

**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, proposed amendments to the existing Motor Vehicle rules have been made. All legislative references are to the Second Regular Session of the 54th Legislature (2014) unless otherwise indicated.

Section 710:60-1-3 has been amended to clarify policy regarding a motor license agent's access to, and release of, taxpayer information.

Sections 710:60-3-23 and 710:60-7-8 have been amended to implement the provisions of House Bill 3216 and Senate Bill 1199 which provide for a credit for registration fees and excise tax on a vehicle which is a replacement for a currently registered vehicle which was destroyed by a tornado. [47:1132.3, 68:2103.1]

Section 710:60-3-32 has been amended to clarify policy regarding documentation requirements for original title applicants bringing in used vehicles from another titling jurisdiction reflecting Oklahoma addresses. [47:1105]

Section 710:60-3-111 has been amended to clarify existing policy relating to utilization of an agricultural exemption permit to qualify for farm truck registration. [47:1133, 1134]

Section 710:60-3-140 has been amended to implement the provisions of Senate Bill 1397 which amended the definitions of "all-terrain vehicle" and "recreation off-highway vehicle" by removing the seating and steering descriptions, while adding a width requirement of 50 inches or less for ATVs and 65 inches or less for ROHVs. [47:1102]

Section 710:60-3-168 has been amended to implement Motor Vehicle Registration and License Tag compacts between certain Indian Tribes and the State of Oklahoma.

Section 710:60-5-51 has been amended to clarify existing policy relating to out-of-state document notarization and Oklahoma original title applicants intending to register their vehicles under the International Registration Plan (IRP). [47:1105]

New Section 710:60-5-66 has been added to clarify existing policy of contacting law enforcement when title application is made on a reported stolen vehicle. [47:1105, 1107]

Section 710:60-5-71 has been amended to establish policy relating to title applicants with certificates of title that have been reassigned by a non-dealer, providing an alternative for taxpayers possessing improperly reassigned certificates of title. [47:1107]

Sections 710:60-5-74 and 710:60-5-75 have been amended to clarify existing policy regarding the application of odometer branding on motor vehicles entering from another state.

Sections 710:60-5-111 and 710:60-5-115 have been amended to eliminate the entry of lien time to conform to current policy and statutes. [47:1110]

Section 710:60-5-116 has been amended to implement the provisions of Senate Bill 582 relating to possessory lien claims pursuant to Sections 91 and 91A of Title 42 of the Oklahoma Statutes.

Section 710:60-7-3 has been amended to clarify existing policy regarding the excise tax exemption relating to repossessed vehicles returned to former owner; vehicle must have been titled in Oklahoma prior to repossession for exemption to apply. [68:2105]

Sections 710:60-9-52 and 710:60-9-72 have been amended to revise and clarify motor license record retention and reporting requirements as a result of new system processes.

Sections **710:60-9-91** and **710:60-9-120** have been amended to reflect a change in policy regarding the inclusion of a taxpayer's social security number on payment instruments.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

47 O.S. §§ 1140, 1149 and 1151; 68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2015**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

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 23, 2015, 2:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. 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 Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood 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 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver 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 nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), 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, recordkeeping, 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.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2015, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

CHAPTER 60. MOTOR VEHICLES

SUBCHAPTER 1. GENERAL PROVISIONS

710:60-1-3. Confidentiality of motor vehicle information

(a) **Procedure for release of vehicle and lien information.** Vehicle and lien information may be released only to qualified requestors upon completion of OTC Form 769 and remittance of the statutory fee. Qualified requestors of recurring data from the Motor Vehicle system database must complete the "Service Contract for Purchase of Oklahoma Motor Vehicle Registration (MVR) Database" with the Tax Commission. Upon acceptance of the contract, the requested data may be provided at the appropriate processing fee established by the Commission. Requests for unique (one time) large data files from the Motor Vehicle system database may be made by submitting the appropriate request for information to the Oklahoma Tax Commission, Motor Vehicle Division for review. Upon approval, the requested data may be provided at the appropriate processing fee established by the Commission.

(b) **Who may obtain vehicle and lien information.** Vehicle and lien information may be released to:

- (1) The current owner;
- (2) An individual, on behalf of the current owner, with written authorization;
- (3) A licensed wrecker or towing service, for notification to owners;
- (4) A legitimate business, for purposes of:
 - (A) Verifying the accuracy of personal information submitted to the business by the individual to whom the requested information pertains; or
 - (B) Obtaining correct information for purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual to whom the requested information pertains;
- (5) A requestor who is to use the information in conjunction with a civil, criminal, administrative, or arbitral proceeding in a federal, state, or local court or agency, or before any self-regulatory body. Use may include service of process, investigation in anticipation of litigation, and the execution or enforcement of a judgment or order;
- (6) A requestor, pursuant to an order of any court;
- (7) An insurer or insurance support organization;
- (8) A licensed private investigative agency or licensed security service, for purposes permitted by 47 O.S. § 1109(A);
- (9) A governmental or law enforcement agency, or a court, for use in an official function;
- (10) Any person compiling and publishing motor vehicle statistics, provided that names and addresses of individuals shall not be disclosed;
- (11) Any motor vehicle manufacturer or an authorized representative thereof, in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities, including survey research, and removal of non-owner records from the original owner records of motor vehicle manufacturers; or,
- (12) For use in connection with the operation of private toll transportation facilities.
- (13) For furnishing the name and address of all commercial entities who have current registrations of any particular model of vehicle; provided, this exception shall not allow the

release of personal information pursuant to the provisions of the Driver's Privacy Protection Act, 18 U.S.C. §§ 2721 through 2725.

(c) **Insurance information release.** Insurance information, including insurer and policy number, may be released to a law enforcement officer investigating an accident pursuant to 47 O.S. § 10-104, or to a licensed Oklahoma wrecker service, when that information is needed to establish responsibility for wrecker fees.

(d) **Penalties for the release of prohibited information.** The release of any information not specifically authorized by statute, as described in subsections (b) and (c) of this Section, is strictly prohibited, and may be subject to penalties enumerated in 47 O.S. § 1109(H).

(e) **Penalties pursuant to the Drivers Privacy Protection Act.** In addition to penalties provided under state law, certain provisions of federal law, under the Drivers Privacy Protection Act, may apply.

(1) Any person who violates the Drivers Privacy Protection Act (DPPA) is subject to criminal prosecution as provided in 18 U.S.C.A. § 2721, et seq.

(2) Any person who violates the Drivers Privacy Protection Act (DPPA) is subject to civil penalties of actual damages not less than \$2,500.00; punitive damages, reasonable attorneys' fees, litigation costs, and such other relief the court determines to be appropriate.

(3) Any state agency violating the Drivers Privacy Protection Act (DPPA) is subject to a civil penalty of not more than \$5,000.00 for each day of substantial noncompliance.

(f) **Types of information released.** The form, formats, media, and sources of information provided under this Section may be available for a statutorily provided fee:

(1) Current ownership or lienholder information may be provided to qualified requestors by the Oklahoma Tax Commission and motor license agents.

(2) Computer-generated title history information may be provided by the Oklahoma Tax Commission.

(3) ~~Microfilm~~ Archived title history information may be provided by the Oklahoma Tax Commission.

(4) Certified microfilm title history may be provided by the Oklahoma Tax Commission.

(5) Upon presentation of a completed Vehicle Information Request Form and remittance of the applicable fee, a duplicate transaction receipt may be generated and provided to the owner of record reflected on the transaction by the Oklahoma Tax Commission or a motor license agent.

(g) **Certain information release to motor license agents.** When required in the performance of their duties, motor license agents may request and receive from the Motor Vehicle Division copies of submitted documentation relating to a transaction performed at their agency at no charge. A motor license agent may not assess any fee to a taxpayer for acquiring and/or providing to the taxpayer any such documentation provided at no charge to the motor license agent by the Division. A motor license agent requesting copies of documentation from a transaction completed at another motor license agency is to be assessed the research fee provided for by 47 O.S. § 1109(B). In that event, the actual cost assessed the agent by the Division may be passed on to the requesting taxpayer. The agent may not assess any additional fee for that record research and/or retrieval service.

(h) Motor license agent access to vehicle records. Motor license agents are prohibited from accessing and/or disclosing any vehicle ownership or lienholder information contained within the computer files or other records of the Oklahoma Tax Commission, except as required in the course of performing their designated duties. Any unwarranted access to and/or disclosure of such confidential information shall be considered a breach of state and federal statutory confidentiality restrictions, enumerated above, and shall constitute grounds for revocation of the motor license

agent's appointment.

SUBCHAPTER 3. REGISTRATION AND LICENSING

PART 1. GENERAL PROVISIONS

710:60-3-23. Tornado registration fee credit

Credit will be allowed towards the Oklahoma registration fee of a vehicle which is a replacement for a properly registered vehicle destroyed by a tornado ~~on October 9, 2001, or May 8 or 9, 2003, or destroyed by a tornado in 2013, or any subsequent year,~~ for which a Presidential Major Disaster Declaration was issued. Credit will be allowed on a vehicle which is a replacement for a vehicle destroyed by tornado in calendar years 2012 and 2013 for which no Presidential Major Disaster Declaration was issued. The credit will be prorated to an amount equal to the fee for the number of months remaining on the registration for the destroyed vehicle, as of the date of loss. No excess credit may be refunded. Proof of loss of the destroyed vehicle must ordinarily be provided by the registrant, i.e., a letter or other documentation from the insurance company, identifying the vehicle and confirming its loss. If such documentation is unavailable, the Motor Vehicle Division may be contacted for consideration of an alternative or exception to the documentary requirement.

PART 3. PENALTIES

710:60-3-32. Used vehicle brought in by owner moving to Oklahoma from another titling jurisdiction

(a) Used vehicle brought in by owner moving to Oklahoma. When the owner of a vehicle becomes employed in this state, the vehicle is deemed to be subject to tax in this state and, within thirty (30) days from the date of employment, shall be registered in this state upon the same terms and conditions that resident owners are required to register such vehicles in this state. However, the owner of a vehicle who is employed in this state and commutes daily from an adjoining state shall be exempt from the provisions in this section. The penalty for failure to register the vehicle in the manner provided shall be an amount equal to the registration fee less the administrative fee.

