

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1144

By: Kannady

4  
5 AS INTRODUCED

6 An Act relating to registrations; authorizing  
7 consolidated vessel and motor registration; providing  
8 certain assumption of registration; amending 63 O.S.  
9 2011, Sections 4009, 4015, 4021 and 4030, which  
10 relate to the Oklahoma Vessel and Motor Registration  
11 Act; exempting certain information from certain  
12 applications; exempting certain motors from decal  
13 requirements; establishing certain registration fee;  
14 providing exemption from certain penalties; amending  
15 47 O.S. 2011, Section 1133.3, which relates to  
16 trailer registration; requiring registration;  
17 providing deadline for registration; authorizing  
18 registration decals; providing exemption; providing  
19 for codification; and providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 4015A of Title 63, unless there  
23 is created a duplication in numbering, reads as follows:

24 The owner of a vessel possessing a certificate of title shall  
have the option to make application for a consolidated vessel and  
motor registration of such vessel with the Oklahoma Tax Commission  
or with a motor license agent within thirty (30) calendar days from  
the purchase date, from the expiration of registration or from the  
date the owner becomes a resident of this state. Any outboard motor

1 attached to a vessel with a consolidated vessel and motor  
2 registration shall be considered registered for purposes of the  
3 Oklahoma Vessel and Motor Registration Act; provided the registrant  
4 possesses a proper certificate of title for such motor. The  
5 application shall contain such information as shall be required by  
6 the Commission pursuant to the provisions of the Oklahoma Vessel and  
7 Motor Registration Act.

8 SECTION 2. AMENDATORY 63 O.S. 2011, Section 4009, is  
9 amended to read as follows:

10 Section 4009. A. The application for a certificate of title  
11 and registration for a vessel or an outboard motor shall be upon a  
12 form furnished by the Oklahoma Tax Commission and shall contain:

- 13 1. A full description of the vessel or outboard motor;
- 14 2. The manufacturer's serial and model number or other  
15 identification number;
- 16 3. The length of the vessel;
- 17 4. The date on which first sold by the manufacturer or dealer  
18 to the owner;
- 19 5. Any distinguishing marks;
- 20 6. A statement of the applicant's source of title;
- 21 7. Whether the vessel is a documented vessel and the number  
22 assigned to such vessel;
- 23 8. Any security interest upon said vessel or outboard motor, or  
24 vessel and motor; and

1       9. Such other information as the Commission may require.

2       Provided the application for a consolidated vessel and motor  
3 registration shall only require such information as it relates to  
4 the vessel. Every original or duplicate certificate of title and  
5 registration for a vessel or an outboard motor shall contain all  
6 items listed in this subsection.

7       B. To obtain an original certificate of title for a vessel or  
8 outboard motor that is being registered for the first time in this  
9 state or for a vessel or outboard motor that has not been previously  
10 registered in any other state, the applicant shall be required to  
11 deliver, as evidence of ownership, a manufacturer's certificate of  
12 origin or at the discretion of the Commission a copy of the  
13 manufacturer's certificate of origin properly assigned by the  
14 manufacturer, distributor, or dealer licensed in this or any other  
15 state shown thereon to be the last transferee to the applicant upon  
16 a form to be prescribed and approved by the Commission. A  
17 manufacturer's certificate of origin shall contain:

- 18       1. The manufacturer's serial or other identification number;
- 19       2. Date on which first sold by the manufacturer to the dealer;
- 20       3. Any distinguishing marks including model and the year same  
21 was made;
- 22       4. A statement of any security interests upon said vessel or  
23 outboard motor, or vessel and motor; and
- 24       5. Such other information as the Commission may require.

1 C. In the absence of a dealer's or manufacturer's number, the  
2 Commission may assign such identifying number to the vessel or  
3 outboard motor, which shall be permanently stamped, burned or  
4 pressed into or attached onto such vessel or outboard motor.

