

1                                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   STATE OF OKLAHOMA

3   2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2378

By: Vaughan

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9   COMMITTEE SUBSTITUTE

10                   An Act relating to park model recreational vehicles;  
11                   amending 47 O.S. 2011, Section 1102, as last amended  
12                   by Section 1, Chapter 229, O.S.L. 2014 (47 O.S. Supp.  
13                   2015, Section 1102), which relates to Oklahoma  
14                   Vehicle License and Registration Act definitions;  
15                   adding definition for park model recreational  
16                   vehicle; modifying definitions; amending 68 O.S.  
17                   2011, Section 2101, which relates to vehicle excise  
18                   tax definitions; modifying definition; and providing  
19                   an effective date.

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

23                   SECTION 1.            AMENDATORY            47 O.S. 2011, Section 1102, as  
24                   last amended by Section 1, Chapter 229, O.S.L. 2014 (47 O.S. Supp.  
25                   2015, Section 1102), is amended to read as follows:

26                   Section 1102. As used in the Oklahoma Vehicle License and  
27                   Registration Act:

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

4        2. "Carrying capacity" means the carrying capacity of a vehicle  
5 as determined or declared in tons of cargo or payload by the owner;  
6 provided, that such declared capacity shall not be less than the  
7 minimum tonnage capacity fixed, listed or advertised by the  
8 manufacturer of any vehicle;

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

12        4. "Chips and oil" or the term "road oil and crushed rock"  
13 means, with respect to materials authorized for use in the surfacing  
14 of roads or highways in this title or in any equivalent statute  
15 pertaining to road or highway surfacing in the State of Oklahoma,  
16 any asphaltic materials. Wherever chips and oil or road oil and  
17 crushed rock are authorized for use in the surfacing of roads or  
18 highways in this state, whether by the Department of Transportation,  
19 or by the county commissioners, or other road building authority  
20 subject to the Oklahoma Vehicle License and Registration Act,  
21 asphaltic materials are also authorized for use in such surfacing  
22 and construction;

23        5. "Combined laden weight" means the weight of a truck or  
24 station wagon and its cargo or payload transported thereon, or the

1 weight of a truck or truck-tractor plus the weight of any trailers  
2 or semitrailers together with the cargo or payload transported  
3 thereon;

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

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

11 8. "Commercial vehicle" means any vehicle over eight thousand  
12 (8,000) pounds combined laden weight used primarily for business or  
13 commercial purposes. Each motor vehicle being registered pursuant  
14 to the provisions of this section shall have the name of the  
15 commercial establishment or the words "Commercial Vehicle"  
16 permanently and prominently displayed upon the outside of the  
17 vehicle in letters not less than two (2) inches high. Such letters  
18 shall be in sharp contrast to the background and shall be of  
19 sufficient shape and color as to be readily legible during daylight  
20 hours, from a distance of fifty (50) feet while the vehicle is not  
21 in motion;

22 9. "Commission" or "Tax Commission" means the Oklahoma Tax  
23 Commission;

24

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

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

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

22        13. "Interstate commerce" means any commerce moving between any  
23 place in a state and any place in another state or between places in  
24 the same state through another state;

1 14. "Laden weight" means the combined weight of a vehicle when  
2 fully equipped for use and the cargo or payload transported thereon;  
3 provided, that in no event shall the laden weight be less than the  
4 unladen weight of the vehicle fully equipped for use, plus the  
5 manufacturer's rated carrying capacity;

6 15. "Local authorities" means every county, municipality or  
7 local board or body having authority to adopt police regulations  
8 under the Constitution and laws of this state;

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

17 17. "Manufactured home" means a residential dwelling built in  
18 accordance with the National Manufactured Housing Construction and  
19 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and  
20 rules promulgated pursuant thereto and the rules promulgated by the  
21 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section  
22 582 of this title. Manufactured home shall not mean a park model  
23 recreational vehicle as defined in this section;  
24