(b) Out-of-state or Indian tribal documentation reflecting Oklahoma address. When an out-of-state or federally-recognized Indian tribal title or registration is presented in application for an Oklahoma title by an owner whose name(s) is (are) reflected on that document out-of-state title or registration with an Oklahoma address, proof of former residency in that other state, or membership in that tribe, will may be required. If a title issued by a federally recognized Indian Tribe is presented, proof of membership in the issuing tribe will be required. No such proof will be required if the out-of-state or tribal title has been assigned to another party. When required, if out-of-state residency/tribal membership cannot be verified, delinquent registration fees and penalties will be assessed, based on the issuance date of the out-of-state or tribal documentation.

(1) Examples of out-of-state residency verification: Out-of-state driver license; Voter registration card; Tax return (property or income); Utility bills in the name of the vehicle owner.

(2) Examples of Indian Tribal membership verification: Identification card or certificate of tribal membership issued by tribe; Bureau of Indian Affairs (BIA) identification card; Letter from tribe verifying membership; Branded membership statement on the tribal title, verifying tribal membership of the listed owner(s).

(c) ~~The penalty for failure to register the vehicle in the manner provided shall be an amount equal~~

to the registration fee less the administrative fee.

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. The permit must be in the name of the vehicle owner, with the following exceptions: An agriculture exemption permit may be utilized by any family member or employee of the permit holder, who uses his/her vehicle primarily for agricultural purposes on behalf of the permit holder to qualify for farm truck registration. If the permit holder is not reflected as a vehicle owner on the title record, a statement from the permit holder that the vehicle is utilized primarily for agricultural purposes on the permit holder's behalf is to be submitted. 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. 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) ~~VIN~~ on the registration record. Otherwise, the driver license number of the owner will be utilized. ~~used.~~ ~~A monthly and yearly decals will be issued to~~ The registration will expire one year from date of registration issuance. As registration is optional, no delinquent registration fees or penalties are to be assessed. Upon initial issuance of a farm trailer tag, the applicant will be required to complete a Registration Application form, affirming their ownership of the trailer and providing copies of available acquisition documentation.

(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 motor vehicles for hire, designed to carry ten (10) persons or less, operated upon any street or highway, or on call or demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported. In order to register as a taxicab, the owner shall be required to validate proper taxicab operating authority. Validation shall normally constitute presentation of a photocopy of the license issued by the applicable municipality in which the taxicab operates, or a photocopy of the For Hire Carrier License issued by the Oklahoma Corporation Commission.

(f) **Rental vehicles.** Rental vehicles are vehicles acquired by rental companies not to be rented for

more than ninety (90) days at a time. Rental passenger vehicles and light trucks (pickups, vans, sport utility vehicles) are entitled to special registration fees as set forth by statute. Larger trucks utilized in a rental capacity are to be registered commercially.

(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~~ The registration will expire one year from date of ~~registration issuance.~~ As registration is optional, no delinquent registration fees or penalties are to be assessed. Upon initial issuance of a private trailer tag, the applicant will be required to complete a Registration Application form, affirming their ownership of the trailer and providing copies of available acquisition documentation.

(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.

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

710:60-3-140. All-terrain vehicles, 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).** A vehicle manufactured and used exclusively for off-

highway use, traveling on four or more non-highway tires, and ~~having a seat designed to be straddled by the operator and handlebars for steering~~ being fifty (50) inches or less in width.

(2) **Off-Road Motorcycles (ORM).** 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.

PART 15. SPECIAL LICENSE PLATES

710:60-3-168. Indian tribal license plates

(a) ~~Qualification; application; renewal~~ State of Oklahoma Indian tribal government license plates. Vehicles titled in the name of a federally recognized Indian tribe only and used exclusively for the furtherance of its tribal functions that tribe, may be issued State of Oklahoma Indian tribal tags- government license plates, or tribal compact license plates, pursuant to subsection (b). Initial applications for ~~such~~ State of Oklahoma tribal license plates are made directly to the Oklahoma Tax Commission. Application for registration renewal of ~~Indian tribal license~~ such plates may be made to the Oklahoma Tax Commission, or a motor license agent. Insurance verification, or a properly completed affidavit of non-use, is required at time of application.

(b) (1) ~~Retention of tag license plate by tribe; transfer to replacement vehicle.~~ When a vehicle with a State of Oklahoma tribal tag license plate is sold, the tribe retains may retain the special-tag plate for transferal to the replacement vehicle. The tag may be transferred to the replacement vehicle. The tag plate cannot be transferred to another tribe.

(e) (2) ~~Procedure upon sale to a non-qualifying purchaser.~~ When ownership of a vehicle is sold by transferred from a tribe to a purchaser new owner not qualifying for the reduced rate, the purchaser must register the vehicle from the date of sale at the applicable fee and obtain a standard the appropriate replacement license plate.

(b) Indian tribal compact license plates. Pursuant to a signed compact between a tribe and the State of Oklahoma, special tribal license plates may be designed and offered for issuance to tribal members, or the tribal government, at Oklahoma motor license agencies. Associated taxes and fees will be assessed and distributed pursuant to the provisions of the applicable compact.

(1) Tribal membership of individual required. Proof of membership in the tribe must be presented at time of registration by an individual member. The tribal member must be reflected on the Oklahoma certificate of title as an owner of the vehicle.

(2) Tribal government registration. Motor vehicles owned and operated by the tribe for governmental purposes are eligible for Indian tribal compact plates. The tribal government must be reflected as owner on the Oklahoma certificate of title. The registration fee applicable to Indian tribal license plates pursuant to the provisions of 47 O.S. § 1135.1(B)(4) will be assessed.

(3) Procedure upon sale by an individual member to a non-tribal purchaser. When a vehicle registered to an individual tribal member is transferred to a non-tribal member, the purchaser must obtain a replacement license plate when transferring ownership into his or her name.

(4) Procedure upon sale by tribal government. When a vehicle registered to the tribal government is transferred from the tribe to a new owner not qualifying for the reduced tribal government rate, the purchaser must register the vehicle from the date of sale at the applicable fee and obtain the appropriate replacement license plate. The tribe may retain the special tag for

transferal to the replacement vehicle. The tag cannot be transferred to another tribe.

(5) Registration information provided to tribe. Tribal member registration information will be provided by the Commission to the tribe, pursuant to the compact provisions.

SUBCHAPTER 5. MOTOR VEHICLE TITLES

PART 5. CERTIFICATES OF TITLE

710:60-5-51. Original certificate of title

(a) **Completed application required.** An application for Oklahoma Certificate of Title (form 701-6), must be completed and forwarded to the Commission upon application for an original Oklahoma title.

(b) **Manufacturer's statement of origin.** A Manufacturer's Statement of Origin (MSO) must accompany the title to a vehicle which has never been titled or registered. If no MSO has yet been provided to the owner at time of initial title application, an original Oklahoma title may be placed on document hold upon presentation of ownership documentation acceptable to the Commission, such as a completed contract of sale from the selling dealership.

(c) **Out-of-state titles; negotiable titles; memorandum titles.** When issuing an original title from an out-of-state title to the individual whose name appears on the face, all information must be correctly transcribed from the out-of-state title. When presented with any document other than a negotiable out-of-state title, the Oklahoma Title will be placed on document hold and not be released until the negotiable out-of-state title is surrendered. When the Oklahoma title is to be placed on document hold, the applicant is to be asked whether the vehicle is subject to any lien and, if so, is to complete an affidavit outlining the lienholder information. When an out-of-state title is submitted reflecting a secured party, the lien will be carried forward to the Oklahoma record, as outlined in OAC 710:60-5-113. If the negotiable out-of-state title is being held by the secured party, the owner of the vehicle shall file an affidavit with the Commission or the motor license agent stating that title to the vehicle is being held by a secured party and has not been issued pursuant to the laws of the state where titled, and that there is an existing lien or encumbrance on the vehicle. The current name and address of the secured party or lienholder shall also be stated in the affidavit. The form of the affidavit shall be prescribed by the Oklahoma Tax Commission. In most instances, negotiable titles are those containing ownership assignment sections. Lack of assignments ordinarily indicates the title is non-negotiable.

(d) **Assigned or reassigned out-of-state titles.** An out-of-state title which has been properly assigned or reassigned on the reverse with an out-of-state notary is acceptable and ownership documentation to qualify for issuance of an original Oklahoma title will be issued. Notarization is required on any assignment completed in a state that requires such notarization.

(e) **Title issued only to assignee.** Under no circumstances shall an Oklahoma Certificate of Title be issued to an ~~individual~~ individual(s) or entity other than to whom the assignment is made.

(f) **Actual sales price.** The actual sales price, commonly referred to as "purchase price", is required for any vehicle on which an Oklahoma title is to be issued and excise tax collected. The documentation described in this subsection is required to establish the actual sales price:

(1) For new vehicles, a purchase contract or bill of sale from the selling dealer will be required.

(2) For used vehicles, a purchase price reflected in the ownership assignment area of those title certificates which provide an area for that information, or a purchase contract, or bill of sale

will be required. If none of those documents are available, a "Declaration of Vehicle Purchase Price" (OTC Form 722-1) must be completed by the purchaser.

(3) A purchase contract or bill of sale offered only to establish the actual sales price pursuant to this subsection, and not to convey ownership, need not be notarized.

(g) IRP registration title hold. When an applicant for an original Oklahoma title does not complete a registration transaction at that time, due to a declaration of intent to subsequently register the vehicle under the International Registration Plan (IRP), the Oklahoma title will be placed on hold until that registration transaction is completed and confirmed.

710:60-5-66. Stolen vehicle notification

Pending title transactions will be checked against a national stolen vehicle database, such as NCIC or NICB, for the presence of a stolen vehicle record. If a stolen vehicle report is on file, the appropriate law enforcement agency will be contacted and the title transaction placed on hold, pending that agency's response. If no response is received within the time period established by the Commission, the title transaction hold will be released.