5 D. Every dealer selling new or used vessels or outboard motors  
6 and every individual not licensed as a dealer who sells a new or  
7 used vessel or outboard motor shall verify the hull identification  
8 number or serial number is the same as the number on the current  
9 registration of the vessel or outboard motor. The seller of the  
10 vessel or outboard motor shall sign a notarized affidavit, under  
11 penalty of perjury, affirming the numbers are the same.

12 E. 1. Before a homemade vessel is issued a hull identification  
13 number from the Commission, the vessel and the motor shall be  
14 inspected by a commissioned officer of the Oklahoma Highway Patrol  
15 Division of the Department of Public Safety or by any other employee  
16 of the Department or any other law enforcement officer of the state  
17 as the Commissioner of Public Safety may designate, pursuant to the  
18 rules promulgated by the Commissioner of Public Safety. For the  
19 purposes of this act, "homemade vessel" means any vessel not  
20 allotted a hull identification number (HIN) by a manufacturer, and  
21 specifically excludes any vessel upon which the hull identification  
22 number has been covered, altered, defaced, destroyed, or removed.

23 2. The Department of Public Safety is hereby granted authority  
24 and jurisdiction, pursuant to Article 1 of the Administrative

1 Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma  
2 Statutes, to promulgate, administer and enforce all necessary rules  
3 deemed necessary to implement the provisions of this section.

4 3. The Department of Public Safety shall prescribe all forms  
5 deemed necessary to implement the provisions of this section.

6 F. It shall be unlawful to:

7 1. Improperly display or fail to display a vessel's hull  
8 identification number;

9 2. Operate or possess a vessel on which the hull identification  
10 number has been removed; or

11 3. Operate or possess a motor on which the serial number has  
12 been removed.

13 G. When registering in this state a vessel which was titled in  
14 another state and which title contains the name of a secured party  
15 on the face of the other state certificate of title, the Oklahoma  
16 Tax Commission or the motor license agent shall complete a lien  
17 entry form as prescribed by said Commission. A statement of the  
18 lien or encumbrance shall be included on the Oklahoma certificate of  
19 title and the lien or encumbrance shall be deemed continuously  
20 perfected as though it had been perfected pursuant to Section 4013  
21 of this title. For completing the lien entry form and recording the  
22 security interest on the certificate of title, the Commission or the  
23 motor license agent shall collect a fee of Three Dollars (\$3.00)

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1 which shall be in addition to other fees provided by the Oklahoma  
2 Vessel and Motor Registration Act.

3 H. Upon payment of all fees and taxes, a certificate of title,  
4 a certificate of registration and, for a vessel, two registration  
5 decals or, for an outboard motor, one registration decal shall be  
6 delivered to the applicant; except that for consolidated vessel and  
7 motor registrations, no decal shall be required for an outboard  
8 motor. Provided, yearly decals shall be issued for vessels and  
9 motors titled and registered to the Department of Public Safety.

10 SECTION 3. AMENDATORY 63 O.S. 2011, Section 4015, is  
11 amended to read as follows:

12 Section 4015. Except as otherwise provided by Sections 4005 and  
13 4024 of this title and Section 1 of this act, every owner of a  
14 vessel or motor possessing a certificate of title shall make an  
15 application for the registration of such vessel or motor with the  
16 Oklahoma Tax Commission or with a motor license agent within thirty  
17 (30) calendar days from the purchase date, or from the expiration of  
18 registration, or from the date the owner becomes a resident of this  
19 state. The application shall contain such information as shall be  
20 required by the Commission pursuant to the provisions of the  
21 Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of  
22 this title.

