

1 **SENATE FLOOR VERSION**

2 April 5, 2017

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1449

6 By: Roberts (Dustin) of the
7 House

8 and

9 Bice of the Senate

10 [motor vehicle registrations - Motor Fuels Tax Fee -
11 registration fee for certain types of vehicles -
12 codification - effective date]

13 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1132.7 of Title 47, unless there
16 is created a duplication in numbering, reads as follows:

17 A. In addition to other vehicle registration fees specified by
18 law, for the year beginning January 1, 2018, and for each year
19 thereafter, there is hereby levied and there shall be paid to the
20 Oklahoma Tax Commission a Motor Fuels Tax Fee of:

21 1. One Hundred Dollars (\$100.00) upon every electric-drive
22 motor vehicle to be registered; and

23 2. Thirty Dollars (\$30.00) upon every hybrid-drive motor
24 vehicle to be registered.

1 The fee shall accrue and shall be collectible upon each
2 electric-drive motor vehicle and hybrid-drive motor vehicle under
3 the same circumstances and shall be payable in the same manner and
4 times as apply to vehicle registrations under the provisions of the
5 Oklahoma Vehicle License and Registration Act; provided, the fee
6 shall be paid in full for the then current year at the time any
7 electric-drive motor vehicle or hybrid-drive motor vehicle is first
8 registered in a calendar year.

9 B. The collection and payment of the fee specified in this
10 section shall be a prerequisite to licensing or registration of any
11 electric-drive motor vehicle or hybrid-drive motor vehicle.

12 C. Revenue from the fee provided for in subsection A of this
13 section shall be deposited in the State Treasury to the credit of
14 the **Rebuilding Oklahoma Access and Driver Safety Fund**.

15 D. For purposes of this section:

16 1. "Electric-drive motor vehicle" means a vehicle subject to a
17 registration fee as provided for in subsection A of Section 1132 of
18 Title 47 of the Oklahoma Statutes that is propelled solely by
19 electrical energy and is not capable of using gasoline, diesel or
20 any other fuel for propulsion; and

21 2. "Hybrid-drive motor vehicle" means a vehicle subject to a
22 registration fee as provided for in subsection A of Section 1132 of
23 Title 47 of the Oklahoma Statutes that is capable of being propelled
24 at least in part by electrical energy through the use of a battery

1 storage system of at least four (4) kilowatt-hours, is capable of
2 being recharged from an external source of electricity and is also
3 capable of using gasoline, diesel fuel or alternative fuel to propel
4 the vehicle.

5 **SECTION 2. AMENDATORY 69 O.S. 2011, Section 1521, as**
6 **last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp.**
7 **2016, Section 1521), is amended to read as follows:**

8 Section 1521. A. There is hereby created in the State Treasury
9 a fund to be known as the "Rebuilding Oklahoma Access and Driver
10 Safety Fund". The fund shall be a continuing fund, not subject to
11 fiscal year limitations, and shall consist of all appropriations and
12 transfers made by the Legislature. All monies accruing to the
13 credit of the fund are hereby appropriated and may be budgeted and
14 expended each fiscal year by the Department of Transportation for
15 the purposes authorized by subsection G of this section.

16 Expenditures from the fund shall be made upon warrants issued by the
17 State Treasurer against claims filed as prescribed by law with the
18 Director of the Office of Management and Enterprise Services for
19 approval and payment.

20 B. ~~There~~ Beginning July 1, 2018, except for an amount
21 equivalent to the amount of revenue generated pursuant to Section 1
22 of Engrossed House Bill No. 1449 of the 1st Session of the 56th
23 Oklahoma Legislature, there shall be apportioned to the funds
24 specified in this subsection from the monies that would otherwise be

1 apporportioned to the General Revenue Fund by Section 2352 of Title 68
2 of the Oklahoma Statutes from the revenues derived pursuant to
3 subsections A, B and E of Section 2355 of Title 68 of the Oklahoma
4 Statutes amounts as follows:

