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LEVY SELZER & GEE

MEMORANDUM

TO: Jeff Flora, Southwestern Association

FROM: Jack Selzer and Jon Bunten

DATE: November 20, 2009

SUBJECT: Oklahoma Statutes Regulating the Sale and Use of
ATVs and UTVs/Worksite Vehicles

Jeff,

Below are the questions you posed regarding Oklahoma law on the sale and use of ATVs and UTVs/Worksite Vehicles and our answers to your questions. Please let us know if you have any questions or need any clarifications.

1. **Q:** Does a Dealer have to have a license to sell an ATV and/or a Utility/ worksite Vehicle?

A: No. Only Motor vehicle dealers are required to obtain a license. ATVs and utility vehicles are exempt from the definition of "motor vehicle" for the purposes of licensing the dealers (47 Okl.St. Ann § 562).

2. **Q:** Is an ATV and a UTV/worksite vehicle classified as a motor vehicle?

A: Yes and No.

- According to the Oklahoma Highway Safety Code, "Motor Vehicle" includes any vehicle which is self-propelled.
- According to 47 Okl.St. Ann § 562, relating to regulating and licensing manufactures and dealers in Oklahoma, ATVs and utility vehicles are specifically exempted from the definition of "motor vehicle."

3. **Q:** What is the definition by law of an ATV and a UTV?

A:

ATV (a.k.a. All Terrain Vehicles)

- "All Terrain Vehicles" are defined in OAC 710:60-3-140(b)(1) as:

- A vehicle powered by an internal combustion engine;
- Manufactured and used exclusively for off-highway use;
- Traveling on four or more low-pressure tires;
- Having a seat designed to be straddled by the operator; and
- Handlebars for steering

UTV (a.k.a. Utility Terrain Vehicle)

- UTVs are not defined by Oklahoma Statutes. However, Oklahoma Statutes define "Utility Vehicle."

Utility vehicles

- "Utility Vehicles" are defined in OAC 710:60-3-140(b)(3) as:
 - A vehicle powered by an internal combustion engine;
 - Manufactured and used exclusively for off-highway use;
 - Equipped with seating for two or more people;
 - A steering wheel; and
 - Traveling on four or more wheels.

4. **Q:** Does the sale of a new or used ATV or UTV/worksite vehicle to a producer who will utilize the unit in production of ag qualify for the ag exemption?

A: Yes.

- Agricultural permit holders are exempt from excise tax when titling their ATV or utility vehicle upon presentation of a valid agricultural permit (OAC 710:60-3-141(g)(2)).

5. **Q:** Does the buyer have to register and title the ATV or UTV?

A: Yes, unless a statutory exemption applies (OAC 710:60-3-10(a)).

- Prior to July 1, 2008, holders of agricultural exemption permits were exempt from ATV and utility vehicle title requirements. Owners who purchased the ATV or utility vehicle prior to July 1, 2008 subject to a valid agricultural exemption are not required to register or title the vehicles.
- Anyone who purchases an ATV or utility vehicle after July 1, 2008 is required to title the vehicle in accordance with OAC 710:60-3-141.
- After July 1, 2008, all ATV or utility vehicle purchasers are required to title and register the vehicle in accordance with OAC 710:60-3-141 and 710:60-3-142.

6. **Q:** If [the answer to 5 is] yes – does this apply to both ag exempt sales and non-exempt sales?

A: Yes.

7. **Q:** Other Issues

A: