this state unless current insurance coverage is verified by that electronic system, unless an exception is warranted per the guidelines established by the Commission. Whenever a motor license agent grants an exception to electronic verification, the agent shall maintain in his or her files, for a period of no less than two (2) years, a full record of the reason for that exception and make available for inspection by the Commission, or any other qualified requestor, documentation sufficient to justify that exception.

#### **710:60-3-24. Waste tire fee collection by motor license agents**

Waste tire fees are to be collected by the Motor Vehicle Division and motor license agents upon the initial registration of a motor vehicle in this state. In addition to the statutorily authorized audits and reviews of motor license agent operations conducted by the Tax Commission, such collections are subject to inspection by the Department of Environmental Quality.

- (1) The fee is applicable to motor vehicles, with the following exceptions:
  - (A) Apportioned (IRP) vehicles;
  - (B) All-terrain vehicles; ~~and~~
  - (C) Off-road motorcycles; and
  - (D) Utility vehicles.
- (2) The fee is not applicable when a motor vehicle is being titled only.
- (3) The fee is to be assessed per tire, including any spare tires carried in or on the vehicle, based on the tire rim size. Motor license agents retain a portion of the fee collected as their compensation, as set forth by statute.

**710:60-3-25. Active duty military personnel registration**

**(a) Eligibility for registration rate.** The following are eligible for a special armed forces annual vehicle registration rate:

- (1) Noncommercial vehicles owned by active duty reservists and active duty members of the National Guard. Reservists activated under annual training orders do not qualify for this reduced active duty military registration rate.
- (2) Noncommercial vehicles owned by an Oklahoma resident, or spouse of an Oklahoma resident, stationed out of state due to an official military assignment.
- (3) Noncommercial vehicles owned by the spouse, who resides in Oklahoma, of an active duty military service person serving in a foreign country.
- (4) Manufactured homes owned by an out of state resident active duty military personnel stationed in Oklahoma.
- (5) Manufactured homes owned by Oklahoma resident active duty military personnel, when the manufactured home is also located out of state. Manufactured homes located in Oklahoma and owned by Oklahoma military personnel are not entitled to the special military registration rate.

**(b) Affidavit required.** A properly completed U.S. Armed Forces Affidavit (OTC Form 779) must be presented by the applicant.

- (1) The affidavit requires the signature of the active duty military service person *and* the signature of an officer for the organization to which the military service person is assigned.
- (2) When the active duty military service person is *serving in a foreign country*, the spouse may sign the affidavit under penalties of perjury. In this instance, certification by an officer of the U.S. Armed Forces organization is *not* required.
- (3) An Oklahoma resident stationed in another state due to an official military assignment may authorize his/her parents to register his/her vehicle(s) on their behalf. A completed U.S. Armed Forces Affidavit, including an officer's certification, is required.

**(c) Transfer of ownership.** When a vehicle is sold by a military service person to a purchaser who does not qualify for the military rate, the purchaser must register the vehicle from the date of ownership assignment at the new registration classification. If the vehicle is sold to another military service person qualifying for the special rate, the purchaser may transfer title into his/her name with no additional registration fee, upon presentation of a properly completed U.S. Armed Forces Affidavit.

**PART 5. DEALERS**

**710:60-3-54. Used vehicle dealer's registration policy**

**(a) Renewal not required; registration to be current when vehicle acquired.** A licensed used trailer dealer or used motor vehicle dealer is not required to renew the registration of a vehicle that

expires on his lot while being held for resale, provided the registration was current when the vehicle was assigned to him. However, any dealer who is assigned a vehicle when it is in the registration penalty period must renew the registration for a full year, paying any penalty due. Manufactured home dealers are required to keep all manufactured homes registered. [See: 710:60-3-132, paragraph (5)]

(b) **Used vehicles acquired from other states.** Used vehicles from other states, acquired for resale by Oklahoma used dealers require an Oklahoma title in the dealership name. No registration is required. Used motor vehicles acquired from other states by licensed Oklahoma motor vehicle dealers may either be titled in the dealership's name, or ownership may be reassigned by the dealership on the out of state title. When reassigning an out of state title, the motor vehicle dealer must satisfy the inspection and dealer reassignment provisions of 47 O.S. § 1105. Oklahoma dealers may reassign on another state's reassignment sheet only when ownership was assigned to the Oklahoma dealer by a dealer in that other state, on that other state's reassignment sheet and attached to that other state's title. An Oklahoma dealer may not reassign ownership on another state's reassignment sheet if that sheet is attached to either an Oklahoma title, or any other state's title that does not correspond both to the reassignment sheet and the state in which the assigning out of state dealer is licensed.

(c) **Exemption from transfer registration fee; revenue stamps required.** Used Vehicle Dealers are exempt from the transfer registration fee when getting a transfer title in their name. However, each time a used dealer makes an assignment, a revenue stamp must be attached on the back of the Oklahoma Title. Commercial trailer dealers or manufactured home dealers are not required to attach tax stamps.

(d) **Removal of out-of-state license plates.** If a dealer obtains a vehicle with an out-of-state tag, it should be removed. If the vehicle has an Oklahoma tag, it shall remain on the vehicle.

(e) **Procedure upon sale of vehicle.** When a used dealer sells a vehicle, he shall advise the owners to title and register the vehicle within thirty (30) days. If the Oklahoma plate is still current, the new owner shall title, pay excise and a transfer registration fee. If, on the assignment date, the decal has expired, the new owner must register from the month of assignment. The transfer registration fee would be due at the time of registration.

#### **710:60-3-56. New and used vehicle dealer temporary license plate**

(a) **Design and printing of dealer temporary license plate.** Acquisition of motor vehicle dealer temporary license plates shall be the responsibility of the licensed dealer. The temporary license plate shall be designed in a size similar to the permanent Oklahoma license plate, but of a weatherproof plastic-impregnated substance.