23 SECTION 4. AMENDATORY 63 O.S. 2011, Section 4021, is  
24 amended to read as follows:

1 Section 4021. A. The application required for the initial and  
2 subsequent registration of a vessel or a motor shall be accompanied  
3 by payment of the following fees:

4 1. Where the manufacturer's factory delivered price, or in the  
5 absence of such price being published in a recognized publication  
6 for the use of marine dealers and/or for purposes of insurance and  
7 financing firms, where the provable original or new cost of all  
8 materials, is One Hundred Fifty Dollars (\$150.00) or less, the  
9 registration and license fee for the first and for each succeeding  
10 year's registration shall be One Dollar (\$1.00);

11 2. Where the manufacturer's factory delivered price, or in the  
12 absence of such price being published as provided in paragraph 1 of  
13 this section, where the value of such vessel or motor is determined  
14 and fixed as above required and, is in excess of One Hundred Fifty  
15 Dollars (\$150.00), there shall be added to the fee of One Dollar  
16 (\$1.00), the sum of One Dollar (\$1.00) for each One Hundred Dollars  
17 (\$100.00) or any fraction thereof, in excess of One Hundred Fifty  
18 Dollars (\$150.00) provided such fee shall not exceed One Hundred  
19 Fifty Dollars (\$150.00);

20 3. After the first year's registration in this state under the  
21 Oklahoma Vessel and Motor Registration Act of any new vessel or new  
22 motor under paragraph 2 of this subsection, the registration for the  
23 second year shall be ninety percent (90%) of the fee computed and  
24 assessed hereunder for the first year, and thereafter, such fee

1 shall be computed and assessed at ninety percent (90%) of the  
2 previous year's fee and shall be so computed and assessed for the  
3 next nine (9) successive years provided such fee shall not exceed  
4 One Hundred Fifty Dollars (\$150.00);

5 4. The initial and subsequent registration fee for any vessel  
6 which is a part of a fleet used for lodging and for which a rental  
7 fee and sales tax are collected shall be Forty Dollars (\$40.00) in  
8 lieu of the fees required by paragraphs 1 through 3 of this  
9 subsection. For the purpose of this paragraph, "fleet" means twenty  
10 or more vessels operated by a business organization from a single  
11 anchorage. The fee provided for in this paragraph may be reduced  
12 annually to zero until the total reduction equals the difference  
13 between the sum of the fees paid pursuant to paragraphs 1 through 3  
14 of this subsection for the two registration years preceding January  
15 1, 1990, and the fee provided for in this paragraph;

16 5. For any vessel or motor owned and numbered, registered or  
17 licensed prior to January 1, 1990, in this or any other state, or in  
18 the absence of such registration upon proof of the year, model and  
19 age of same, the registration fee shall be computed and assessed at  
20 the rate hereinabove provided for a new vessel or motor based on the  
21 value thereof determined as provided in this subsection, but reduced  
22 as though same had been registered for each prior year of its  
23 existence. Except as provided in paragraph 1 of this subsection,  
24 the registration fee for the eleventh year computed in accordance



1 with the provisions of this subsection shall be the amount of the  
2 fee to be assessed for such eleventh year and shall be the minimum  
3 annual registration fee for such vessel or motor for any subsequent  
4 year; ~~and~~

5 6. The initial and subsequent registration fee for any vessel  
6 or motor which is not being used in a trade or business or for any  
7 commercial purpose and is owned by:

- 8 a. a nonresident member of the Armed Forces of the United  
9 States assigned to duty in this state in compliance  
10 with official military or naval orders,
- 11 b. a resident member of the Armed Forces of the United  
12 States assigned to duty in this state in compliance  
13 with official military or naval orders,
- 14 c. the spouse, who resides in Oklahoma, of a resident or  
15 nonresident member of the Armed Forces of the United  
16 States serving in a foreign country, or
- 17 d. any Oklahoma resident who is stationed out of state  
18 due to an official assignment of the Armed Forces of  
19 the United States,

20 shall be the lesser of either a Fifteen Dollar (\$15.00) registration  
21 fee or the fee computed and assessed for vessels or motors of  
22 similar age and model pursuant to this section; and

23 7. For consolidated vessel and motor registrations as provided  
24 by Section 1 of this act, the initial and subsequent registration

1 fee shall be the greater of Twenty-five Dollars (\$25.00) or one  
2 hundred twenty-five percent (125%) of the registration fee which  
3 would otherwise be owed for the vessel alone, under paragraphs 1, 2,  
4 and 3 of this subsection.

