STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2638

By: Roberts (Dustin)

AS INTRODUCED

An Act relating to motor vehicle registrations; creating the Motor Fuels Tax Fee; establishing fee as a registration fee for certain types of vehicles; providing fee amount; clarifying circumstances and manner in which fee shall be paid; making fee a prerequisite to licensing and registration; apportioning fee revenue; defining terms; amending 69 O.S. 2011, Section 1501, as amended by Section 2, Chapter 347, O.S.L. 2017 (69 O.S. Supp. 2017, Section 1501), which relates to the State Highway Construction and Maintenance Fund; removing language in legislation struck down by the Supreme Court; allowing fund to receive certain apportionment; authorizing certain expenditures; repealing Section 1, Chapter 347, O.S.L. 2017 (47 O.S. Supp. 2017, Section 1132.7), which relates to Motor Fuels Tax Fee for electric-drive and hybrid-drive motor vehicles; and providing for codification.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1132.8 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. In addition to other vehicle registration fees specified by law, for the year beginning January 1, 2019, and for each year
thereafter, there is hereby levied and there shall be paid to the
Oklahoma Tax Commission a Motor Fuels Tax Fee of:

1. One Hundred Fifty Dollars ($150.00) upon every electric-
drive motor vehicle to be registered; and

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

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

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

C. Revenue from the fee provided for in subsection A of this
section shall be deposited in the State Treasury to the credit of
the State Highway Construction and Maintenance Fund created in
Section 1501 of Title 69 of the Oklahoma Statutes.

D. For purposes of this section:

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

2. "Hybrid-drive motor vehicle" means a vehicle subject to a registration fee as provided for in subsection A of Section 1132 of Title 47 of the Oklahoma Statutes that is capable of being propelled at least in part by electrical energy through the use of a battery storage system of at least four (4) kilowatt-hours, is capable of being recharged from an external source of electricity and is also capable of using gasoline, diesel fuel or alternative fuel to propel the vehicle.

SECTION 2. AMENDATORY 69 O.S. 2011, Section 1501, as amended by Section 2, Chapter 347, O.S.L. 2017 (69 O.S. Supp. 2017, Section 1501), is amended to read as follows:

Section 1501. (a) All monies received by taxation or otherwise for use on the state highways of this state shall, unless otherwise provided by law, be placed in the State Treasury in a fund to be known as the State Highway Construction and Maintenance Fund. The fund shall also consist of revenues specifically apportioned to such fund by provisions of the Oklahoma Statutes. The fund shall also consist of revenues specifically apportioned to such fund by provisions of the Oklahoma Statutes.

(b) All monies remaining in the State Highway Construction and Maintenance Fund created by 69 O.S. 1961, Section 44(d), when this
Code becomes effective, and all other assets thereof, and all taxes, revenue and other funds payable to or required to be deposited in such fund under the provisions of other laws when this Code becomes effective, shall be transferred to, be deposited in and be a part of the State Highway Construction and Maintenance Fund created by this section; and the latter fund shall be liable for the payment of all outstanding obligations existing against the former fund.

(c) Of the monies deposited in the State Highway Construction and Maintenance Fund pursuant to the apportionment of Motor Fuels Tax Fees provided in Section 1 of this act, the lesser of Ten Thousand Dollars ($10,000.00) and one and one half percent (1 1/2%) of such monies may be used for the development and maintenance of alternative fuel corridors as defined by the Federal Highway Administration.

Of the monies deposited in the State Highway Construction and Maintenance Fund pursuant to the apportionment of Motor Fuels Tax Fees provided in Section 1 of this act, the lesser of Ten Thousand Dollars ($10,000.00) and one and one-half percent (1 1/2%) of such monies may be used for the development and maintenance of alternative fuel corridors as defined by the Federal Highway Administration.

SECTION 3. REPEALER Section 1, Chapter 347, O.S.L. 2017 (47 O.S. Supp. 2017, Section 1132.7), is hereby repealed.