(b) **Design approval required.**

(1) Approval by the Oklahoma Used Motor Vehicle and Parts Commission is required for the used dealer temporary license plate design.

(2) Approval by the Oklahoma Motor Vehicle Commission is required for the new dealer temporary license plate design.

(3) Used commercial trailer and travel trailer dealers must comply with the design requirements approved by the Oklahoma Used Motor Vehicle and Parts Commission.

(4) New commercial trailer and travel trailer dealers must comply with the design requirements approved by the Oklahoma Motor Vehicle Commission.

(c) **Placement of dealer temporary license plate on vehicle.** The temporary license plate shall be placed on the vehicle at the location provided for the permanent license plate. Provided, the purchaser of a new cab and chassis truck may place the temporary license plate in the rear window.

(d) **Issuance of temporary license plate.** Upon purchase of a vehicle from a licensed Oklahoma dealer, except by another licensed dealer, a temporary license plate is to be completed by the selling dealer and placed on the vehicle at the location provided for the permanent license plate. (e) **Time periods valid.** The temporary license plates are valid for thirty (30) days following purchase.

(f) **Information required to be shown on temporary license plate.** The temporary license plate will show:

- (1) The license number issued to the dealer each year by the Oklahoma Tax Commission, Oklahoma Used Motor Vehicle and Parts Commission, or Oklahoma Motor Vehicle Commission;
- (2) Date the motor vehicle, commercial trailer, or travel trailer was purchased; and
- (3) The company name of the selling dealer.

(g) **Use restricted.** The temporary license plates are to be used only for the purpose outlined by statute. Dealers must use their metal dealer plates for demonstrating, transporting or other normal business on any vehicle that does not have a current Oklahoma license plate.

## **PART 7. NON-COMMERCIAL VEHICLES**

### **710:60-3-70. Noncommercial vehicles**

Annual registration rates are based on the number of years the vehicle has been registered pursuant to a five-tiered registration scheme approved by popular vote on August 22, 2000. The following vehicles are registered using this method.

- (1) **Automobiles.** "**Automobiles**" includes noncommercial trucks and vans and nonagricultural trucks.
- (2) **Travel ~~Trailers~~ trailers.** Travel trailers are any vehicular portable structure built on a chassis and used as a temporary dwelling for travel, recreational or vacation use. The dimensions of a travel trailer cannot exceed 40 feet in length (including hitch or coupling) or 8 feet in width.
- (3) **Motorcycles.** Motorcycles are defined as those vehicles designed and constructed to travel on not more than three (3) wheels, having a saddle or a single seat for the use of the rider.
- (4) **Recreational vehicles.** "**Recreational Vehicle vehicles** " means every vehicle which is built on or permanently attached to a self-propelled motor chassis or chassis cab which becomes an integral part of the completed vehicle and is capable of being operated on the highways. In order to qualify as a recreational vehicle pursuant to this subsection such vehicle shall be permanently constructed and equipped for human habitation, having its own sleeping and kitchen facilities, including permanently affixed cooking facilities, water tanks and holding tank with permanent toilet facilities. Recreational vehicle shall not include manufactured homes or any vehicle with portable sleeping, toilet and kitchen facilities which are designed to be removed from such vehicle.
- (5) **Moped.** A moped is a motorized bicycle having pedals for aid in propulsion. mopeds are banned from limited access and interstate highways. Motorized bicycles are subject to all the provisions of the Motor Vehicle License and Registration Act. No dealer's license is required to sell them. If sales tax was paid upon purchase, no excise tax should be assessed when titling.
- (6) **Dirt bikes, minibikes, all-terrain vehicles (3 & 4 wheelers), and golf carts.** Dirt bikes, minibikes, all-terrain vehicles (3 & 4 wheelers), and golf carts are not street legal and are not to be titled and tagged for street or highway use in Oklahoma. All-terrain vehicles and off-road motorcycles meeting the criteria outlined in OAC 710:60-3-140 are subject to

titling and registration, as therein specified. Golf carts owned by the Tourism and Recreation Department may be operated on streets and highways located within the boundaries of a state park by employees of the Department, or by employees of an independent management company on behalf of the Department.

~~(7) **Low speed electrical vehicles.** "Low speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electrical motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour, but not greater than twenty five (25) miles per hour, and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low speed vehicles in 49 C.F.R. 571.500. Such vehicles may be titled and registered, with the registrant paying excise tax, rather than sales tax.~~

## PART 9. COMMERCIAL VEHICLES

### 710:60-3-99. Surface transportation assistance act guidelines

(a) **History of the act.** The Surface Transportation Assistance Act of 1982 provides that a state shall not register vehicles subject to the Federal Vehicle Use Tax without first having presented proof that such tax has been paid.

(b) **Imposition of the tax.**

(1) **When tax is due.** The tax is imposed on the first use of any taxable highway motor vehicle on a public highway in the United States. The taxable year is July 1 through June 30 and the tax is due by the last day of the month following the month of the first taxable use.

(2) **Vehicles subject to tax.** Any commercial motor vehicle having a gross weight of ~~54,001~~ 55,000 pounds or more including the weight of any trailer or semitrailer used in combination therewith. Principally the tax covers trucks and truck-tractors used in combination with trailers and semitrailers. Very few single trucks weigh as much as ~~54,001~~ 55,000 pounds gross weight.

(3) **Definition of taxable gross weight.** The empty weight of a commercial motor vehicle plus empty weight of any trailer or semitrailer customarily used in combination therewith plus the weight of maximum load customarily carried.

(c) **Tax exemptions and suspension.**

(1) The tax is suspended on vehicles to be used less than a specified minimum number of miles during the taxable year of July 1 through June 30. Owners of vehicles in this category must file Form 2290 and Schedule 1.