PART 7. TRANSFER OF TITLE

710:60-5-71. General provisions; assignments; liens; registration; notice of transfer

(a) **Transfer of title.** In most instances, an Oklahoma transfer title is issued upon receipt of a properly assigned and notarized Oklahoma title and proof of liability insurance. Assignments of Oklahoma certificates of title to, or by, out of state dealers located in non-notary states are not required to be notarized. Other instances where a transfer title may be issued are covered in the following subsections.

(b) **Use of assignment space provided on title document.** The first assignment space on an Oklahoma title is to be used by the owner on the face of the title to assign ownership. The subsequent reassignment spaces may be used by appropriately licensed Oklahoma dealers only. Should an assigned Oklahoma certificate of title be presented in application for an Oklahoma title and that certificate reflects a previous ownership assignment that was never completed via issuance of an Oklahoma title, the Motor Vehicle Division may approve a certificate of title to be issued directly to the most recent assignee; provided both assignments are properly completed and all taxes, fees and delinquent penalties due in regard to the previous assignment are collected, in addition to those due on the most recent assignment.

(c) **Liens transfer.** Any active liens indicated on the face of an assigned Oklahoma title will be carried forward to the transfer title being issued unless a lien release is presented.

(d) **Current registration required; exceptions.** Registration must be current on a vehicle before a transfer title may be issued, unless the vehicle is in a salvage or junked status. Licensed used motor vehicle dealers are exempt from this requirement when transferring to other licensed dealers, provided the vehicle was currently registered, or in the registration expiration grace month, when it was assigned to the first dealer. Salvage dealers are exempt from registration requirements when obtaining salvage or junked titles.

(e) **Actual sales price documentation.** The actual sales price is required for any vehicle on which an Oklahoma title is to be issued and excise tax collected. The actual sales price is commonly referred to as the "purchase price". One of the following documents is required to establish the actual sales price:

- (1) A purchase contract;
- (2) A bill of sale;

- (3) A "Declaration of Vehicle Purchase Price" (OTC Form 722-1); or
- (4) Oklahoma title certificate, with a purchase price entry listing where indicated;
- (5) A purchase contract or bill of sale offered only to establish purchase price pursuant to this subsection, and not to convey ownership, need not be notarized.

(f) **Notice of Transfer of Ownership of a Vehicle.** The seller or buyer of a motor vehicle may file a Notice of Transfer of Ownership of a Vehicle (OTC Form 773) to record the assignment of ownership in the Oklahoma Tax Commission Motor Vehicle Division computer system. The filing of Notices of Transfer is optional. The filing of the Notice of Transfer does not constitute a transfer of ownership and does not alleviate the buyer/new owner of the responsibility of properly and timely transferring title and paying all applicable taxes and fees. To be acceptable, notices must be submitted containing all required information. Incomplete forms will not be filed. There are two (2) acceptable types of notice:

- (1) Seller or buyers may submit a **Notice of Transfer of Ownership of a Vehicle (OTC form 733)** and the appropriate statutory filing fee to the Oklahoma Tax Commission or a motor license agent.
- (2) Effective January 2006, a removable tear-off tab, **Oklahoma Certificate of Title Tear-Off Notice of Transfer Tab**, was incorporated on Oklahoma vehicle title certificates. This tab, properly completed, is to be accepted and processed in the same manner as the Notice of Transfer of Ownership of a Vehicle Form (OTC form 733).

710:60-5-74. Odometer brands

(a) **Types of odometer brands.** There are four (4) brands utilized on the face of a title to characterize the odometer reading. They are as follows:

- (1) Actual
- (2) Not Actual
- (3) Exceeds mechanical limits, and
- (4) Odometer discrepancy

(b) **Use of odometer brands.** The odometer discrepancy is to be used if the mileage figure verified in the odometer disclosure statement is less than the mileage depicted on the title to be transferred. When utilized, this brand will be in addition to whatever brand results from the odometer disclosure statement (actual, not actual, exceeds mechanical limits). For example, if the buyer and seller indicate on the odometer disclosure statement that the mileage listed on it is the actual mileage of the vehicle, even though the figure listed on the disclosure statement is less than that depicted on the assigned title, the brand of "Actual" will be listed on the face of the new title. However, in that situation, it is the responsibility of the motor license agent to also encode the additional brand of "Odometer Discrepancy." The resulting title would have both odometer brands, "Actual" and "Odometer Discrepancy" listed on it.

(c) **Vehicle inspection considered disclosure.** The inspection required in Title 47 O.S. § 1105(L) shall be considered a disclosure statement for the purpose of employing the "Odometer Discrepancy" brand on vehicles less than ten (10) model years old. If the inspected mileage is less than that depicted on the face of the surrendered out-of-state title, the brand "Odometer Discrepancy" is to be listed on the face of the Oklahoma title issued.

(d) **Odometer brands on vehicles entering from another state.** When a motor vehicle enters from another state and the surrendered title reflects an odometer brand of Not Actual; Exceeds Mechanical Limits; or Odometer Discrepancy, such brand is to be carried forward to the Oklahoma title record. When a vehicle enters from another state with no change of ownership and an odometer brand of Actual, no odometer brand is to be carried to the Oklahoma title record. unless

the Odometer Discrepancy provisions described in subsection (c) apply.

710:60-5-75. General odometer disclosure information

(a) Eventually, virtually all certificates of title issued in the United States will contain the required odometer disclosure statements. However, separate statements will remain in use for quite some time, as older style titles will remain in circulation.

(b) All Oklahoma certificates of title, with the exception of boat or motor and junked titles, issued on or after January 1, 1990, contain the odometer disclosure statements as part of the assignment on the reverse side of the certificate.

(c) A separate odometer disclosure statement, properly completed and signed by both buyer and seller, may be used to correct an error made on the odometer statements on the title itself upon approval by the Oklahoma Tax Commission.

(d) On titles containing odometer disclosure statements, only the sellers name must be witnessed by the notary public.

(e) Odometer figure entry on motor vehicles entering from another state. When a motor vehicle enters from another state reflecting an ownership change, the mileage from the accompanying odometer disclosure is to be entered to the Oklahoma title record. When a motor vehicle enters from another state with no change of ownership, the odometer reading from the inspection performed pursuant to 47 O.S. § 1105 is to be entered to the Oklahoma title record.

PART 11. LIENS

710:60-5-111. Perfecting liens

(a) **Documents required for perfecting lien.** To perfect a lien, either an Oklahoma title, or an Application for Oklahoma Title accompanying a Manufacturer's Statement of Origin or out-of-state ownership document, must be presented, along with a completed Lien Entry Form.

(b) **Lien form must be legible.** To be acceptable, all lien entry forms must be clearly legible, as determined by the Tax Commission.

(c) **Secured party information.** The secured party must have completed his part of the form, particularly the signature and date of execution. Strikeovers and off line printing are not acceptable.

(d) **Title to conform to lien entry form.** The name of the secured party will be entered on the face of the secured title exactly as it appears on the lien entry form.

(e) **Title receipt reflecting lien to be issued; fees.** When recording a lien on a registered vehicle, boat or motor used as collateral, a title must be issued to reflect the lien. A title fee, in addition to the lien fee, will be assessed.

(f) **Reassignment of lien.** A secured party may file a reassignment of a lien to another secured party by submitting to the Oklahoma Tax Commission Motor Vehicle Division a release of the initial lien, as well as a lien entry form and filing fees for the lien reassignment. The lien entry form is to state it is a reassignment of an existing lien. Upon receipt of proper documentation and payment, the Motor Vehicle Division will enter the new lien information to the vehicle record, reflecting the same effective date ~~and time~~ as the initial lien.

(g) **Certain liens not perfectible under Motor Vehicle Code.** Lien entry forms cannot be accepted on any vehicle that cannot be issued an Oklahoma Certificate of Title. As an example, farm tractors or mobilized farm machinery cannot be issued a title. A lien cannot be perfected under the Motor Vehicle Code because a title will never be issued.

710:60-5-115. Recording liens on certificates of title

- (a) **Lien perfected with M.S.O.** When an M.S.O. is presented reflecting a lien entry stamp, the lien noted on the assignment of the M.S.O. or the lien entry form, will be reflected on the title issued. ~~The title must reflect the date and time on the lien entry stamp.~~
- (b) **Oklahoma Title on which a lien has been entered.** When presented with an Oklahoma Title on which a lien entry stamp appears, the lien information from the back of the title or the Lien Entry Form will be transferred to the title issued.
- (c) **Generally, lien information is reflected on the face of the transferred title.** When transferring an assigned Oklahoma Certificate of Title with a lien on the face of the assigned title, the lien information must be reflected on the face of the transferred title issued, unless a lien release is received.
- (d) **Lien perfected from Indian Tribal Certificate of Title.** A security interest in a vehicle registered by a federally-recognized Indian tribe shall be deemed valid under Oklahoma law if validly perfected under the applicable tribal law, and the lien is noted on the face of the tribal certificate of title.

710:60-5-116. Possessory liens under Title 42 of the Oklahoma Statutes

(a) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise:

"Business day" means a day on which State offices are open for regular business.

"Commission" means the Oklahoma Tax Commission.

"Division" means the Motor Vehicle Division of the Oklahoma Tax Commission.

"Itemized charges" means total parts, total labor, total towing fees, total storage fees, total processing fees and totals of any other fee groups, the sum total of which shall equal the compensation claimed.

"Lawfully in possession" means a person has documentation from the owner or the owner's authorized agent, or an insurance company or its authorized agent, authorizing the furnishing of material, labor or storage, or that the property was authorized to be towed to a repair facility.

"Property" means any vehicle, trailer, manufactured home, boat or outboard motor subject to the lien process described herein.

"Salvage pool" means any person or business which regularly conducts a salvage disposal sale.

