

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 592

By: Anderson of the Senate

and

6 Grau of the House

7
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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Used Motor Vehicle
11 and Parts Commission; amending 47 O.S. 2011, Section
12 583, as last amended by Section 11, Chapter 4, O.S.L.
13 2014 (47 O.S. Supp. 2014, Section 583), which relates
14 to licenses, fees, fines, and bonds; deleting certain
15 maximum fine; modifying license renewals; changing
16 licenses to two-year term on certain date; providing
17 for certain rules; changing certain fees; requiring
18 certain auctions to remit certain fee; stating
19 procedure; setting fees; exempting governmental
20 entities; amending 47 O.S. 2011, Sections 591.4,
21 591.5, 591.9, 591.10, 591.11 and 1137.1, which relate
22 to fees, bid identification cards, salvage pools, and
23 temporary licenses; deleting buyer identification
24 cards; increasing certain fees; modifying language;
and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 583, as last
amended by Section 11, Chapter 4, O.S.L. 2014 (47 O.S. Supp. 2014,
Section 583), is amended to read as follows:

1 Section 583. A. 1. It shall be unlawful and constitute a
2 misdemeanor for any person to engage in business as, or serve in the
3 capacity of, or act as a used motor vehicle dealer, used motor
4 vehicle salesperson, wholesale used motor vehicle dealer,
5 manufactured home dealer, restricted manufactured home park dealer,
6 manufactured home salesperson, manufactured home installer, or
7 manufactured home manufacturer selling directly to a licensed
8 manufactured home dealer in this state without first obtaining a
9 license or following other requirements therefor as provided in this
10 section.

11 2. a. Any person engaging, acting, or serving in the
12 capacity of a used motor vehicle dealer and/or a used
13 motor vehicle salesperson, a manufactured home dealer,
14 restricted manufactured home park dealer, manufactured
15 home salesperson, a manufactured home installer, or a
16 manufactured home manufacturer, or having more than
17 one place where any such business, or combination of
18 businesses, is carried on or conducted shall be
19 required to obtain and hold a current license for each
20 such business, in which engaged.

21 b. A used motor vehicle dealer's license shall authorize
22 one person to sell without a salesperson's license in
23 the event such person shall be the owner of a
24 proprietorship, or the person designated as principal

1 in the dealer's franchise or the managing officer or
2 one partner if no principal person is named in the
3 franchise.

4 c. If after a hearing in accordance with the provisions
5 of Section 585 of this title, the Oklahoma Used Motor
6 Vehicle and Parts Commission shall find any person
7 installing a mobile or manufactured home to be in
8 violation of any of the provisions of this act, such
9 person may be subject to an administrative fine of not
10 more than Five Hundred Dollars (\$500.00) for each
11 violation. Each day a person is in violation of this
12 act may constitute a separate violation. ~~The maximum~~
13 ~~fine shall not exceed One Thousand Dollars~~
14 ~~(\$1,000.00).~~ All administrative fines collected
15 pursuant to the provisions of this subparagraph shall
16 be deposited in the fund established in Section 582 of
17 this title. Administrative fines imposed pursuant to
18 this subparagraph may be enforceable in the district
19 courts of this state.

20 d. A salesperson's license may not be issued under a
21 wholesale used motor vehicle dealer's license.

22 3. Any person except persons penalized by administrative fine
23 violating the provisions of this section shall, upon conviction, be
24 fined not to exceed Five Hundred Dollars (\$500.00). A second or

1 subsequent conviction shall be punished by a fine not to exceed One
2 Thousand Dollars (\$1,000.00); provided that each day such unlicensed
3 person violates this section shall constitute a separate offense,
4 and any vehicle involved in a violation of this subsection shall be
5 considered a separate offense.

6 B. 1. Applications for licenses required to be obtained under
7 ~~the provisions of this act, Section 581 et seq. of this title, which~~
8 ~~creates~~ the Oklahoma Used Motor Vehicle and Parts Commission shall
9 be verified by the oath or affirmation of the applicant and shall be
10 on forms prescribed by the Commission and furnished to the
11 applicants, and shall contain such information as the Commission
12 deems necessary to enable it to fully determine the qualifications
13 and eligibility of the several applicants to receive the license or
14 licenses applied for. The Commission shall require in the
15 application, or otherwise, information relating to:

- 16 a. the applicant's financial standing,
- 17 b. the applicant's business integrity,
- 18 c. whether the applicant has an established place of
19 business and is engaged in the pursuit, avocation, or
20 business for which a license, or licenses, is applied
21 for,
- 22 d. whether the applicant is able to properly conduct the
23 business for which a license, or licenses, is applied
24 for, and

1 e. such other pertinent information consistent with the
2 safeguarding of the public interest and the public
3 welfare.