(2) Proof of payment is not required with the issuance of Temporary permits such as 72-hour permits, 30, 60, or 90 day registrations. It is required when raising weight to ~~54,001~~ 55,000 lbs. or more on an Additional Tax Receipt when the previous registered weight was less than ~~54,001~~ 55,000 lbs.

(3) Proof of payment is not required for the registration of Special Mobilized Machinery.

(d) **Proof of payment for state registration purposes.**

(1) Effective October 1, 1985, a state must refuse to register a heavy commercial motor vehicle with a gross weight of 55,000 pounds or more (~~54,001 pounds in Oklahoma~~) until the owner presents proof that the heavy vehicle tax has been paid to the Internal Revenue Service. The tax is paid by filing Form 2290 which includes a Schedule 1 (Schedule of Taxable Highway Motor Vehicles). Form 2290 is furnished by the Internal Revenue Service.

(2) Proof of Payment is the original or photocopy of the receipted Schedule 1 (Form 2290) returned to the owner by the IRS as a receipt for payment of the tax. If the receipted original or photocopy of Schedule 1 is not available, the owners file copy of Form 2290 with Schedule 1 attached, as filed with the IRS, along with a photocopy of the front and back of the cancelled

check covering the payment to the IRS is acceptable.

(3) Schedule 1 provides space for the listing of the Vehicle Identification Number (VIN) for 21 taxable vehicles, or the VIN for 9 vehicles for which the tax is suspended as covered in Part II of Schedule 1 of Form 2290.

(4) If a fleet is larger than 21 taxable vehicles, or, 9 vehicles for which the tax is suspended, and the name of the taxpayer on Schedule 1 of Form 2290 is the same as the registrant, the Schedule 1 may be accepted as proof without a separate listing of vehicle identification numbers provided the number of vehicles being registered is equal to or less than the number of vehicles shown on the Schedule 1.

(5) A vehicle may be registered without proof of payment of the tax if the person registering the vehicle presents the Manufacturer's Certificate or Certificate of Title indicating the vehicle was purchased within 60 days of the date the application is received for registration.

## PART 11. OTHER VEHICLES

### 710:60-3-111. Miscellaneous vehicles; definitions

(a) **Farm trucks.** "Farm truck" means pickup, truck, or truck tractor used primarily for agricultural purposes. For purposes of farm truck registration eligibility "**pickup**" means a small, light truck with an open back or box used for hauling and designed primarily for the carrying of property, rather than people and "truck" means a motor vehicle designed or converted primarily for carrying or hauling farm commodities, property, livestock, or equipment, rather than people. To qualify for farm truck registration, the applicant must provide either a copy of Schedule F (or comparable form) of the previous year's Federal Income Tax Return, or an agricultural exemption permit (SMX number) assigned by the Oklahoma Tax Commission. Any person registering a farm truck, other than a pickup, must also complete and submit a "Declaration of Gross Vehicle Weight for Vehicle Registered with a Farm Tag" (OTC Form 786). If a laden weight of 55,000 pounds or more is listed, the owner must provide I.R.S. Form 2290 and a Schedule 1.

(b) **Farm trailers.** Farm trailers are not required to be registered. An optional farm trailer tag is available. These tags are for registration purposes only and a title may not be issued for them. If a serial number is stamped on the trailer, it will be used for the VIN on the registration. Otherwise, the Social Security number of the owner will be used. A monthly and yearly decal will be issued to expire one year from date of registration.

(c) **Buses.** Buses are classified as either Inter-City or Intra-City. The Inter-City buses operate between different cities. The Intra-City buses operate within a given city. The rates for such vehicles are based on the seating capacity. All buses in these classifications must be licensed by the Oklahoma Corporation Commission.

(d) **Private school buses.** Private school buses are those privately owned buses used exclusively to transport school children.

(e) **Taxicabs.** Taxicabs are vehicles designed to carry not more than ten (10) people.

(f) **Rental vehicles.** Rental vehicles are vehicles acquired by rental companies not to be rented for more than ninety (90) days at a time. Such vehicles are entitled to special registration fees as set forth by statute.

(g) **Private trailers.** Private trailers are not required to be registered. An optional private trailer registration and license plate is available to owners of noncommercial boat and utility type trailers not being utilized in a commercial capacity. The fee is established by statute. This is an optional registration only transaction and no certificate of title may be issued. If a serial number is stamped on the trailer, it will be used for the vehicle identification number (VIN) on the

registration record. Otherwise, the driver license number of the owner will be utilized. A monthly and yearly decal will be issued to expire one year from date of registration. As registration is optional, no delinquent registration fees or penalties are to be assessed.

**(h) Mini-truck.** “Mini-truck” means a foreign-manufactured import or domestic-manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds or less, traveling on four or more tires, having a top speed of approximately fifty-five (55) miles per hour, equipped with a bed or compartment for hauling, and having an enclosed passenger cab. Any vehicle meeting that description is required to be titled and registered, as of November 1, 2008. Excise tax is not assessed on mini-trucks purchased prior to November 1, 2008.

**(i) Registration and titling guidelines.** Mini-trucks may be registered in the same manner and under the same classification guidelines as any other light truck. Mini-trucks are subject to the same titling and lien filing guidelines as other light trucks, with the exception of required documentation at time of initial titling. Those general titling documentary guidelines are as follows:

**(A) New mini-trucks purchased on or after November 1, 2008.** A properly assigned Manufacturer’s Statement of Origin (MSO) and dealer’s invoice (to establish purchase price) is required to apply for an Oklahoma title.

**(B) All other mini-trucks.** A properly assigned certificate of title or Manufacturer’s Statement of Origin (MSO) is to be submitted, if available. If not available, the Commission may accept a notarized bill of sale, or other similar ownership instrument, as an alternative.

### **710:60-3-115 Low-speed and medium-speed electrical vehicles**

**(a) Low-speed electrical vehicle.** Low-speed electrical vehicle means any four-wheeled electrical vehicle that is powered by an electrical motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour, but not greater than twenty-five (25) miles per hour, and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500. Such vehicles may be titled and registered at the option of the owner, with the registrant paying excise tax, rather than sales tax.