~~(b)~~ **Prior approval required Application review and approval.** Any person who wishes to claim a possessory lien and sell a ~~vehiele~~ property for storage fees or work done for which they have not been compensated must comply with the applicable lien filing provisions of Title 42 of the Oklahoma Statutes and submit proper documentation to the Tax Commission for review and title issuance approval. As part of the approval review process, the record will be checked against a national stolen vehicle database, such as NCIC or NICB, files for the presence of a stolen ~~vehiele~~ property record. If a stolen ~~vehiele~~ property report is on file, the application will be denied and the filer advised of the law enforcement agency responsible for the NCIC report.

~~(b)(c)~~ **Forms and instructions available.** A packet of instructions and required forms may be obtained from the ~~Motor Vehicle Division of the Tax Commission~~ or online at ~~www.oktax.state.ok.us~~ www.tax.ok.gov. There are two (2) types of possessory lien filings applicable to ~~vehieles~~ property under Title 42 of the Oklahoma Statutes:

(1) **Process One.** ~~One process applies~~ Filings pursuant to 42 O.S. § 91, commonly referred to by the Division as Process One, apply to vehieles, all-terrain vehieles, off-road motoreycles, manufactured homes, commercial trailers, boats and outboard motors property titled in the State of Oklahoma, or with a federally recognized Indian tribe, and on which an

active lien is recorded and for which the lien filers are not ~~either licensed Class AA Wrecker Services or Salvage Pools, as defined in 47 O.S. § 591.2.~~ excluded pursuant to 42 O.S. § 91 (A)(1)(b). Excepting manufactured homes, if an active lien is present, but is over fifteen (15) years old, the provisions of ~~#2 below~~ 42 O.S. § 91A apply.

(2) **Process Two.** ~~One process applies Filings pursuant to 42 O.S. § 91A, commonly referred to by the Division as Process Two, apply to vehicles, all terrain vehicles, off road motorcycles, manufactured homes, commercial trailers, boats and outboard motors property titled in another state, or which do not have a certificate of title or have a certificate of title on which an active lien is not recorded, or are excluded by 42 O.S. § 91(D) from the process described under #1 in paragraph (1) of subsection (c) above by 42 O.S. § 91(D), or on which the lien is filed by either a licensed Class AA Wrecker Service, unless the action results from a consensual tow, or a Salvage Pool, as defined in 47 O.S. § 591.2.~~

(e)(d) **Procedure for completion and submission of required forms.** Incomplete or altered forms will not be accepted. The forms ~~will~~ provide the applicant with a designated area ~~areas~~ in which to enter ~~any desired identifying~~ required information.

(d)(e) **Persons qualified to file possessory liens.** Every person who, while lawfully in possession of an article of personal property, renders any service to the owner thereof by furnishing material, labor or skill for the protection, improvement, safekeeping, towing, storage or carriage thereof, has a special lien thereon, dependent on possession, for the compensation, if any, which is due such person from the owner for such service. Written proof of authority to perform the work, labor or service, or, when applicable, claimant's statement that the property was abandoned by the owner, is required.

(e)(f) **Manner of foreclosure.** Said lien may be foreclosed by a sale of such personal property, following proper notification to the record owner and all interested parties.

(f)(g) **Notice requirements.**

(1) **General requirements.** ~~The type and extent content and filing timeframes of the required notices are outlined by statute. and depend upon the status of the vehicle and the lien claimant. All require notification~~ Notification of the record owner and all interested parties, when ascertainable, is always required. All require the completion ~~Completion and proper posting of a Notice of Sale (OTC 752-A) is required, although some specific information on the Notice is not required under all lien filing situations. Certain situations also require the filing of a Notice of Possessory Lien (OTC 752-D). With the specific exception of salvage pools, most lien filers must complete and send a Notice of Possessory Lien (OTC 752-D) to all interested parties.~~

(2) **Contact information.** All notices to interested parties must include complete and accurate contact information for the clamant, as specified by statute.

(3) **Certified mailing requirements.** All written notifications to interested parties must be sent via certified mail, return receipt requested. Either the returned receipt, or the postal service approved electronic equivalent of proof of return receipt requested, shall be required when submitting for title issuance approval.

(4) **Itemization of charges.** An itemized listing of all charges, as defined by statute, equaling the total compensation claim, is required.

(5) **Photograph.** All filings pursuant to 42 O.S. § 91 must include a photograph of the property. Filings pursuant to 42 O.S. § 91A for motor vehicles must include a photograph of said motor vehicle. For other property, filings pursuant to 42 O.S. § 91A must contain:

(A) Written confirmation of a visual inspection of the property completed by the filer, verifying the identification number or serial number assigned the property and the general

condition of such property, or

(B) Photograph of the property.

(2) (6) Ownership/Lienholder determination for notification purposes. Within the timeframes prescribed by statute, the lien claimant must attempt to ascertain Record record ownership of the property and the existence of any lienholders on file with the Oklahoma Tax Commission/Motor Vehicle Division, or the equivalent office in another jurisdiction. state, may be established as follows:

(A) If the property has an Oklahoma tag number license plate, registration decal, boat registration number, or is otherwise believed to have been registered in this state, the Commission or any Oklahoma tag agency may shall be contacted for ownership/lienholder information. Provided the information is available in the computer file, the filer claimant will be asked to complete a Vehicle Information Request (OTC Form 769) and pay the applicable fee. The Commission or tag agency will provide the requested Oklahoma computer file ownership/lienholder information within ten (10) business days of receiving the request.

(B) If there is no current ownership/lienholder record on file, a Vehicle Information Request (Form OTC 769), requesting a title search for the last record owner is to be completed and submitted to the Oklahoma Tax Commission/Motor Vehicle Division Title Research Section, along with the applicable fee.

(C) If the Research Section has no record on file and the property is over five (5) years old, or over fifteen (15) years old if a manufactured home, the claimant will be advised that the interested party notice may be accomplished by publication. Refer to Notice when owner is unknown.

(D) If the property is from was most recently titled and/or registered in another state or with an Indian Tribe, the appropriate registering authority Motor Vehicle Department of that state or tribe must be contacted for ownership/lienholder information. Letters or computer file record printouts from other states' the applicable state or tribe Motor Vehicle Departments providing that owner and lienholder information are acceptable. Teletype printouts from law enforcement agencies are not acceptable. Ownership/lienholder information provided by entities other than the appropriate registering authority may be acceptable, provided the accuracy of the information may be verified by the Division.

(E) When no Oklahoma record is on file, the jurisdiction of titling is unknown and the property, unless a manufactured home, is five (5) model years or newer, or, if a manufactured home, is fifteen (15) model years or newer, the claimant or their agent shall request, in writing, that the Oklahoma Tax Commission/Motor Vehicle Division ascertain the jurisdiction of titling. Within fourteen (14) days of receipt of the request, the Division will provide either the titling jurisdiction, or notice that no determination was made. If a titling jurisdiction is determined, the claimant must contact that state's Motor Vehicle Division, or equivalent, titling authority for ownership and lienholder information. If no titling jurisdiction determination is made, as confirmed by the Division, notice by publication is required.

(F) When no Oklahoma record is on file, the jurisdiction of titling is unknown and the vehicle/ATV/commercial trailer boat or motor is over five (5) model years old, or manufactured home is over fifteen (15) model years old, notice by publication is required.

(3) (7) Notice when owner is unknown. In the event all applicable ownership/lienholder determination procedures have been followed and resulted in no record found, notice by publication in an authorized newspaper must be performed as follows:

(A) The newspaper must be authorized to publish legal notices pursuant to the provisions of 25 O.S. § 106 and must be published in the county in which the vehicle property is located. If no newspaper authorized by law to publish legal notices is published in that county, the notice is to be published in some such newspaper of general circulation which is published in an adjoining county. Eligible newspapers may be verified by contacting the ~~Oklahoma Tax Commission Motor Vehicle~~ Division.

(B) The newspaper notice must identify the vehicle property by identification number, year, and make.

(C) The notice must include the name of an individual who may be contacted in reference to the sale, including their telephone number or the address where the property is located.

(D) The notice must run at least (1) day per week for (3) consecutive weeks. The first date available for public sale of the property is the day following publication of the final notice, but no fewer than thirty (30) days after the lien has accrued.

(E) Upon completion of the newspaper notification process, an Affidavit of Publication (OTC Form 752-E) must be completed and included with the Title 42 documentation submitted to the ~~Oklahoma Tax Commission / Motor Vehicle~~ Division.

~~(g)~~(h) Sale and distribution of proceeds of sale. When the vehicle property is sold, the special (possessory) lien holder, upon satisfying the amounts due to him/her must make arrangements for the payment in excess of the amounts due to him to be paid to the secured party or parties and to the owner of the vehicle property.

~~(h)~~(i) Effect of foreclosure on purchaser's title. The purchaser of the vehicle property will receive a Certificate of Title without any liens indicated. [See: 42 O.S. § 91 et seq.]

~~(i)~~(j) Abandoned vehicle property auction. Any vehicle property offered at an abandoned vehicle property auction performed by a Class AA wrecker service or lien claimant is exempt from all prior year registration fees, title fees, stop flag fees, and any other fees imposed by the state resulting from the prior ownership of the vehicle property. However, if the purchaser is the registered owner of the vehicle property prior to towing, any outstanding prior years' fees will be due.

(k) Failure to comply. Failure by a lien filer to comply with any statutory filing requirements shall result in denial of the title application. Notification of denial will be returned to the filer by the Division via certified mail. The applicant is entitled to one (1) resubmission of the title application within fifteen (15) business days of the denial.

(l) Notice of legal proceedings. Upon receipt of a notice of legal proceedings, the Commission shall place a hold on the sale process until notice of resolution of the court proceedings is received.

SUBCHAPTER 7. MOTOR VEHICLE EXCISE TAX

710:60-7-3. Excise tax levy and exemptions

(a) **General levy on transfer of legal ownership.** Excise Tax is levied on every exchange of legal ownership on any vehicle registered or being registered in Oklahoma unless a specific tax exemption applies.