5 1. For each fiscal year, subject to the provisions of paragraph
6 3 of this subsection, and, except for the amount prescribed by
7 subparagraph a of this paragraph, subject to any reductions required
8 by subsection F of this section, there shall be apportioned to the
9 Rebuilding Oklahoma Access and Driver Safety Fund:

10 a. for the fiscal year beginning July 1, 2011, the first
11 Thirty-five Million Seven Hundred Thousand Dollars
12 (\$35,700,000.00), for the fiscal year beginning July
13 1, 2012, the first Forty-one Million Seven Hundred
14 Thousand Dollars (\$41,700,000.00) and for the fiscal
15 year beginning July 1, 2013, and for each fiscal year
16 thereafter, Fifty-nine Million Seven Hundred Thousand
17 Dollars (\$59,700,000.00), which shall be allocated and
18 used by the Department of Transportation first for the
19 purpose of making any required payments for principal,
20 interest or other costs of borrowing with respect to
21 the obligations issued pursuant to Section 341 of
22 Title 73 of the Oklahoma Statutes and after any such
23 required payment has been made then for the purposes
24 otherwise authorized by this section, plus

1 b. the total amount apportioned to the Rebuilding
2 Oklahoma Access and Driver Safety Fund for the
3 preceding fiscal year which, except for the amount
4 prescribed by subparagraph a of this paragraph, shall
5 be apportioned before any other amount is apportioned
6 pursuant to Section 2352 of Title 68 of the Oklahoma
7 Statutes, plus

8 c. an additional incremental amount which shall not be in
9 excess of the amount prescribed by subparagraph a of
10 this paragraph and that is required in order for the
11 total apportionment for such fiscal year to equal Five
12 Hundred Seventy-five Million Dollars
13 (\$575,000,000.00).

14 All amounts apportioned pursuant to this paragraph shall be
15 divided into twelve equal amounts to be apportioned each month
16 during the fiscal year except the amount specified in subparagraph a
17 of this paragraph which amount shall be allocated in its full amount
18 in cash not later than July 30 each year or such later date as may
19 be required in order for the amount to be allocated in cash;

20 2. For each fiscal year after the apportionments required by
21 paragraph 1 of this subsection have been made:

22 a. the next Two Million Dollars (\$2,000,000.00) shall be
23 apportioned to the Oklahoma Tourism and Passenger Rail
24 Revolving Fund created pursuant to Section 325 of

1 Title 66 of the Oklahoma Statutes to be used for
2 capital and operating costs for the "Heartland Flyer"
3 rail project, and

4 b. the next Three Million Dollars (\$3,000,000.00) shall
5 be apportioned to the Public Transit Revolving Fund
6 created pursuant to Section 4031 of this title to be
7 used for purposes authorized by law other than the
8 purpose described by subparagraph a of this paragraph.

9 All amounts apportioned pursuant to this paragraph shall be
10 divided into twelve equal amounts to be apportioned each month
11 during the fiscal year; and

12 3. For each fiscal year after the first fiscal year in which
13 the total apportionment to the Rebuilding Oklahoma Access and Driver
14 Safety Fund as provided by paragraph 1 of this subsection equals
15 Five Hundred Seventy-five Million Dollars (\$575,000,000.00), the
16 first Five Hundred Seventy-five Million Dollars (\$575,000,000.00)
17 collected pursuant to subsections A, B and E of Section 2355 of
18 Title 68 of the Oklahoma Statutes and apportioned pursuant to
19 Section 2352 of Title 68 of the Oklahoma Statutes that would
20 otherwise be apportioned to the General Revenue Fund shall be
21 apportioned to the Rebuilding Oklahoma Access and Driver Safety
22 Fund. With the exception of the amount prescribed by subparagraph a
23 of paragraph 1 of this subsection, all amounts apportioned pursuant
24

1 to this paragraph shall be divided into twelve equal amounts to be
2 apportioned each month during the fiscal year.

3 C. The apportionments of revenues required by subparagraphs a,
4 b and c of paragraph 1 of subsection B of this section shall be made
5 until the total annual apportionment to the Rebuilding Oklahoma
6 Access and Driver Safety Fund equals Five Hundred Seventy-five
7 Million Dollars (\$575,000,000.00). After such annual apportionment
8 level is reached, the apportionment to the fund shall be governed by
9 the provisions of paragraph 3 of subsection B of this section.