**(b) Medium-speed electrical vehicle.** Medium-speed electrical vehicle means any self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one (1) mile is more than thirty (30) miles per hour but not greater than thirty-five (35) miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500. Titling and registration is mandatory for such vehicles, effective June 2, 2008.

**(c) Registration fee and excise tax assessment.** Low-speed and medium-speed electrical vehicles are eligible for any motor vehicle registration classification for which the vehicle type (i.e. passenger; truck) and owner qualify. Registration fees applicable to the registration classification and standard vehicle excise tax rates apply, unless the owner qualifies for a special rate or exemption.

**(d) Titling documentation.** In general, standard vehicle titling documentary requirements apply to low-speed and medium-speed electrical vehicles. However, when issuing an original title to a low-speed or medium-speed electrical vehicle that has never been titled previously, the Commission may accept a notarized bill of sale, or other similar ownership instrument, as an

alternative to a properly assigned certificate of title or Manufacturer's Statement of Origin (MSO).

#### **PART 14. ALL-TERRAIN VEHICLES, AND OFF-ROAD MOTORCYCLES AND UTILITY VEHICLES**

##### **710:60-3-140. All-terrain vehicles, and off-road motorcycles and utility vehicles**

(a) **Title and registration requirement.** All-terrain vehicles (ATV's) and off-road motorcycles (ORM's) purchased, or on which ownership is transferred, on or after July 1, 2005 are required to be titled and registered, unless statutorily exempted. Utility vehicles purchased, or on which ownership is transferred, on or after July 1, 2008 are required to be titled and registered, unless statutorily exempted.

(b) **Definitions.** The following terms when used in this Part, shall have the following meaning unless the context clearly indicates otherwise:

(1) **All-Terrain Vehicles (ATV's).** A motorized vehicle powered by an internal combustion engine, manufactured and used exclusively for off-highway use, which is forty-eight (48) inches or less in width, with an unladen dry weight of eight hundred (800) pounds or less, traveling on two four or more low-pressure tires, and having a seat designed to be straddled by the operator and handlebars for steering.

(2) **Off-Road Motorcycles (ORM's).** A motorcycle manufactured for and used exclusively off roads, highways, and any other paved surfaces. Small street or sidewalk mini-motorcycles or scooters are not included in this category.

(3) **Utility Vehicle.** A vehicle powered by an internal combustion engine, manufactured and used exclusively for off-highway use, equipped with seating for two or more people and a steering wheel, traveling on four or more wheels.

##### **710:60-3-141. Titling of all-terrain vehicles, and off-road motorcycles and utility vehicles**

(a) **General.** Only standard type titles, as referenced under 710:60-5-2, will be issued to ATV's, ~~or~~ ORM's or utility vehicles.

(b) **Information or processes not required.** The following do not apply to ATV's, ~~or~~ ORM's or utility vehicles:

- (1) Salvage, Rebuilt and Junk title issuance or procedures
- (2) Odometer disclosure requirements
- (3) Out-of-state vehicle V.I.N. / Odometer inspection & Declaration of Damage or Theft
- (4) Liability insurance verification
- (5) Submission by owner of driver license number or federal employer's identification number
- (6) Payment of waste tire fee at time of initial registration.
- (7) Transfer of ownership registration fee.

(c) **New Titling documents required on new ATV's or ORM's purchased on or after July 1, 2005. Titling documents required if purchased on or after July 1, 2005, and utility vehicles purchased on or after July 1, 2008.**

- (1) A properly assigned Manufacturer's Statement of Origin (MSO), or other acceptable ownership document as determined by the Oklahoma Tax Commission.
- (2) Completed Application for Oklahoma Title (701-6).
- (3) A dealer invoice or other acceptable purchase price documentation, as determined by the Oklahoma Tax Commission.

(d) **Used Titling documents required on used or new ATV's or ORM's purchased prior to July 1, 2005 and utility vehicles purchased prior to July 1, 2008. ~~Titling documents required.~~**

(1) Assigned title/MSO; or

(2) A completed Application for Oklahoma Title (701-6) and a bill of sale listing the purchase price, or a completed Declaration of Vehicle Purchase Price (OTC Form 722-1). In this application, the bill of sale is not required to be notarized.

(e) **Exemptions from titling.** Holders of agricultural exemption permits issued pursuant to 68 O.S. § 1358.1 ~~are were~~ exempt from ATV and ORM titling requirements ~~until before~~ July 1, 2008. Until that date, such permit holders ~~may could~~ transfer ownership of ATV's or ORM's by bills of sale. ~~Should a permit holder choose to obtain title to an ATV or ORM, no excise tax is to be assessed. Titling and registration fees will apply.~~ As set forth by statute, holders of agricultural exemption permits issued pursuant to 68 O.S. § 1358.1 are no longer exempt from titling and registration requirements on ATV's or ORM's that are purchased, or change ownership, on or after July 1, 2008. Permit holders remain exempt from the assessment of excise tax on such transactions.

(f) **Chain of title ownership not required.** Due to ATV's and ORM's owned by agricultural permit holders being exempt from titling and registration requirements until July 1, 2008, breaks in the title document chain of ownership may occur. As a result, there is no requirement that an assigned Oklahoma title be presented to transfer ownership of an ATV or ORM, provided documentation outlined in (d) above is submitted, even when an Oklahoma title record for a previous owner exists.