(b) **Exemptions.** Following is information on some of the more frequently encountered exempt

situations:

- (1) **Husband and wife; parent and child.** Only transfers made without consideration between husband and wife, parent and child, or vice versa, are exempt. A Family Affidavit (Form 794) must be included with the other supporting documentation and is to be attached to the Title documentation. This exemption does not apply to transfers between in laws or grandparents to grandchildren.
- (2) **Out-of-state residence and registration; nonresident military.** Any vehicle brought into Oklahoma by a person formerly living in another state is exempt, if the person owned and registered the vehicle in such other state of his residence at least sixty (60) days prior to the time it is required to be registered in Oklahoma. Nonresident members of the Armed Forces stationed in Oklahoma may register their vehicle without excise tax if the vehicle has been registered by them in another state (60 day limit does not apply).
- (3) **Governmental entities.** Any vehicle is exempt if registered by the State of Oklahoma or any political subdivision thereof. Additionally, vehicles leased by a county, municipality, or a school district are exempt from the excise tax.
- (4) **Title by inheritance.** Any vehicle on which legal ownership was obtained by inheritance is exempt from the levy of the excise tax.
- (5) **Certain transfers of corporations and partnerships.** Legal Ownership of vehicles obtained by transfer as set out in Section 2105(9) of Title 68 may also be exempt.
- (6) **Moped.** A motorized bicycle (moped) is exempt if sales tax was paid.
- (7) **Rural water districts.** A Rural Water District is exempt.
- (8) **Rural electric cooperatives.** A Rural Electric Coop is exempt.
- (9) **Federal reserve banks.** Federal Reserve Banks are exempt.
- (10) **Vehicles registered under International Registration Plan.** Transfer of vehicles registered under the International Registration Plan between lessor and lessee at the termination of the lease are exempt from the excise tax.
- (11) **Short term rentals by rental companies.** Vehicles acquired by rental companies not to be rented for terms of more than 90 days may be registered and titled by the rental agency exempt from excise tax. An Oklahoma title branded "Rental Vehicle" will be issued. If the vehicle is sold less than one (1) year from date of issuance of the title, the rental agency must pay the excise tax that would have been due on the vehicle, plus a 20% penalty before transferring the vehicle, unless the vehicle is being transferred to the manufacturer or its financing company, to a franchised dealer of the same line/make of the vehicle to be transferred, or to anyone, if the vehicle is in a salvage condition (salvage or junk title).
- (12) **Foreclosure of lien or mortgage; insurance contracts.** Any vehicle, the ownership of which was obtained by the lienholder or mortgagee under or by foreclosure of a lien or mortgage in the manner provided by law or to the insurer under subrogated rights arising by reason of loss under an insurance contract, is exempt from excise tax.
- (13) **New vehicles registered by new car dealers.** A new vehicle registered by a new vehicle dealer is exempt for a period of four (4) months.
- (14) **Insurance companies.** An insurance company may obtain title to a vehicle on which they paid a loss exempt from excise tax.
- (15) **Revocable trusts.** Transfers made without consideration between an individual and an express trust which that individual or the spouse, child or parent of that individual has a right to revoke are exempt.
- (16) **Limited liability companies.** A limited liability company is a combination of a corporate and a partnership business organization structure. Excise tax exemption applies to the following

transfers:

(A) Transfers to the limited liability company if former owners are members of the limited liability company and the interest in the company is in proportion to interest in the vehicle prior to the transfer. A notarized bill of sale indicating such will be required as supporting documentation.

(B) Transfers of ownership from a limited liability company to members when a dissolution is made. A notarized affidavit indicating such is required.

(17) **Vehicle lease or lease-purchase agreements.** Transfers of ownership of a vehicle acquired by a lessee are exempt from excise tax, provided the vehicle excise tax was paid at the time of the initial lease or lease-purchase agreement and an Oklahoma title was issued.

(18) **Fire Protection Districts.** Vehicles acquired by a Fire Protection District are exempt from the levy of excise tax.

(19) **Exemption for disabled veterans in receipt of compensation at the one hundred percent rate.** Persons who have been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard, and who have been certified by the United States Department of Veterans Affairs, or its successor, to be in receipt of compensation at the one hundred percent (100%) rate for a permanent disability sustained through military action or accident or resulting from a disease contracted while in such service is exempt from vehicle excise tax for one (1) vehicle in a consecutive three (3) year period.

(A) To prove eligibility a disabled veteran must submit either an Oklahoma Tax Commission exemption card with the notation "Sales Tax Exemption:100% Disabled Veteran" or a letter from the United States Department of Veterans Affairs, its successor, or the Armed Forces of the United States, certifying that the veteran is receiving disability compensation at the 100% rate.

(B) In order to qualify for the exemption, the vehicle must have been purchased on or after July 1, 2005 and the name of the eligible disabled veteran must be included as an owner on the vehicle title.

(C) The consecutive three (3) year period computation is to be based upon the actual purchase date of the vehicle(s), as reflected in the ownership assignment date on the MSO or title certificate surrendered to the Commission at time of title application. To qualify for this excise tax exemption, the actual date of purchase of the vehicle must be more than three (3) years removed from the date of purchase of the prior vehicle to which the exemption was most recently applied.

(20) **Exemption for repossessed vehicle transferred back to former owner.** Ownership of a vehicle transferred by the reposessor back to the former Oklahoma title record owner(s) within thirty (30) days of issuance of the repossession title.

(A) Ownership must be identical to that reflected in the Oklahoma title record immediately prior to issuance of the repossession title. Ownership (as assigned by the reposessor) may reflect an additional name without the assessment of excise tax only if an exemption exists between the owners. Otherwise, any change in ownership will result in the assessment of excise tax.

(B) Title assignment to the former owner(s) must be completed within thirty (30) days of issuance of the repossession title.

710:60-7-8. Tornado excise tax credit

Credit will be allowed with respect to the excise tax due on a vehicle which is a replacement for

a vehicle destroyed by a tornado on October 9, 2001, or May 8 or 9, 2003, or destroyed by a tornado in 2013, or any subsequent year, for which a Presidential Major Disaster Declaration was issued and on which excise tax had been paid on or after January 1, 2012. Credit will be allowed on a vehicle which is a replacement for a vehicle destroyed by tornado in calendar years 2012 and 2013 for which no Presidential Major Disaster Declaration was issued and on which excise tax was paid on or after January 1, 2011. Unless otherwise noted, excise tax on the destroyed vehicle must have been paid within one (1) year preceding the loss. Credit will be allowed in the amount of excise tax paid on the destroyed vehicle, excluding any penalties. The credit may only offset any excise tax due on the replacement vehicle. No excess credit may be refunded. Proof of loss of the destroyed vehicle must ordinarily be provided by the registrant, i.e., a letter or other documentation from the insurance company, identifying the vehicle and confirming its loss. If such documentation is unavailable, the Motor Vehicle Division may be contacted for consideration of an alternative or exception to the documentary requirement.

SUBCHAPTER 9. MOTOR VEHICLE LICENSE AGENTS/AGENCIES

PART 5. SPECIFIC RECORDKEEPING DUTIES

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

(a) **Files to be retained.** A motor license agent shall maintain records of semimonthly reports generated and related financial information pertaining to the collection and disposition of all monies due the state. Copies of individual transaction receipts are not required to be retained, unless the transaction required some special action or notation, or retention was specifically requested by the Motor Vehicle Division. Copies of documentation supporting any insurance verification override are to be retained. Copies of Vehicle Information Requests are to be retained. All referenced retained records are to be maintained by the motor license agent for a period of two (2) years. a file of agent copies of all transaction receipts issued by that office, in numerical order by tax/fee receipt number, as well as semimonthly reports prepared by that office. This file is to include all items and reports issued by the current agent, as well as the former agents for that agency, for the 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 Reports are to be ended on the fifteenth (15th) and the last day of the each 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. Report summary pages are to be generated from the computer system and included with the required report transaction documentation. Driver license transaction reporting guidelines are established by the Department of Public Safety. IRP (International Registration Plan) transaction reporting guidelines are established by the Corporation Commission.~~

~~(b) **Transaction documents.** Semimonthly report transaction documentation is to be prepared and submitted to the Commission in a manner outlined by the Division. The Division shall communicate any report preparation procedural changes to motor license agents in a timely manner. 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) **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) **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 9. SPECIFIC FISCAL DUTIES

710:60-9-91. Advice of deposits and depositing procedure

(a) ~~Agent to establish Oklahoma Tax Commission Motor License Agency Account~~ **motor license agency account.** Every motor license agent shall establish an Oklahoma Tax Commission bank account in a bank or bank authorized to do a banking business in this state. At any time that collected receipts total One Hundred Dollars (\$100.00) or more, all funds due the Oklahoma Tax Commission must be deposited into this account within one banking day of collection.

(b) **Agent to establish motor license agency operational account.** In addition, an operational account must be established in which all other funds received by a motor license agent in the performance of his or her duties shall be deposited and shall not be commingled with any other funds.

(c) **Advice of deposit slips to be typewritten.** Advice of Deposit slips, padded in duplicate, are consigned to agents by the Oklahoma Tax Commission to be used for making deposits into the Oklahoma Tax Commission account. All slips must be typed, with the agent's number and date of collection listed.

(d) **Distribution of copies; record retention; update of computer data.** One copy, after being stamped or initialed by the bank, is to be submitted to the Oklahoma Tax Commission, Motor Vehicle Division in the manner prescribed by the Commission. The agent is to retain a copy as a permanent record. It is suggested that the agent's copies be filed with the agent's copy of the semimonthly report to which they pertain. Agents are required to enter all Advice of Deposit information to the Oklahoma Tax Commission MLA deposit entry system immediately following deposit of the described funds.