1 18. "Manufactured home dealer" means any person, firm or  
2 corporation engaged in the business of selling any new and unused,  
3 or used, or both new and used manufactured homes. Such information  
4 and a valid franchise letter as proof of authorization to sell any  
5 such new manufactured home product line or lines shall be attached  
6 to the application for a dealer license to sell manufactured homes.  
7 "Manufactured home dealer" shall not include any person, firm or  
8 corporation who sells or contracts for the sale of the dealer's own  
9 personally titled manufactured home or homes. No person, firm or  
10 corporation shall be considered a manufactured home dealer as to any  
11 manufactured home purchased or acquired by such person, firm or  
12 corporation for purposes other than resale; provided, that the  
13 restriction set forth in this sentence shall not prevent an  
14 otherwise qualified person, firm or corporation from utilizing a  
15 single manufactured home as a sales office;

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

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

1 21. "New vehicle" or "unused vehicle" means a vehicle which has  
2 been in the possession of the manufacturer, distributor or  
3 wholesaler or has been sold only by the manufacturer, distributor or  
4 wholesaler to a dealer;

5 22. "Nonresident" means any person who is not a resident of  
6 this state;

7 23. "Off-road motorcycle" means any motorcycle, as defined in  
8 Section 1-135 of this title, when such motorcycle has been  
9 manufactured for and used exclusively off roads, highways and any  
10 other paved surfaces;

11 24. "Owner" means any person owning, operating or possessing  
12 any vehicle herein defined;

13 25. "Park model recreational vehicle" means a vehicle that is:

14 a. designed and marketed as temporary living quarters for  
15 camping, recreational, seasonal or travel use,

16 b. not permanently affixed to real property for use as a  
17 permanent dwelling,

18 c. built on a single chassis mounted on wheels with a  
19 gross trailer area not exceeding four hundred (400)  
20 square feet in the setup mode, and

21 d. certified by the manufacturer as complying with  
22 standard A119.5 of the American National Standards  
23 Institute, Inc.;

1        26. "Person" means any individual, copartner, joint venture,  
2 association, corporation, limited liability company, estate, trust,  
3 business trust, syndicate, the State of Oklahoma, or any county,  
4 city, municipality, school district or other political subdivision  
5 thereof, or any group or combination acting as a unit, or any  
6 receiver appointed by the state or federal court;

7        ~~26.~~ 27. "Rebodied vehicle" means a vehicle:

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

20        ~~27.~~ 28. "Recreational off-highway vehicle" means a vehicle  
21 manufactured and used exclusively for off-highway use, traveling on  
22 four or more non-highway tires, and being sixty-five (65) inches or  
23 less in width;



1       ~~28.~~ 29. "Recreational vehicle" means every vehicle which is  
2 built on or permanently attached to a self-propelled motor chassis  
3 or chassis cab which becomes an integral part of the completed  
4 vehicle and is capable of being operated on the highways. In order  
5 to qualify as a recreational vehicle pursuant to this paragraph such  
6 vehicle shall be permanently constructed and equipped for human  
7 habitation, having its own sleeping and kitchen facilities,  
8 including permanently affixed cooking facilities, water tanks and  
9 holding tank with permanent toilet facilities. Recreational vehicle  
10 shall not include manufactured homes or any vehicle with portable  
11 sleeping, toilet and kitchen facilities which are designed to be  
12 removed from such vehicle. Recreational vehicle shall include park  
13 model recreational vehicles as defined in this section;

14       ~~29.~~ 30. "Remanufactured vehicle" means a vehicle which has been  
15 assembled by a vehicle remanufacturer using a new body and which may  
16 include original, reconditioned, or remanufactured parts, and which  
17 is not a salvage, rebuilt, or junked vehicle as defined by  
18 paragraphs 1, 2, and 6, respectively, of subsection A of Section  
19 1105 of this title;