(g) **Excise tax assessment and exemptions.**

(1) **Assessment.** As set forth by statute, excise tax is to be assessed on new and used ATV's and ORM's purchased on or after July 1, 2005: and new and used utility vehicles purchased on or after July 1, 2008. Excise tax will be assessed on the actual purchase price presented by the purchaser, excluding credit for any trade in, either from a bill of sale or a Declaration of Vehicle Purchase Price (OTC form 722-1). The minimum excise tax amount is set by statute. Failure to obtain title and pay the corresponding levy of excise tax within thirty (30) days of acquiring ownership will result in the assessment of a delinquent excise tax penalty in the amount of \$.25 per day, accruing until paid or until equal to the tax amount due.

(2) **Exemptions.** Standard vehicle excise tax exemptions, outlined in OAC 710:60-7-3(b), apply to ATV's, ~~and~~ ORM's and utility vehicles. In addition, agricultural permit holders are exempt from excise tax, when titling their ATV, ~~or~~ ORM or utility vehicle, upon presentation of a valid agricultural permit.

(h) **Lien filing.** Lien filing procedures on ATV's, ~~and~~ ORM's and utility vehicles are generally identical to vehicle lien filings referred to in Subchapter 5 Part 11 of the Oklahoma Tax Commission Rules Title 710, Chapter 60. Liens on ATV's, ~~or~~ ORM's or utility vehicles may be filed with only the previously outlined ownership documentation. Until July 1, 2008, any lien/security interest in an ATV or ORM that was perfected before July 1, 2005, and that has not been terminated shall remain perfected, and shall take priority over subsequently perfected lien/security interest in the same ATV even if a certificate of title has been issued on the same ATV on or after July 1, 2005 with a lien recorded.

**710:60-3-142. Registration of all-terrain vehicles, ~~and~~ off-road motorcycles and utility vehicles**

(a) **General.** A registration fee as set forth by statute is assessed upon issuance of every original or transfer title to an ATV, ~~or~~ ORM or utility vehicle. Upon payment of the registration fee, an ATV,

~~or~~ ORM or utility vehicle registration decal will be issued to be affixed in clear view to the front of the ATV, ~~or~~ ORM or utility vehicle, or to the front fork of the ORM. Renewal of the registration by the same owner is not required. The registration fee is assessed again only upon any transfer of ownership.

(b) **Exception to registration.** Holders of agricultural exemption permits issued pursuant to 68 O.S. § 1358.1 are exempt from ATV and ORM titling requirements until July 1, 2008. As set forth by statute, holders of agricultural exemption permits issued pursuant to 68 O.S. § 1358.1 are no longer exempt from titling and registration requirements on ATV's or ORM's that are purchased, or change ownership, on or after July 1, 2008.

(c) **Optional Registration.** The following owners shall have the option of purchasing a nonrecurring registration.

(1) Until July 1, 2008, as outlined above, owners that possess valid agricultural permits issued pursuant to 68 O.S. § 1358.1

(2) Owners of ATV's and ORM's, purchased prior to July 1, 2005.

(d) **Registration penalties.** The following registration penalty assessments apply to those ATV's and ORM's purchased on or after July 1, 2005 and utility vehicles purchased on or after July 1, 2008:

(1) New ATV/ORM/utility vehicle: The maximum penalty allowed by statute applies on the 31<sup>st</sup> day following ownership assignment.

(2) Used ATV/ORM/utility vehicle: A penalty of Twenty-five Cents (\$.25) per day applies beginning the 31<sup>st</sup> day following ownership assignment and accruing to the maximum penalty allowed by statute.

## PART 15. SPECIAL LICENSE PLATES

### 710:60-3-150. Special license plates

(a) **General provisions.** Applications for ordering all types of personalized and special license plates, authorized by statute, may be obtained from the Oklahoma Tax Commission or from any motor license agency.

(b) **Leased vehicles.** An eligible individual leasing a vehicle may make application for any special tag or registration rate. A copy of the lease agreement, listing the applicant as lessor, must be submitted and attached to the Oklahoma Tax Commission copies of the paperwork.

(c) **No conflict policy.** No special license plate can be issued which conflicts with the regular plate numbering system.

(d) **Non-offensive content policy.** No special license plate will be issued which may be offensive to the general public.

(e) **Fees.** Special license plate fees are set by statute and, with certain statutory exceptions, are collected in addition to annual registration fees required by the Oklahoma Vehicle License and Registration Act. If a special license plate or decal is mailed, a mailing fee for a metal plate or decal will also be collected.

(f) **Renewal.** Renewal decals may be obtained from either a motor license agent or the Oklahoma Tax Commission for all special license plates except Physically Disabled, Hearing Impaired/Deaf, Amateur Radio, Vintage and Municipal Official plates which may be renewed only through the Commission. Special license plates are issued on a staggered expiration system, except for amateur radio plates and vintage decals.

(g) **Discontinuance of a special license plate.** As set forth by statute, certain types of special license plates have minimum issuance requirements and provisions for the discontinuance of plate types that do not meet those requirements.

(h) **Authorization of new special license plates.** The Oklahoma Tax Commission is authorized to design and issue new special license plate types to any person that applies to the Commission for the creation of a special license plate and meets the conditions and minimum standards outlined by statute.

(i) **Legislative district numbers.** Unless otherwise prohibited by a statutorily mandated plate structure, a current member of the Oklahoma Legislature may order one (1) type of special plate reflecting the legislator's Senate or House district number, paying the applicable fee for that type special plate, to be displayed on a vehicle owned by the legislator. Any qualifying criteria for that special plate type must be satisfied by the requesting legislator. A different type special plate may be ordered in this manner for each vehicle owned by the legislator, but in no event may the same special plate type displaying a specific district number notation be duplicated. The special plate is to be removed from display on the vehicle when the legislator leaves office.