- (e) **Reconciliation with semimonthly report.** All Advice of Deposits that apply to a particular semimonthly report should be listed on that report's remittance slip. If the total of the Advice of Deposit slips does not equal the semimonthly report amount, a supplemental deposit in the amount of the shortage must be made within one banking day of the close of the report period. The amount of any supplemental deposit will not be significant since the total of the daily deposits for a report period should be very close, if not equal to, the report total.
- (f) **Checks.** All checks received must be made payable to the Oklahoma Tax Commission and must include ~~one of the following: Driver License Number, Social Security Number, or Department of Public Safety Identification Number~~ either the driver license number or Department of Public Safety identification number of the remitter . The agent is not required to accept payment by check when late registration penalties are due.
- (g) **Insufficient checks.** Should an agent's bank notify them of an insufficient check being deposited into the Oklahoma Tax Commission account, the agent must redeposit monies into the account to offset the debit. No Advice of Deposit is needed since the amount has already been included in a previous one.
- (h) **Change of bank.** If changing banks, the agent must request new banking papers from the Oklahoma Tax Commission. The new banking papers must be completed and returned to the Oklahoma Tax Commission before making any deposit in the new bank.
- (i) **Penalties for late deposits.** If funds due the Oklahoma Tax Commission are not deposited to the Oklahoma Tax Commission account within one banking day of collection, a penalty of 1% of the deposited amount will be assessed. If the deposit is not made within five days of collection, the penalty increases to 3% of the deposit amount.
- (j) **Penalties incurred not a part of agency operating expenses.** Any motor license agent who pays a penalty for failure to make timely payments may not allocate that payment as a part of operating expenses, but must use personal funds for payment of the penalty.

PART 11. AGENCY OPERATION

710:60-9-120. Summary of operational requirements

The following is a summary of operational requirements for agents and agencies:

- (1) Agents are required to operate the agency forty (40) hours a week, of which at least four (4) hours are after normal business hours or on Saturday. The number of operating hours required of a specific agency may be reduced upon written approval from the Oklahoma Tax Commission.
- (2) Agents are required to collect fees as outlined by state statute, and issue all documents (i.e. license plates, registration decals, title certificates) prescribed by the Oklahoma Tax Commission. Additionally, an agent must issue all titles and liens, boats and motors titles - registrations, etc., prescribed by the Oklahoma Tax Commission.
- (3) Agents are required to deposit all monies required by the Commission into the designated Oklahoma Tax Commission bank account within one (1) banking day of collection, preparing an Advice of Deposit which is to be submitted to the Oklahoma Tax Commission in the manner prescribed by the Commission.
- (4) Agents are required to prepare semimonthly reports to be received by the Oklahoma Tax Commission no later than ten (10) working days after the cutoff day of the report.
- (5) Agents must perform all necessary inspections required by the Oklahoma Tax Commission ~~Motor License Agents~~ motor license agents manual.
- (6) Agents are required to provide a notary within their agency.

- (7) Agents are required to insure that all transactions are processed and entered to the Oklahoma Tax Commission computer system on a daily basis.
- (8) The Advice of Deposit shall be submitted to the Oklahoma Tax Commission, Motor Vehicle Division in the manner prescribed by the Commission. Advice of Deposit information is to be entered to the Oklahoma Tax Commission MLA deposit entry system immediately following depositing of the funds.
- (9) Agents are responsible for errors in tax computations and/or fee computations and collections as determined by the Commission.
- (10) A motor license agent shall reimburse the Oklahoma Tax Commission depository account for all dishonored checks which have been deposited to the account. The account is not to be charged. Dishonored checks that cannot be collected by the agent within thirty (30) days of retrieval from the depository bank are to be forwarded to the Oklahoma Tax Commission for credit and appropriate collection efforts.
- (11) Agents are required to maintain files of all receipts and required reports issued by their office, including those of a former agent, if applicable, for at least two (2) years. Transaction receipts are to be maintained in ascending receipt number order.
- (12) Agents must pay or account for all missing items identified by an inventory audit no later than thirty (30) days after billing.
- (13) Agents shall not issue license plates, registration decals, receipts, or any type of document until payment of all applicable taxes and fees has been received in full. Payment may be made by cash, money order, personal or company check, cashier's check, or by a nationally recognized credit or debit card. The Tax Commission shall determine which nationally recognized credit or debit cards will be required to be accepted by motor license agents, ensuring no loss of state revenue results from their use. All checks and money orders are to be made payable to the Oklahoma Tax Commission.
- (14) Agents are required to maintain strict compliance with the Motor Vehicle Licensing and Registration Act and with the rules, regulations, fee schedule, and procedures as set forth in the Motor License Agents Manual of Procedure and instructional material periodically issued by the Tax Commission.
- (15) Agents are responsible for keeping abreast of, as well as implementing, statutory and procedural changes and instructions issued by the Tax Commission. Annual area schools conducted by the Commission are an important component in disseminating such instruction. Area school attendance is not mandatory, unless specifically mandated by the Commission, but is strongly encouraged.
- (16) Agents are required to post the Public Notice Fee Chart, in addition to any other required public notices provided by the Tax Commission, in a conspicuous location in the agency.
- (17) All customers' checks are to be made payable to: Oklahoma Tax Commission. One of the following identifying numbers must be listed on the face of the check: drivers the remitter's driver license number, or a Department of Public Safety identification number, or a Social Security number.
- (18) Motor license agents are authorized to perform additional duties as directed by the Tax Commission, in compliance with Oklahoma statutory guidelines.

OKLAHOMA TAX COMMISSION
Rule Impact Statement
CHAPTER 60. MOTOR VEHICLES

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following rulemaking action(s):

710:60-1-3. Confidentiality of motor vehicle information [AMENDED]

- (a.) **Purpose of the Proposed Rule:** The purpose of the proposed amendment is to clarify policy regarding a motor license agent's access to, and release of, taxpayer information.
- (b.) **Classes Affected:** Motor license agents.
- (c.) **Persons Benefited:** Motor license agents.
- (d.) **Probable Economic Impact:**
1. **On Affected Classes:** No economic impact based on this rule change is anticipated.
 2. **On Political Subdivision:** There will be no economic impact on political subdivision as a result of this rule.
 3. **Fees:** This rulemaking action does not levy or implement any additional fees not already levied by statute.
- (e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rule will be funded through the normal agency budget.
- (f.) **Will the Rule Impact Political Subdivisions?** No economic impact on, or need for cooperation from political subdivisions is anticipated.
- (g.) **Small Business Impact:** With reference to Sections 303(A)(4) and 303(B)(6) of Title 75 of the Oklahoma Statutes it is believed that the proposed rule will have no adverse impact upon small business.
- (h.) **Alternative Methods and Costs of Compliance:** The purpose of the rule cannot be achieved by less costly, less intrusive or non-regulatory methods.
- (i.) **Public Health/Safety/Environmental Concerns:** The proposed rule will have no effect on public health, public safety, or the environment. The rule is not being implemented to reduce risks.
- (j.) **Effect of Non-Implementation on Environment:** There will not be a detrimental effect on public health, safety, or the environment if the proposed rule is NOT implemented.
- (k.) **Date:** October 31, 2014 **Date Modified:**
- (l.) **Prepared By:** Joe Lunn **Phone Number:** 405-521-2818

OKLAHOMA TAX COMMISSION
Rule Impact Statement
CHAPTER 60. MOTOR VEHICLES

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following rulemaking action(s):

710:60-3-23. Tornado registration fee credit [AMENDED]

710:60-7-8. Tornado excise tax credit [AMENDED]

- (a.) **Purpose of the Proposed Rule:** The purpose of the proposed amendment is to implement the provisions of House Bill 3216 and Senate Bill 1199 which provide for a credit for registration fees and excise tax for a vehicle which is a replacement for a currently registered vehicle which was destroyed by a tornado.
- (b.) **Classes Affected:** Taxpayers registering tornado-loss replacement vehicles.
- (c.) **Persons Benefited:** Taxpayers registering tornado-loss replacement vehicles.
- (d.) **Probable Economic Impact:**
1. **On Affected Classes:** No economic impact based on this rule change is anticipated.
 2. **On Political Subdivision:** There will be no economic impact on political subdivision as a result of this rule.
 3. **Fees:** This rulemaking action does not levy or implement any additional fees not already levied by statute.
- (e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rule will be funded through the normal agency budget.
- (f.) **Will the Rule Impact Political Subdivisions?** No economic impact on, or need for cooperation from political subdivisions is anticipated.
- (g.) **Small Business Impact:** With reference to Sections 303(A)(4) and 303(B)(6) of Title 75 of the Oklahoma Statutes it is believed that the proposed rule will have no adverse impact upon small business.
- (h.) **Alternative Methods and Costs of Compliance:** The purpose of the rule cannot be achieved by less costly, less intrusive or non-regulatory methods.
- (i.) **Public Health/Safety/Environmental Concerns:** The proposed rule will have no effect on public health, public safety, or the environment. The rule is not being implemented to reduce risks.
- (j.) **Effect of Non-Implementation on Environment:** There will not be a detrimental effect on public health, safety, or the environment if the proposed rule is NOT implemented.
- (k.) **Date:** October 31, 2014 **Date Modified:**
- (l.) **Prepared By:** Joe Lunn **Phone Number:** 405-521-2818

OKLAHOMA TAX COMMISSION
Rule Impact Statement
CHAPTER 60. MOTOR VEHICLES

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following rulemaking action(s):

710:60-3-32. Used vehicle ~~brought in by owner moving to~~ being brought to Oklahoma from another titling jurisdiction [AMENDED]

- (a.) **Purpose of the Proposed Rule:** The purpose of the proposed amendment is to clarify policy regarding documentation requirements for original title applicants bringing in used vehicles from another titling jurisdiction reflecting Oklahoma addresses.
- (b.) **Classes Affected:** Certain applicants for Oklahoma titles on vehicles previously titled in another state or with an Indian tribe.
- (c.) **Persons Benefited:** Certain applicants for Oklahoma titles on vehicles previously titled in another state or with an Indian tribe.
- (d.) **Probable Economic Impact:**
1. **On Affected Classes:** No economic impact based on this rule change is anticipated.
 2. **On Political Subdivision:** There will be no economic impact on political subdivision as a result of this rule.
 3. **Fees:** This rulemaking action does not levy or implement any additional fees not already levied by statute.
- (e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rule will be funded through the normal agency budget.
- (f.) **Will the Rule Impact Political Subdivisions?** No economic impact on, or need for cooperation from political subdivisions is anticipated.
- (g.) **Small Business Impact:** With reference to Sections 303(A)(4) and 303(B)(6) of Title 75 of the Oklahoma Statutes it is believed that the proposed rule will have no adverse impact upon small business.
- (h.) **Alternative Methods and Costs of Compliance:** The purpose of the rule cannot be achieved by less costly, less intrusive or non-regulatory methods.
- (i.) **Public Health/Safety/Environmental Concerns:** The proposed rule will have no effect on public health, public safety, or the environment. The rule is not being implemented to reduce risks.
- (j.) **Effect of Non-Implementation on Environment:** There will not be a detrimental effect on public health, safety, or the environment if the proposed rule is NOT implemented.
- (k.) **Date:** October 31, 2014 **Date Modified:**
- (l.) **Prepared By:** Joe Lunn **Phone Number:** 405-521-2818