5 B. As used in this section, the term "manufacturer's factory  
6 delivered price" shall represent the recommended retail selling  
7 price and shall not mean the wholesale price to a dealer.

8 C. The Oklahoma Tax Commission shall assess the registration  
9 fees and penalties for the year or years a vessel or motor was not  
10 registered as provided in the Oklahoma Vessel and Motor Registration  
11 Act. For vessels or motors not registered for two (2) or more  
12 years, the registration fees and penalties shall be due only for the  
13 current year and one (1) previous year. No penalty shall be  
14 assessed under this subsection against the owner of an outboard  
15 motor that was not individually registered in prior years if the  
16 owner or a prior owner of the outboard motor possessed a  
17 consolidated vessel and motor registration during each year the  
18 motor was not individually registered.

19 D. Upon each vessel or motor repossessed by a mortgagee, a fee  
20 of Forty-six Dollars (\$46.00) shall be assessed. This fee shall be  
21 in lieu of any applicable vessel or motor excise tax and  
22 registration fees. Each motor license agent accepting applications  
23 for certificates of title for such vessel or motors shall receive  
24

1 Seven Dollars (\$7.00) to be deducted from the license fee specified  
2 in this paragraph for each application accepted.

3 E. All vessels or motors owned by the State of Oklahoma, its  
4 agencies or departments, or political subdivisions thereof, or which  
5 under the law would be exempt from direct ad valorem taxation, shall  
6 be registered pursuant to the provisions of the Oklahoma Vessel and  
7 Motor Registration Act for an annual fee of Two Dollars and twenty-  
8 five cents (\$2.25) irrespective of whether registered by a motor  
9 license agent or the Tax Commission.

10 F. All vessels and motors owned:

11 1. By the Boy Scouts of America, the Girl Scouts of U.S.A., and  
12 the Camp Fire USA, devoted exclusively to youth programs emphasizing  
13 physical fitness, character development and citizenship training;

14 2. By the Department of Public Safety; and

15 3. By organizations which are exempt from taxation pursuant to  
16 the provisions of Section 501(c)(3) of the Internal Revenue Code, 26  
17 U.S.C., Section 501(c)(3), and which are primarily devoted to the  
18 establishment, development, operation, promotion, and participation  
19 in, alone or in conjunction with others, educational and training  
20 programs and competitive events to provide knowledge, information,  
21 or comprehensive skills related to the sports of sailing, fishing,  
22 boating, and other aquatic related activities;  
23 are hereby exempt from the payment of registration fees required by  
24 this section. Provided all of such vessels or motors shall be

1 registered and shall otherwise comply with the provisions of the  
2 Oklahoma Vessel and Motor Registration Act.

3 G. A credit shall be allowed with respect to the fee for  
4 registration of any new vessel or new motor, when such new vessel or  
5 motor is a replacement for:

6 1. A new original vessel or new original motor which is stolen  
7 from the purchaser/registrant within ninety (90) days of the date of  
8 purchase of the original vessel or new original motor as certified  
9 by a police report or other documentation as required by the Tax  
10 Commission; or

11 2. A defective new original vessel or new original motor  
12 returned by the purchaser/registrant to the seller within six (6)  
13 months of the date of purchase of the defective new original vessel  
14 or new original motor as certified by the manufacturer.

15 Such credit shall be in the amount of the fee for registration  
16 which was paid for the new original vessel or new original motor and  
17 shall be applied to the registration fee for the replacement vessel  
18 or motor. In no event will said credit be refunded.