20       ~~30.~~ 31. "Rental trailer" means all small or utility trailers or  
21 semitrailers constructed and suitable for towing by a passenger  
22 automobile and designed only for carrying property, when the  
23 trailers or semitrailers are owned by, or are in the possession of,  
24 any person engaged in renting or leasing such trailers or

1 semitrailers for intrastate or interstate use or combined intrastate  
2 and interstate use;

3 ~~31.~~ 32. "Special mobilized machinery" means special purpose  
4 machines or devices, either self-propelled or drawn as trailers or  
5 semitrailers, which derive no revenue from the transportation of  
6 persons or property, whose use of the highway is only incidental,  
7 and whose useful revenue producing service is performed at  
8 destinations in an area away from the traveled surface of an  
9 established open highway;

10 ~~32.~~ 33. "State" means the State of Oklahoma;

11 ~~33.~~ 34. "Station wagon" means any passenger vehicle which does  
12 not have a separate luggage compartment or trunk and which does not  
13 have open beds, and has one or more rear seats readily lifted out or  
14 folded, whether same is called a station wagon or ranch wagon;

15 ~~34.~~ 35. "Travel trailer" means any vehicular portable structure  
16 built on a chassis, used as a temporary dwelling for travel,  
17 recreational or vacation use, and, when factory-equipped for the  
18 road, it shall have a body width not exceeding eight (8) feet and an  
19 overall length not exceeding forty (40) feet, including the hitch or  
20 coupling;

21 ~~35.~~ 36. "Travel 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 travel trailers. Such information and  
24 a valid franchise letter as proof of authorization to sell any such

1 new travel trailer product line or lines shall be attached to the  
2 application for a dealer license to sell travel trailers. "Travel  
3 trailer dealer" shall not include any person, firm or corporation  
4 who sells or contracts for the sale of his or her own personally  
5 titled travel trailer or trailers. No person, firm or corporation  
6 shall be considered as a travel trailer dealer as to any travel  
7 trailer purchased or acquired by such person, firm or corporation  
8 for purposes other than resale;

9 ~~36.~~ 37. "Used motor vehicle dealer" means "used motor vehicle  
10 dealer" as defined in Section 581 of this title;

11 ~~37.~~ 38. "Used vehicle" means any vehicle which has been sold,  
12 bargained, exchanged or given away, or used to the extent that it  
13 has become what is commonly known, and generally recognized, as a  
14 "secondhand" vehicle. This shall also include any vehicle other  
15 than a remanufactured vehicle, regardless of age, owned by any  
16 person who is not a dealer;

17 ~~38.~~ 39. "Utility vehicle" means a vehicle powered by an  
18 internal combustion engine, manufactured and used exclusively for  
19 off-highway use, equipped with seating for two or more people and a  
20 steering wheel, traveling on four or more wheels;

21 ~~39.~~ 40. "Vehicle" means any type of conveyance or device in,  
22 upon or by which a person or property is or may be transported from  
23 one location to another upon the avenues of public access within the  
24 state. "Vehicle" does not include bicycles, trailers except travel

1 trailers and rental trailers, or implements of husbandry as defined  
2 in Section 1-125 of this title. All implements of husbandry used as  
3 conveyances shall be required to display the owner's driver license  
4 number or license plate number of any vehicle owned by the owner of  
5 the implement of husbandry on the rear of the implement in numbers  
6 not less than two (2) inches in height. The use of the owner's  
7 social security number on the rear of the implement of husbandry  
8 shall not be required; and

9 ~~40.~~ 41. "Vehicle remanufacturer" means a commercial entity  
10 which assembles remanufactured vehicles.