OKLAHOMA TAX COMMISSION
Rule Impact Statement
CHAPTER 60. MOTOR VEHICLES

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following rulemaking action(s):

710:60-3-111. Miscellaneous vehicles; definitions [AMENDED]

- (a.) **Purpose of the Proposed Rule:** The purpose of the proposed amendment is to clarify existing policy relating to utilization of an agricultural exemption permit to qualify for farm truck registration.
- (b.) **Classes Affected:** Farm truck and trailer registrants; private trailer registrants.
- (c.) **Persons Benefited:** Farm truck and trailer registrants; private trailer registrants.
- (d.) **Probable Economic Impact:**
1. **On Affected Classes:** No economic impact based on this rule change is anticipated.
 2. **On Political Subdivision:** There will be no economic impact on political subdivision as a result of this rule.
 3. **Fees:** This rulemaking action does not levy or implement any additional fees not already levied by statute.
- (e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rule will be funded through the normal agency budget.
- (f.) **Will the Rule Impact Political Subdivisions?** No economic impact on, or need for cooperation from political subdivisions is anticipated.
- (g.) **Small Business Impact:** With reference to Sections 303(A)(4) and 303(B)(6) of Title 75 of the Oklahoma Statutes it is believed that the proposed rule will have no adverse impact upon small business.
- (h.) **Alternative Methods and Costs of Compliance:** The purpose of the rule cannot be achieved by less costly, less intrusive or non-regulatory methods.
- (i.) **Public Health/Safety/Environmental Concerns:** The proposed rule will have no effect on public health, public safety, or the environment. The rule is not being implemented to reduce risks.
- (j.) **Effect of Non-Implementation on Environment:** There will not be a detrimental effect on public health, safety, or the environment if the proposed rule is NOT implemented.
- (k.) **Date:** October 31, 2014 **Date Modified:**
- (l.) **Prepared By:** Joe Lunn **Phone Number:** 405-521-2818

OKLAHOMA TAX COMMISSION
Rule Impact Statement
CHAPTER 60. MOTOR VEHICLES

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following rulemaking action(s):

710:60-3-140. All-terrain vehicles, off-road motorcycles and utility vehicles [AMENDED]

- (a.) **Purpose of the Proposed Rule:** The purpose of the proposed amendment is to implement the provisions of Senate Bill 1397 which amended the definitions of "all-terrain vehicle" and "recreation off-highway vehicle" by removing the seating and steering descriptions, while adding a width requirement of 50 inches or less for ATVs and 65 inches or less for ROHVs.
- (b.) **Classes Affected:** Owners of all-terrain vehicles.
- (c.) **Persons Benefited:** Owners of all-terrain vehicles.
- (d.) **Probable Economic Impact:**
1. **On Affected Classes:** No economic impact based on this rule change is anticipated.
 2. **On Political Subdivision:** There will be no economic impact on political subdivision as a result of this rule.
 3. **Fees:** This rulemaking action does not levy or implement any additional fees not already levied by statute.
- (e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rule will be funded through the normal agency budget.
- (f.) **Will the Rule Impact Political Subdivisions?** No economic impact on, or need for cooperation from political subdivisions is anticipated.
- (g.) **Small Business Impact:** With reference to Sections 303(A)(4) and 303(B)(6) of Title 75 of the Oklahoma Statutes it is believed that the proposed rule will have no adverse impact upon small business.
- (h.) **Alternative Methods and Costs of Compliance:** The purpose of the rule cannot be achieved by less costly, less intrusive or non-regulatory methods.
- (i.) **Public Health/Safety/Environmental Concerns:** The proposed rule will have no effect on public health, public safety, or the environment. The rule is not being implemented to reduce risks.
- (j.) **Effect of Non-Implementation on Environment:** There will not be a detrimental effect on public health, safety, or the environment if the proposed rule is NOT implemented.
- (k.) **Date:** October 31, 2014 **Date Modified:**
- (l.) **Prepared By:** Joe Lunn **Phone Number:** 405-521-2818

OKLAHOMA TAX COMMISSION
Rule Impact Statement
CHAPTER 60. MOTOR VEHICLES

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following rulemaking action(s):

710:60-3-168. Indian tribal license plates [AMENDED]

- (a.) **Purpose of the Proposed Rule:** The purpose of the proposed amendment is to implement Motor Vehicle Registration and License Tag compacts between certain Indian Tribes and the State of Oklahoma.
- (b.) **Classes Affected:** Qualifying Indian tribes and members.
- (c.) **Persons Benefited:** Qualifying Indian tribes and members.
- (d.) **Probable Economic Impact:**
1. **On Affected Classes:** No economic impact based on this rule change is anticipated.
 2. **On Political Subdivision:** There will be no economic impact on political subdivision as a result of this rule.
 3. **Fees:** This rulemaking action does not levy or implement any additional fees not already levied by statute.
- (e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rule will be funded through the normal agency budget.
- (f.) **Will the Rule Impact Political Subdivisions?** No economic impact on, or need for cooperation from political subdivisions is anticipated.
- (g.) **Small Business Impact:** With reference to Sections 303(A)(4) and 303(B)(6) of Title 75 of the Oklahoma Statutes it is believed that the proposed rule will have no adverse impact upon small business.
- (h.) **Alternative Methods and Costs of Compliance:** The purpose of the rule cannot be achieved by less costly, less intrusive or non-regulatory methods.
- (i.) **Public Health/Safety/Environmental Concerns:** The proposed rule will have no effect on public health, public safety, or the environment. The rule is not being implemented to reduce risks.
- (j.) **Effect of Non-Implementation on Environment:** There will not be a detrimental effect on public health, safety, or the environment if the proposed rule is NOT implemented.
- (k.) **Date:** October 31, 2014 **Date Modified:**
- (l.) **Prepared By:** Joe Lunn **Phone Number:** 405-521-2818

OKLAHOMA TAX COMMISSION
Rule Impact Statement
CHAPTER 60. MOTOR VEHICLES

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following rulemaking action(s):

710:60-5-51. Original certificate of title [AMENDED]

- (a.) **Purpose of the Proposed Rule:** The purpose of the proposed amendment is to clarify existing policy relating to out of state document notarization and Oklahoma original title applicants intending to register their vehicles under the International Registration Plan (IRP).
- (b.) **Classes Affected:** Certain applicants for Oklahoma original certificates of title.
- (c.) **Persons Benefited:** Certain applicants for Oklahoma original certificates of title
- (d.) **Probable Economic Impact:**
1. **On Affected Classes:** No economic impact based on this rule change is anticipated.
 2. **On Political Subdivision:** There will be no economic impact on political subdivision as a result of this rule.
 3. **Fees:** This rulemaking action does not levy or implement any additional fees not already levied by statute.
- (e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rule will be funded through the normal agency budget.
- (f.) **Will the Rule Impact Political Subdivisions?** No economic impact on, or need for cooperation from political subdivisions is anticipated.
- (g.) **Small Business Impact:** With reference to Sections 303(A)(4) and 303(B)(6) of Title 75 of the Oklahoma Statutes it is believed that the proposed rule will have no adverse impact upon small business.
- (h.) **Alternative Methods and Costs of Compliance:** The purpose of the rule cannot be achieved by less costly, less intrusive or non-regulatory methods.
- (i.) **Public Health/Safety/Environmental Concerns:** The proposed rule will have no effect on public health, public safety, or the environment. The rule is not being implemented to reduce risks.
- (j.) **Effect of Non-Implementation on Environment:** There will not be a detrimental effect on public health, safety, or the environment if the proposed rule is NOT implemented.
- (k.) **Date:** October 31, 2014 **Date Modified:**
- (l.) **Prepared By:** Joe Lunn **Phone Number:** 405-521-2818

OKLAHOMA TAX COMMISSION
Rule Impact Statement
CHAPTER 60. MOTOR VEHICLES

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following rulemaking action(s):

710:60-5-66. Stolen vehicle notification [NEW]

- (a.) **Purpose of the Proposed Rule:** The purpose of the proposed new rule is to clarify existing policy of contacting law enforcement when title application is made on a reported stolen vehicle.
- (b.) **Classes Affected:** Owners of vehicles with NCIC record on file.
- (c.) **Persons Benefited:** Owners of vehicles with NCIC record on file.
- (d.) **Probable Economic Impact:**
1. **On Affected Classes:** No economic impact based on this rule change is anticipated.
 2. **On Political Subdivision:** There will be no economic impact on political subdivision as a result of this rule.
 3. **Fees:** This rulemaking action does not levy or implement any additional fees not already levied by statute.
- (e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rule will be funded through the normal agency budget.
- (f.) **Will the Rule Impact Political Subdivisions?** No economic impact on, or need for cooperation from political subdivisions is anticipated.
- (g.) **Small Business Impact:** With reference to Sections 303(A)(4) and 303(B)(6) of Title 75 of the Oklahoma Statutes it is believed that the proposed rule will have no adverse impact upon small business.
- (h.) **Alternative Methods and Costs of Compliance:** The purpose of the rule cannot be achieved by less costly, less intrusive or non-regulatory methods.
- (i.) **Public Health/Safety/Environmental Concerns:** The proposed rule will have no effect on public health, public safety, or the environment. The rule is not being implemented to reduce risks.
- (j.) **Effect of Non-Implementation on Environment:** There will not be a detrimental effect on public health, safety, or the environment if the proposed rule is NOT implemented.
- (k.) **Date:** October 31, 2014 **Date Modified:**
- (l.) **Prepared By:** Joe Lunn **Phone Number:** 405-521-2818