19 H. Upon proper proof of a lost certificate of registration  
20 being made to the Tax Commission or one of its motor license agents,  
21 accompanied by an application therefor and payment of the fees  
22 required by the Oklahoma Vessel and Motor Registration Act, a  
23 duplicate certificate of registration shall be issued to the  
24 applicant. The charge for such duplicate certificate of

1 registration shall be Two Dollars and twenty-five cents (\$2.25),  
2 which charge shall be in addition to any other fees imposed by  
3 Section 4022 of this title for any such vessel or motor.

4 I. In addition to any other fees levied by the Oklahoma Vessel  
5 and Motor Registration Act, there is levied and there shall be paid  
6 to the Tax Commission, for each year a vessel or motor is  
7 registered, a fee of One Dollar (\$1.00) for each vessel or motor for  
8 which a registration or license fee is required pursuant to the  
9 provisions of this section. The fee shall accrue and shall be  
10 collected upon each vessel or motor under the same circumstances and  
11 shall be payable in the same manner and times as apply to vessel and  
12 motor licenses and registrations under the provisions of the  
13 Oklahoma Vessel and Motor Registration Act; provided, the fee shall  
14 be paid in full for the then current year at the time any vehicle is  
15 first registered in a calendar year.

16 Monies collected pursuant to this subsection shall be  
17 apportioned by the Tax Commission to the State Treasurer for deposit  
18 in the Trauma Care Assistance Revolving Fund created in Section  
19 330.97 of this title.

20 The collection and payment of the fee shall be a prerequisite to  
21 license or registration of any vessel or motor.

22 J. If a vessel or motor is donated to a nonprofit charitable  
23 organization, the nonprofit charitable organization shall be exempt  
24 from paying any current or past due registration fees, excise tax,

1 transfer fees, and penalties and interest; provided, subsequent to  
2 such donation, if the person, entity or party acting on another's  
3 behalf who donated the vessel or motor, purchases the same vessel or  
4 motor from the nonprofit charitable organization receiving the  
5 original donation, such person, entity or party acting on another's  
6 behalf shall be liable for all current and past due registration  
7 fees, excise tax, transfer fees, and penalties and interest on such  
8 vehicle.

9 SECTION 5. AMENDATORY 63 O.S. 2011, Section 4030, is  
10 amended to read as follows:

11 Section 4030. A. 1. The Oklahoma Tax Commission shall, and  
12 each federally recognized Indian tribe of this state may, develop  
13 and implement a permanent number system for vessels which is  
14 consistent with United States Coast Guard statutes and regulations.  
15 The system shall be effective upon the effective date of this act.

16 2. Except as otherwise provided by this section, every vessel  
17 on the waters of this state shall display the permanent number  
18 assigned to it by the Tax Commission or by a federally recognized  
19 Indian tribe of this state, which number shall not be obliterated,  
20 erased, mutilated, removed or missing.

21 3. In order to ensure that:

22 a. a permanent number issued by a federally recognized  
23 Indian tribe of this state conforms to federal  
24

1 statutory and regulatory requirements of the United  
2 States Coast Guard, and

3 b. the rights prescribed in paragraph 2 of this  
4 subsection are extended to every federally recognized  
5 Indian tribe of this state,

6 every vessel on the waters of this state assigned a permanent number  
7 by a federally recognized Indian tribe of this state which issues  
8 permanent numbers shall be recorded and maintained by the Tax  
9 Commission in the same manner as the Tax Commission records and  
10 maintains the permanent number of vessels on the waters of this  
11 state which are assigned by the Tax Commission.

12 B. The vessels authorized to display a number other than that  
13 required by the provisions of the Oklahoma Vessel and Motor  
14 Registration Act are:

15 1. A documented vessel, provided that such vessel is currently  
16 registered, is displaying both current registration decals, and the  
17 name, hailing port and official federal documentation number  
18 assigned to it are displayed on the vessel according to federal law  
19 or federal rules and regulations;

20 2. A vessel from a country other than the United States  
21 temporarily using the waters of this state;

22 3. A vessel from another state owned by an out-of-state  
23 resident using the waters of this state;

1 4. A vessel whose owner is the United States, a state or a  
2 subdivision thereof; provided, however, if such vessel is used for  
3 recreational or rental purposes on the public waters of this state,  
4 that vessel shall display the permanent number assigned to it by the  
5 Tax Commission;

6 5. A vessel that is used exclusively and solely for racing  
7 purposes;

8 6. A vessel that is used exclusively and solely as a lifeboat;  
9 and

10 7. A commercial flotation device which is assigned a permit by  
11 the Scenic Rivers Commission pursuant to the provisions of Sections  
12 1461 et seq. of Title 82 of the Oklahoma Statutes.