11 SECTION 2. AMENDATORY 68 O.S. 2011, Section 2101, is  
12 amended to read as follows:

13 Section 2101. For the purpose of this article:

14 1. The term "motor vehicle" means and includes every  
15 automobile, truck, truck-tractor, all-terrain vehicle, utility  
16 vehicle or any motor bus or any self-propelled vehicle not operated  
17 or driven upon fixed rails or tracks or in the air or on water;

18 2. The term "vehicle" means and includes every device in, upon,  
19 or by which any person or property is, or may be, transported or  
20 drawn, excepting devices moved by human or animal power, when not  
21 used upon fixed rails or tracks, or in the air or on water;

22 3. The term "low-speed electrical vehicle" means and includes  
23 any four-wheeled electrical vehicle that is powered by an electric  
24 motor that draws current from rechargeable storage batteries or

1 other sources of electrical current and whose top speed is greater  
2 than twenty (20) miles per hour but not greater than twenty-five  
3 (25) miles per hour and is manufactured in compliance with the  
4 National Highway Traffic Safety Administration standards for low-  
5 speed vehicles in 49 C.F.R. 571.500;

6 4. The term "automobile" means and includes every motor vehicle  
7 constructed and used solely for the transportation of persons for  
8 purposes other than for hire or compensation;

9 5. The term "motorcycle" means and includes every motor vehicle  
10 designed to travel on not more than three wheels other than an all-  
11 terrain vehicle;

12 6. The term "truck" means and includes every motor vehicle  
13 constructed or used for the transportation of property not falling  
14 within the definition of truck-tractor, trailer or semitrailer, as  
15 herein defined;

16 7. The term "truck-tractor" means and includes every motor  
17 vehicle of the truck type designed to draw or support the front end  
18 of a semitrailer;

19 8. The term "trailer" means and includes any vehicle designed  
20 to be drawn by a truck, tractor or a truck-tractor, but supported  
21 upon its own wheels;

22 9. The term "semitrailer" means and includes any vehicle  
23 designed to be attached to, and having its front end supported by a  
24 truck, tractor, or truck-tractor;

1 10. The term "motor bus" means and includes every motor vehicle  
2 constructed so as to carry persons, and which is used or rented to  
3 carry persons for compensation;

4 11. The term "manufactured home" means a residential dwelling  
5 built in accordance with the National Manufactured Housing  
6 Construction and Safety Standards Act of 1974, 42 U.S.C., Section  
7 5401 et seq., and rules promulgated pursuant thereto and the rules  
8 promulgated by the Oklahoma Used Motor Vehicle and Parts Commission  
9 pursuant to Section 582 of Title 47 of the Oklahoma Statutes.

10 Manufactured home shall not mean a park model recreational vehicle  
11 as defined in Section 1102 of Title 47 of the Oklahoma Statutes;

12 12. The term "farm tractor" means and includes any vehicle of  
13 tractor type owned and operated by the purchaser and used  
14 exclusively for agricultural purposes;

15 13. The term "all-terrain vehicle" means and includes every  
16 vehicle defined as an all-terrain vehicle in Section 1102 of Title  
17 47 of the Oklahoma Statutes;

18 14. The terms "legal ownership" and "legally owned" mean the  
19 right to possession, whether acquired by purchase, barter, exchange,  
20 assignment, gift, operation of law, or in any other manner;

21 15. The term "person" means and includes natural persons,  
22 individuals, partnerships, firms, associations, limited liability  
23 companies, corporations, estates, trustees, business trusts,  
24 syndicates, this state, any county, city, municipality, school

1 district or other political subdivision of the state, or any  
2 corporation or combination acting as a unit or any receiver  
3 appointed by any state or federal court; and the use of the singular  
4 number shall include the plural number;

5 16. The term "Tax Commission" means the Oklahoma Tax  
6 Commission;

7 17. The term "utility vehicle" means every vehicle defined as a  
8 utility vehicle in Section 1102 of Title 47 of the Oklahoma  
9 Statutes; and

10 18. The term "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 SECTION 3. This act shall become effective November 1, 2016.

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17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
18 02/25/2016 - DO PASS, As Amended.

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