OKLAHOMA TAX COMMISSION
Rule Impact Statement
CHAPTER 60. MOTOR VEHICLES

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following rulemaking action(s):

710:60-5-71. General provisions; assignments; liens; registration; notice of transfer [AMENDED]

- (a.) **Purpose of the Proposed Rule:** The purpose of the proposed amendment is to establish policy relating to title applicants with certificates of title that have been reassigned by a non-dealer, providing an alternative for taxpayers possessing improperly reassigned certificates of title.
- (b.) **Classes Affected:** Certain title applicants.
- (c.) **Persons Benefited:** Certain title applicants.
- (d.) **Probable Economic Impact:**
1. **On Affected Classes:** No economic impact based on this rule change is anticipated.
 2. **On Political Subdivision:** There will be no economic impact on political subdivision as a result of this rule.
 3. **Fees:** This rulemaking action does not levy or implement any additional fees not already levied by statute.
- (e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rule will be funded through the normal agency budget.
- (f.) **Will the Rule Impact Political Subdivisions?** No economic impact on, or need for cooperation from political subdivisions is anticipated.
- (g.) **Small Business Impact:** With reference to Sections 303(A)(4) and 303(B)(6) of Title 75 of the Oklahoma Statutes it is believed that the proposed rule will have no adverse impact upon small business.
- (h.) **Alternative Methods and Costs of Compliance:** The purpose of the rule cannot be achieved by less costly, less intrusive or non-regulatory methods.
- (i.) **Public Health/Safety/Environmental Concerns:** The proposed rule will have no effect on public health, public safety, or the environment. The rule is not being implemented to reduce risks.
- (j.) **Effect of Non-Implementation on Environment:** There will not be a detrimental effect on public health, safety, or the environment if the proposed rule is NOT implemented.
- (k.) **Date:** October 31, 2014 **Date Modified:**
- (l.) **Prepared By:** Joe Lunn **Phone Number:** 405-521-2818

OKLAHOMA TAX COMMISSION
Rule Impact Statement
CHAPTER 60. MOTOR VEHICLES

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following rulemaking action(s):

710:60-5-74. Odometer brands [AMENDED]

710:60-5-75. General odometer disclosure information [AMENDED]

- (a.) **Purpose of the Proposed Rule:** The purpose of the proposed amendment is to clarify existing policy regarding the application of odometer branding on motor vehicles entering from another state.
- (b.) **Classes Affected:** Owners of motor vehicles entering Oklahoma from another state.
- (c.) **Persons Benefited:** Owners of motor vehicles entering Oklahoma from another state.
- (d.) **Probable Economic Impact:**
1. **On Affected Classes:** No economic impact based on this rule change is anticipated.
 2. **On Political Subdivision:** There will be no economic impact on political subdivision as a result of this rule.
 3. **Fees:** This rulemaking action does not levy or implement any additional fees not already levied by statute.
- (e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rule will be funded through the normal agency budget.
- (f.) **Will the Rule Impact Political Subdivisions?** No economic impact on, or need for cooperation from political subdivisions is anticipated.
- (g.) **Small Business Impact:** With reference to Sections 303(A)(4) and 303(B)(6) of Title 75 of the Oklahoma Statutes it is believed that the proposed rule will have no adverse impact upon small business.
- (h.) **Alternative Methods and Costs of Compliance:** The purpose of the rule cannot be achieved by less costly, less intrusive or non-regulatory methods.
- (i.) **Public Health/Safety/Environmental Concerns:** The proposed rule will have no effect on public health, public safety, or the environment. The rule is not being implemented to reduce risks.
- (j.) **Effect of Non-Implementation on Environment:** There will not be a detrimental effect on public health, safety, or the environment if the proposed rule is NOT implemented.
- (k.) **Date:** October 31, 2014 **Date Modified:**
- (l.) **Prepared By:** Joe Lunn **Phone Number:** 405-521-2818

OKLAHOMA TAX COMMISSION
Rule Impact Statement
CHAPTER 60. MOTOR VEHICLES

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following rulemaking action(s):

710:60-5-111. Perfecting liens [AMENDED]

710:60-5-115. Recording liens on certificates of title [AMENDED]

- (a.) **Purpose of the Proposed Rule:** The purpose of the proposed amendment is to eliminate the entry of lien time to conform to current policy and statutes.
- (b.) **Classes Affected:** Filers of vehicle liens and motor license agents.
- (c.) **Persons Benefited:** Filers of vehicle liens and motor license agents.
- (d.) **Probable Economic Impact:**
1. **On Affected Classes:** No economic impact based on this rule change is anticipated.
 2. **On Political Subdivision:** There will be no economic impact on political subdivision as a result of this rule.
 3. **Fees:** This rulemaking action does not levy or implement any additional fees not already levied by statute.
- (e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rule will be funded through the normal agency budget.
- (f.) **Will the Rule Impact Political Subdivisions?** No economic impact on, or need for cooperation from political subdivisions is anticipated.
- (g.) **Small Business Impact:** With reference to Sections 303(A)(4) and 303(B)(6) of Title 75 of the Oklahoma Statutes it is believed that the proposed rule will have no adverse impact upon small business.
- (h.) **Alternative Methods and Costs of Compliance:** The purpose of the rule cannot be achieved by less costly, less intrusive or non-regulatory methods.
- (i.) **Public Health/Safety/Environmental Concerns:** The proposed rule will have no effect on public health, public safety, or the environment. The rule is not being implemented to reduce risks.
- (j.) **Effect of Non-Implementation on Environment:** There will not be a detrimental effect on public health, safety, or the environment if the proposed rule is NOT implemented.
- (k.) **Date:** October 31, 2014 **Date Modified:**
- (l.) **Prepared By:** Joe Lunn **Phone Number:** 405-521-2818

OKLAHOMA TAX COMMISSION
Rule Impact Statement
CHAPTER 60. MOTOR VEHICLES

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following rulemaking action(s):

710:60-5-116. Possessory liens under Title 42 of the Oklahoma Statutes [AMENDED]

- (a.) **Purpose of the Proposed Rule:** The purpose of the proposed amendment is to implement the provisions of Senate Bill 582 relating to possessory lien claims pursuant to Sections 91 and 91A of Title 42 of the Oklahoma Statutes.
- (b.) **Classes Affected:** Filers of possessory liens pursuant to 42 OS § 91 and 91A.
- (c.) **Persons Benefited:** Filers of possessory liens pursuant to 42 OS § 91 and 91A.
- (d.) **Probable Economic Impact:**
1. **On Affected Classes:** No economic impact based on this rule change is anticipated.
 2. **On Political Subdivision:** There will be no economic impact on political subdivision as a result of this rule.
 3. **Fees:** This rulemaking action does not levy or implement any additional fees not already levied by statute.
- (e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rule will be funded through the normal agency budget.
- (f.) **Will the Rule Impact Political Subdivisions?** No economic impact on, or need for cooperation from political subdivisions is anticipated.
- (g.) **Small Business Impact:** With reference to Sections 303(A)(4) and 303(B)(6) of Title 75 of the Oklahoma Statutes it is believed that the proposed rule will have no adverse impact upon small business.
- (h.) **Alternative Methods and Costs of Compliance:** The purpose of the rule cannot be achieved by less costly, less intrusive or non-regulatory methods.
- (i.) **Public Health/Safety/Environmental Concerns:** The proposed rule will have no effect on public health, public safety, or the environment. The rule is not being implemented to reduce risks.
- (j.) **Effect of Non-Implementation on Environment:** There will not be a detrimental effect on public health, safety, or the environment if the proposed rule is NOT implemented.
- (k.) **Date:** October 31, 2014 **Date Modified:**
- (l.) **Prepared By:** Joe Lunn **Phone Number:** 405-521-2818

OKLAHOMA TAX COMMISSION
Rule Impact Statement
CHAPTER 60 Motor Vehicles

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following rulemaking action(s):

710:60-7-3. Excise tax levy and exemptions [AMENDED]

- (a.) **Purpose of the Proposed Rule:** The purpose of the rulemaking action is to clarify existing policy regarding the excise tax exemption relating to repossessed vehicles returned to former owner; vehicle must have been titled in Oklahoma prior to repossession for exemption to apply.
- (b.) **Classes Affected:** Owners of vehicles that have been repossessed, then returned.
- (c.) **Persons Benefited:** Owners of vehicles that have been repossessed, then returned.
- (d.) **Probable Economic Impact:**
1. **On Affected Classes:** No economic impact based on this rule change is anticipated
 2. **On Political Subdivision:** The amendment is not expected to adversely impact other political subdivisions of the State.
 3. **Fees:** The rulemaking action does not levy, implement, or increase an existing fee.
- (e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rule will be funded through normal agency budget. No measurable impact on State revenues is anticipated.
- (f.) **Will the Rule Impact Political Subdivisions?** No economic impact on or need for cooperation from political subdivisions is anticipated.
- (g.) **Small Business Impact:** After consideration with reference to Section 303(A)(4) and 303(B)(6) of Title 75, it is believed that the proposed rule will have no adverse impact upon Small Business.
- (h.) **Alternative Methods and Costs of Compliance:** There are no less costly or non-regulatory methods or less intrusive methods for achieving the purpose of this proposed rule. No formalized compliance cost minimization measures have been pursued.
- (i.) **Public Health/Safety/Environmental Concerns:** The proposed rules are not anticipated to have any effect on public health, safety, or the environment –either beneficial or otherwise.
- (j.) **Effect of Non-Implementation on Environment:** If the proposed rules are not promulgated, no effect on the public health, safety, or the environment will result.
- (k.) **Date:** October 31, 2014 **Date Modified:** N/A
- (l.) **Prepared By:** Joe Lunn **Phone Number:** 521-2818