13 C. Except as otherwise provided for in this section, every  
14 vessel and every outboard motor on the waters of this state shall  
15 display the current registration decals or decal assigned to it by  
16 the Tax Commission. The outboard motor registration decal shall be  
17 affixed to the upper portion of the motor cowling in such a manner  
18 that approximately one-half (1/2) of the decal is displayed on the  
19 left side of the motor cowling extending toward the rear of the  
20 motor cowling. No decal is required to be displayed by an outboard  
21 motor attached to a vessel with a consolidated vessel and motor  
22 registration. Vessel registration decals shall be:

23 1. Affixed on each side of the forward half of the vessel; and  
24



1        2. In line with and within six (6) inches aft of the permanent  
2 number.

3        D. The owner of any vessel issued a permanent number pursuant  
4 to the provisions of the Oklahoma Vessel and Motor Registration Act,  
5 Section 4002 et seq. of this title, shall place on or attach to the  
6 vessel the permanent number in such manner that it may be clearly  
7 visible. The permanent number shall:

8            1. Be maintained in legible condition;

9            2. Be painted, applied as a decal, or otherwise affixed to each  
10 side of the forward half of the vessel in contrasting color to the  
11 background, as high above the waterline as is practical;

12            3. Read from left to right;

13            4. Be comprised of numbers and letters printed in block style  
14 of at least three (3) inches in height and one-half (1/2) inch in  
15 stroke width; and

16            5. Have spaces or hyphens that are equal to the width of a  
17 letter other than "I" or a number other than "1" between the letter  
18 and number groupings.

19        No other similar numbers shall be displayed on either side of  
20 the forward half of the vessel.

21        E. The provisions of this section shall not apply to sailboards  
22 or fishing tubes.

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1 F. The Tax Commission shall adopt rules for the placement of  
2 the registration decal in an alternate location for antique boats.

3 In this subsection, "antique boat" means a boat that:

- 4 1. Is used primarily for recreational purposes; and
- 5 2. Was manufactured before 1968.

6 Such rules shall allow vessels registered as antique boats to  
7 display the registration decal on the left portion of the  
8 windshield. In the absence of a windshield, the rules shall allow  
9 operators of antique boats to attach the registration decal to the  
10 certificate of registration and make such decal and certificate  
11 available for inspection when the boat is operated on public water.

12 SECTION 6. AMENDATORY 47 O.S. 2011, Section 1133.3, is  
13 amended to read as follows:

14 Section 1133.3 ~~At the option of the owner, the~~ A. The Oklahoma  
15 Tax Commission ~~is authorized to~~ shall register boat trailers and  
16 utility-type trailers, which are not being utilized in a commercial  
17 capacity, on an annual basis for a fee of One Dollar (\$1.00).

18 Purchasers of such trailers shall file a registration application  
19 and the payment of the fee provided within thirty (30) days from the  
20 date of purchase. The Tax Commission shall assign a distinctive  
21 number and issue to the owner a certificate of registration and a  
22 decal but not a license plate. The decal shall be attached to the  
23 front fork or front attachment of the trailer and the decal shall be  
24 in clear view.

1        B. Trailers or semitrailers or combinations thereof used  
2 primarily for farm use and for the transportation of products of the  
3 farm by the producer thereof are exempt from the provisions of this  
4 section.

5        SECTION 7. This act shall become effective November 1, 2015.

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7        55-1-5374            JM            01/20/15

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