## SUBCHAPTER 5. MOTOR VEHICLE TITLES

### PART 1. GENERAL PROVISIONS

#### 710:60-5-2. Types of certificates

(a) **Title ~~Certificate Color Designation~~ certificate color designation.** Oklahoma ~~has utilized~~ utilizes several different colors in ~~classifying motor~~ designating vehicle ~~titles~~ types. The title types and corresponding certificate colors are as follows:

- (1) Standard Title (Green)
- (2) Salvage Title (Red)
- (3) Rebuilt Title (Orange)
- (4) Junked Title (Blue)
- (5) Classic Title (Green)
- (6) Remanufactured Title (~~Purple~~) (No color designation at this time)
- (7) Unrecovered Theft Title (Purple)

(b) **Title ~~Suffix Designation~~ suffix designation.** Letter suffixes are utilized to designate the sequence of Oklahoma certificates of title issued to a specific vehicle. The original Oklahoma title issued will have no suffix following the designated title number. All subsequent Oklahoma titles, regardless of type, issued to that vehicle will be designated by a letter suffix. The letter "a" will be assigned as a suffix to the first Oklahoma title issued following the original title, "b" to the next title issued, etc. Only the most recent Oklahoma certificate of title issued is considered valid.

#### 710:60-5-6. Undeliverable Oklahoma title

Any owner of a vehicle who purchased a title, but never received the title through the U.S. Postal Services, may complete a statement of facts and receive a replacement title free of charge. The statement ~~must~~ should be completed no earlier than twenty (20) days and no later than ninety (90) days from the date of the title issuance.

## PART 5. CERTIFICATES OF TITLE

#### 710:60-5-53. Salvage titles

(a) **Salvage vehicle defined.** A salvage vehicle is a vehicle ten (10) model years and newer which has been damaged by collision or other occurrence to the extent that the cost of repairing the vehicle

for safe operation on the highway exceeds sixty percent (60%) of its fair market value at the time of loss.

(b) **Determining classification as a salvage vehicle.** To determine the 10 year model age limit for this purpose, subtract 9 from the current latest ~~manufacturers~~ manufacturer's model on sale. July 1 is the generally accepted date that new model vehicles go on sale. For example, prior to July 1, 2006, the latest ~~manufacturers~~ manufacturer's model on sale were 2006 models. Therefore, during the one (1) year period ending June 30, 2006 (7/1/05 through 6/30/06), a ten year old vehicle would have been a 1997 (2006-9) model. During that period, 1996 and older models were exempt from the salvage requirements. Beginning July 1, 2006, 2007 model vehicles officially (per this guideline) went on sale, resulting in 1997 models becoming exempt from the salvage requirements. This formula for determining the age of a model year will apply to all such determinations regarding salvage and rebuilt vehicles.

(c) **Change of classification.** Vehicles over 10 model years old may go in to, or come out of, salvage at any time. No inspection is required to bring such vehicles out of salvage.

(d) **Out-of-state salvage titles.** Vehicles over 10 model years old entering Oklahoma with an out-of-state salvage title may receive either a salvage title or standard (green) title with a salvage date listed.

(e) **Notification by insurance companies.** An insurance company paying a loss on a vehicle where the cost of repairing the vehicle for safe operation on the highway exceeds 60% of its market value, or pays a claim for a flood-damaged vehicle as defined in 47 O.S. § 1105, is required to notify the vehicle owner to surrender the title to the Oklahoma Tax Commission or a motor license agent so that it may be replaced by a salvage title. The Motor Vehicle Division will also be notified by the insurance company. The notice shall include the estimated total damage percentage determination of the actual cash value made by the insurance company to repair the vehicle for safe operation on the highway.

(f) **Transfer salvage title to insurance company on payment of total loss due to theft; removal of salvage notation.** ~~Any vehicle 7 model years old or newer on which an insurance company has paid a total loss due to theft must be transferred to the insurer by a salvage title. However, the statutes provide that the salvage notation may be removed if the vehicle is recovered and has suffered damage amounting to less than 60% of the value of the vehicle. Certification to that effect, in the form of a letter on the insurance companies letterhead, will be required. The ownership of any unrecovered vehicle which has been declared a total loss by an insurer because of theft shall be transferred to the insurer by an unrecovered-theft vehicle title; provided, the ownership of any such vehicle which has been declared a total loss by an insurer licensed by the Oklahoma Insurance Department and maintaining a multi-state motor vehicle salvage processing center in this state shall be transferred to the insurer by a salvage or an unrecovered-theft title without the requirement of a visual inspection of the vehicle identification number by the insurer. Upon recovery of the vehicle, the ownership shall be transferred by an original title, salvage title, or junked title, as may be appropriate based upon an estimate of the amount of loss submitted by the insurer.~~

(g) **License plate not affected by salvage classification; current registration generally required.** The license plate from a vehicle entering salvage status need not be surrendered. However, registration must be current on a vehicle entering salvage status, unless it is being titled by a salvage dealer.

(h) **Flood damaged brand.** A salvage or rebuilt vehicle which was damaged by flooding, or a vehicle which was submerged at a level to or above the dashboard of the vehicle and on which an amount of loss was paid by the insurer, shall have the notation "Flood Damaged" listed on the face of the Oklahoma title.

(i) **Multi-state motor vehicle salvage processing centers.** Insurance companies licensed by the Oklahoma Insurance Department and which maintain a multi-state motor vehicle salvage processing center in this state may be issued an Oklahoma original salvage title on an unrecovered stolen vehicle without a visual inspection of the vehicle identification number (VIN) or odometer. For a vehicle to qualify, the following conditions must be met:

- (1) The vehicle has been stolen and not yet recovered;
- (2) An out-of-state title, assigned to the qualifying insurance company, must be submitted. An Oklahoma title may not be issued if an existing Oklahoma title record is on file reflecting a VIN inspection "hold"; and,
- (3) One of the following documents, verifying the theft of the vehicle, must be submitted:
  - (A) Stolen vehicle report;
  - (B) Insurer's proof of loss; or,
  - (C) A statement from the insurer verifying that the vehicle was stolen and has not yet been recovered.