10 D. The monies apportioned to the Rebuilding Oklahoma Access and
11 Driver Safety Fund shall not be used to supplant or replace existing
12 state funds used for transportation purposes.

13 E. In order to ensure that the funds from the ROADS Fund are
14 used to enhance and not supplant state funding for the Department of
15 Transportation, the State Board of Equalization shall examine and
16 investigate expenditures from the fund each year. For purposes of
17 this examination, monies used to retire outstanding debt obligations
18 for which the Department of Transportation is responsible shall be
19 excluded. At the meeting of the State Board of Equalization held
20 within five (5) days after the monthly apportionment in February of
21 each year, the State Board of Equalization shall issue a finding and
22 report which shall state whether expenditures from the ROADS Fund
23 were used to enhance or supplant state funding for the Department of
24 Transportation. If the State Board of Equalization finds that state

1 funding for the Department of Transportation was supplanted by funds
2 from the ROADS Fund, the Board shall specify the amount by which
3 such funding was supplanted. In this event, the Legislature shall
4 not make any appropriations for the ensuing fiscal year until an
5 appropriation in that amount is made to replenish state funding for
6 the Department of Transportation.

7 F. In the event that the Director of the Office of Management
8 and Enterprise Services declares a General Revenue Fund revenue
9 failure pursuant to Section 34.49 of Title 62 of the Oklahoma
10 Statutes, and agency allocations are reduced pursuant to the
11 provisions of Section 34.49 of Title 62 of the Oklahoma Statutes,
12 the amounts that would otherwise be apportioned to the ROADS Fund
13 by:

14 1. Subparagraph a of paragraph 1 of subsection B of this
15 section, only to the extent that the amount is not required for debt
16 service related to the obligations authorized pursuant to Section
17 341 of Title 73 of the Oklahoma Statutes;

18 2. Subparagraphs b and c of paragraph 1 of subsection B of this
19 section; and

20 3. Subparagraphs a and b of paragraph 2 of subsection B of this
21 section,
22 shall be reduced by a percentage equal to that required of the
23 General Revenue Fund appropriations to state agencies and such
24 reductions shall occur during the entire fiscal year and for any

1 month during which such reductions are required by the Office of
2 Management and Enterprise Services and by the same percentage as
3 that required of the agencies for such General Revenue Fund
4 appropriations.

5 G. The Department of Transportation shall use the monies in the
6 Rebuilding Oklahoma Access and Driver Safety Fund for:

7 1. The construction and maintenance of state roads, bridges and
8 highways;

9 2. The direct expenses of operating and maintaining the state
10 highway system, including bridges;

11 3. Direct expenses incurred in constructing, repairing, and
12 maintaining state highways, farm-to-market roads, county highways
13 and bridges as authorized by law;

14 4. Matching federal funds;

15 5. The purchase of materials, tools, machinery, motor vehicles,
16 and equipment necessary or convenient for the construction and
17 maintenance of the state highway system and bridges;

18 6. Debt service incurred prior to January 1, 2006, for Capital
19 Improvement Program bonds sold pursuant to Section 2001 of this
20 title; and

21 7. Debt service incurred on or after July 1, 2009, with respect
22 to obligations authorized to be issued pursuant to Section 341 of
23 Title 73 of the Oklahoma Statutes.

24

1 H. From the monies allocated pursuant to the provisions of
2 subparagraph a of paragraph 1 of subsection B of this section each
3 fiscal year, the Department of Transportation shall make payments
4 required for the payment of principal, interest and other costs
5 related to the obligations issued by the Oklahoma Capitol
6 Improvement Authority as authorized by Section 341 of Title 73 of
7 the Oklahoma Statutes and such payments shall be made by the
8 Department each fiscal year before such monies are used for any
9 other purpose.

10 SECTION 3. This act shall become effective November 1, 2017.

11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
12 April 5, 2017 - DO PASS AS AMENDED
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