#### **710:60-5-61 Unrecovered-theft title**

An unrecovered-theft title may be issued to an insurance company that has paid a total loss on an unrecovered stolen vehicle. Provided, the ownership of any such vehicle which has been declared a total loss by an insurer licensed by the Oklahoma Insurance Department and maintaining a multi-state motor vehicle salvage processing center in this state shall be transferred to the insurer by a salvage or an unrecovered-theft title without the requirement of a visual inspection of the vehicle identification number by the insurer.

(1) **Documentation required.** The requesting insurance company must provide at least one of the following three (3) documents at time of application for an unrecovered-theft title:

- (A) Stolen vehicle report;
- (B) Insurer's proof of loss; or
- (C) Statement from insurer confirming unrecovered theft.

(2) **Subsequent recovery of vehicle.** When/if an unrecovered-theft titled vehicle is subsequently recovered, the appropriate title type (i.e. standard, salvage or junk) is to be issued, based on the amount of damage, if any. A letterhead statement from the insurance company, declaring the percentage of damage, is required to support the type of new title issued. Regardless of type, the new title will be branded "recovered-theft".

### **PART 7. TRANSFER OF TITLE**

#### **710:60-5-73. Odometer disclosure**

(a) **Federal Truth in Mileage Act.** Effective on all transfers of ownership of motor vehicles (see exceptions below) dated on or after April 29, 1989, specific odometer disclosure information is required. All transfers must contain the following:

- (1) Odometer reading at time of transfer (no tenths of mile).
- (2) The date of transfer.
- (3) The seller's printed name (must be individual - no company name), signature and address.
- (4) The buyer's printed name (must be individual - no company name), signature and address.
- (5) Vehicle information including make, model year, body type and VIN.
- (6) The seller shall also certify to the best of his/her knowledge whether the odometer reading:
  - (A) Reflects the actual mileage.
  - (B) Does not reflect the actual mileage.
  - (C) Is in excess of the mechanical limits of the odometer.

(b) **Exemptions.** Vehicles and situations which are exempt from the odometer disclosure requirements are:

- (1) Vehicles which are not self-propelled, such as trailers.
- (2) Transfers of new vehicles from dealer to dealer on the MSO.
- (3) Vehicles which are ten (10) years old or older. To make this determination, subtract ten (10) from the current calendar year.
- (4) Vehicles with a gross vehicle weight rating over 16,000 lbs. Any truck over 2 tons is exempt.
- (5) Vehicles purchased in another country.
- (6) Transfers resulting from involuntary divestitures, such as court orders and repossessions.
- (7) Transfers to record a name change (same individual), only.
- (8) Transfers between a revocable trust and a trustee of that trust.
- (9) All-terrain vehicles and off-road motorcycles.
- (10) Low-speed electrical vehicles.
- (11) Medium-speed electric vehicles.

#### **710:60-5-77. Transfer of title upon death**

(a) **Intestacy; transfer to surviving spouse.** If a person dies intestate leaving ~~an automobile a~~ vehicle, that ~~auto~~ vehicle shall become the property of the surviving spouse. If title was held by the deceased to more than one vehicle, the surviving spouse may choose one ~~automobile~~ vehicle. The others are to be distributed by the law of descent.

(b) **Intestacy; more than one vehicle or no surviving spouse.** If there are additional vehicles, or there is no surviving spouse, the vehicle(s) is (are) to be distributed to relatives of the deceased by the law of descent. A completed No Administrator Affidavit (OTC Form 798) and a copy of the vehicle owner's death certificate are required as supporting documentation for the title transaction. Title is to be issued in the applicant's name, as listed on the No Administrator Affidavit. No excise tax is to be assessed (inheritance).

(c) **Transfer by third party; required authorization.** An assigned title which has been assigned by some person other than the person shown on the face of the title must be accompanied by some form of authorization for assignment. This may be a Power of Attorney, Court Order or authorization by an Executor or an Administrator of an estate.

(1) **Transfer by power of attorney.** When transferring a title where assignment has been made by Power of Attorney, the Power of Attorney must be stapled to the assigned title.

(2) **Transfer by court order.** When transferring a title when assignment is completed by the administrator or executrix of an estate, a Court Order must be presented authorizing the sale of the motor vehicle being transferred.

(~~e~~)(d) **Estate valued at no more than \$20,000.00.** When a decedent has left a will, but the value of the estate does not exceed Twenty Thousand Dollars (\$20,000.00), no probate is required before transferring ownership of any vehicle(s) bequeathed in the decedent's will. Ownership may be transferred to the successor of interest by completing a Small Estate Affidavit. In addition to the Affidavit, the following must be submitted:

- (1) A copy of the decedent's death certificate.
- (2) A copy of the decedent's unprobated will, naming the applicant as beneficiary of the vehicle.
- (3) Either the title certificate in the decedent's name, or evidence from the Tax Commission vehicle title files that such a title record exists.

## **SUBCHAPTER 7. MOTOR VEHICLE EXCISE TAX**

**710:60-7-4. Excise tax on heavy-weight trucks and commercial trailers**

(a) Any truck or truck-tractor carrying a laden weight or a combined laden weight of ~~54,001~~ 55,000 lbs. or more, any cargo-carrying commercial trailer, and any frac tank shall pay a specified excise tax amount set forth by statute. This excise tax amount is due on original or transfer titles.

(b) This rate does not apply to Special Mobilized Machinery, forest product vehicles, trailers or semitrailers which have been manufactured, modified or re-manufactured for the purpose of providing services other than transporting cargo over the highways. Nor is rate described in this Section applicable to pickup trucks, vans, or sport-utility vehicles, which are assessed at the standard vehicle excise tax rate, regardless of laden weight.

**SUBCHAPTER 9. MOTOR VEHICLE LICENSE AGENTS/AGENCIES**

**PART 1. GENERAL REQUIREMENTS, DUTIES AND RESPONSIBILITIES OF MOTOR LICENSE AGENTS**

**710:60-9-2. Consanguinity; residency**

(a) No person shall be appointed as a ~~Motor License Agent~~ motor license agent that is related by consanguinity (by blood relation) or affinity (by marriage) within the third degree to any member of the Oklahoma Legislature, to any person who has served as a member of the Oklahoma Legislature within the two year period preceding the date of appointment as a ~~Motor License Agent~~ motor license agent or to any employee of the Oklahoma Tax Commission.

(b) Any ~~Motor License Agent~~ motor license agent appointed according to the provisions of 47 O.S. §1114.2 shall have been a resident of the county in which his/her agency is located for a period of six (6) months prior to his/her appointment. Provided, that if a ~~Motor License Agent~~ motor license agent moves his residence to a place outside the county, he/she shall forfeit his/her appointment. It shall be the duty of any motor license agent who establishes, or plans to establish, his/her residence in a county other than that in which his/her motor license agency is located to immediately notify the Oklahoma Tax Commission.

(c) A ~~Motor License Agent~~ motor license agent may relocate the agency to a county in which the agent does not reside, provided that the agency remains within the same municipality. Such a relocation must be approved by the Oklahoma Tax Commission.

**PART 5. SPECIFIC RECORDKEEPING DUTIES**

**710:60-9-52. Maintenance of required indexes and files**

(a) **Files to be retained.** A ~~Motor License Agent~~ motor license agent shall maintain a file of ~~all agent copies of registrations, titles, reports, etc. issued by that office, as well as semimonthly reports prepared by that office.~~ This file is to include all items and reports issued by the current agent, or as well as the former agents for that agency, for the previous preceding two (2) years.

(b) **Disposition of files containing taxpayer information.** When disposing of files or records, the motor license agent is responsible for the proper destruction of any file or record containing confidential taxpayer information that was either generated by, or submitted to, his or her agency. The file or record is to be destroyed to the extent no such confidential information may be recovered from it. Acceptable options include:

- (1) Shredding;
- (2) Burning; or

(3) Delivering to the Oklahoma Tax Commission for destruction.

## **PART 7. SPECIFIC REPORTING DUTIES**

### **710:60-9-72. Semimonthly reporting procedure**

(a) **Closing dates for report preparation.** All reports are to be ended on the fifteenth (15th) and the last day of the month. The original copy of the computer generated report is to be stapled to the completed Remittance Slip and sent in with the Motor Vehicle Report. The original copy of the computer generated Driver Licenses detail sheets are to be sent directly to the Department of Public Safety. One copy of each Drivers License transaction is to be submitted with the detail sheets.

(b) **Transaction documents.** ~~Transaction documents are to be bundled in two (2) separate groups. For ease of handling, the bundles should be banded together in groups of fifty (50) beginning with the smaller transaction number and ending with the larger transaction number: Except for manufactured home title cancellation transaction documents which are to be bundled separately and placed on top of the other semi-monthly report documents, transaction documents are to be placed in a report box separated into three (3) groups:~~

(1) ~~Title documents.~~ **Group 1: Transactions with supporting documents.** Transaction documents are to be placed in boxes provided by the Oklahoma Tax Commission, with a separator sheet placed between each separate transaction. Documents are not to be stapled or paper clipped.

(2) ~~Registration documents.~~ **Group 2 Transactions without supporting documents.** Transactions without supporting documents are to be placed on top of Group 1.

(3) **Group 3: Semi-monthly report and decal sheets.** Decal sheets are to be placed on top of Group 2. The semi-monthly report is to be placed in the box on top of the decal sheets.

(c) **When reports due; penalties for late report.** All agents are to prepare semimonthly reports to be received by the Oklahoma Tax Commission no later than ten (10) working days after the cutoff date of the report. If not received within that period, a penalty of 1% of the gross amount of the report shall be assessed. The penalty increases to 3% should the report not be received within another 5 days.

## **PART 13. SPECIAL PROVISIONS FOR APPLICATION, QUALIFICATION, APPOINTMENT AND AGENCY OPERATION APPLICABLE TO CERTAIN MOTOR LICENSE AGENTS AND AGENCIES**

### **710:60-9-134. Motor license agency location, staffing, equipment, office space, parking, and hours**

(a) The location of the applicant's agency shall not be within a three (3) mile radius of an existing agency unless the applicant assumes the location of an existing agency. The Oklahoma Tax Commission may, at its discretion, approve the relocation of an existing agency within a three mile radius of another existing agency only if a naturally intervening geographic barrier within that radius causes the locations to be separated by not less than three (3) miles of roadway by the most direct route.

(b) No ~~Motor License Agent~~ motor license agent shall select a location owned by a member of the Oklahoma Legislature or to any person related to a member of the Oklahoma Legislature within the third degree of consanguinity (by blood relation) or affinity (by marriage).

(c) The number of agency employees is to be determined by the ~~Motor License Agent~~ motor license agent subject to the Oklahoma Tax Commission's approval.

- (d) The ~~Motor License Agent~~ motor license agent shall maintain adequate equipment to accommodate the employees of the agency and sufficient seating arrangements for the taxpayers as determined by the Oklahoma Tax Commission.
- (e) The Oklahoma Tax Commission shall determine the amount of office space the ~~Motor License Agent~~ motor license agent shall maintain to provide a working area for the employees which is separate from the waiting area of the public. However, the amount of such office space shall not be less than Eight Hundred (800) square feet.
- (f) The Oklahoma Tax Commission shall determine the amount of public parking the ~~Motor License Agent~~ motor license agent shall maintain. However, the number of parking spaces shall not be less than five (5) with at least one (1) space reserved for disabled persons.
- (g) ~~Motor License Agents~~ license agents shall be responsible for all costs incurred by the Tax Commission when relocating an existing agency. Such payment may be waived by the Tax Commission in case of emergency or unforeseen business conditions beyond the control of the agent.