4 2. All applications for license or licenses shall be
5 accompanied by the appropriate fee or fees in accordance with the
6 schedule hereinafter provided. In the event any application is
7 denied and the license applied for is not issued, the entire license
8 fee shall be returned to the applicant.

9 3. All bonds and licenses issued under the provisions of this
10 act shall expire on December 31, following the date of issue and
11 shall be nontransferable. All applications for renewal of licenses
12 ~~should~~ shall be submitted by November 1 of each year of expiration,
13 and licenses for completed renewals received by November 1 shall be
14 issued by January 10. If applications have not been made for
15 renewal of licenses, such licenses shall expire on December 31 and
16 it shall be illegal for any person to represent himself or herself
17 and act as a dealer thereafter. Tag agents shall be notified not to
18 accept dealers' titles until such time as licenses have been issued.
19 Beginning January 1, 2016, all licenses shall be issued for a period
20 of two (2) years and the appropriate fees shall be assessed. The
21 Commission shall adopt rules necessary to implement the two-year
22 licensing provisions.

23 4. A used motor vehicle salesperson's license shall permit the
24 licensee to engage in the activities of a used motor vehicle

1 salesperson. Salespersons shall not be allowed to sell vehicles
2 unless applications and fees are on file with the Commission and the
3 motor vehicle salesperson's or temporary salesperson's license
4 issued. A temporary salesperson's license, salesperson's renewal or
5 reissue of salesperson's license shall be deemed to have been issued
6 when the appropriate application and fee have been properly
7 addressed and mailed to the Commission.

8 Dealers' payrolls and other evidence will be checked to
9 ascertain that all salespersons for such dealers are licensed.

10 C. The schedule of license fees to be charged and received by
11 the Commission for the licenses issued hereunder shall be as
12 follows:

13 1. For each used motor vehicle dealer's license and each
14 wholesale used motor vehicle dealer's license, ~~Three Hundred Dollars~~
15 ~~(\$300.00)~~ Six Hundred Dollars (\$600.00). If a used motor vehicle
16 dealer or a wholesale used motor vehicle dealer has once been
17 licensed by the Commission in the classification for which he or she
18 applies for a renewal of the license, the fee for each subsequent
19 renewal shall be ~~One Hundred Fifty Dollars (\$150.00)~~ Three Hundred
20 Dollars (\$300.00); provided, if an applicant holds a license to
21 conduct business as an automotive dismantler and parts recycler
22 issued pursuant to Section 591.1 et seq. of this title, the initial
23 fee shall be ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars
24 (\$200.00) and the renewal fee shall be ~~One Hundred Dollars (\$100.00)~~

1 Two Hundred Dollars (\$200.00). If an applicant is applying
2 simultaneously for a license under this paragraph and a license
3 under paragraph 1 of Section 591.5 of this title, the initial
4 application fee shall be ~~Two Hundred Dollars (\$200.00)~~ Four Hundred
5 Dollars (\$400.00). For the reinstatement of a used motor vehicle
6 dealer's license after revocation for cancellation or expiration of
7 insurance pursuant to subsection F of this section, the fee shall be
8 ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00);

9 2. For a used motor vehicle dealer's license, for each place of
10 business in addition to the principal place of business, ~~One Hundred~~
11 ~~Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00);

12 3. For each used motor vehicle salesperson's license and
13 renewal, ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00), and
14 for a transfer, ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00);

15 4. For each holder who possesses a valid new motor vehicle
16 dealer's license from the Oklahoma Motor Vehicle Commission, ~~One~~
17 ~~Hundred Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00) shall be the
18 initial fee for a used motor vehicle license and the fee for each
19 subsequent renewal shall be ~~One Hundred Dollars (\$100.00)~~ Two
20 Hundred Dollars (\$200.00);

21 5. a. For each manufactured home dealer's license or a
22 restricted manufactured home park dealer's license,
23 ~~Three Hundred Dollars (\$300.00)~~ Six Hundred Dollars
24 (\$600.00), and for each place of business in addition

1 to the principal place of business, ~~Two Hundred~~
2 ~~Dollars (\$200.00)~~ Four Hundred Dollars (\$400.00), and
3 b. For each renewal of a manufactured home dealer's
4 license or a restricted manufactured home park
5 dealer's license, and renewal for each place of
6 business in addition to the principal place of
7 business, ~~One Hundred Fifty Dollars (\$150.00)~~ Three
8 Hundred Dollars (\$300.00);
9 6. a. For each manufactured home installer's license, ~~Two~~
10 ~~Hundred Dollars (\$200.00)~~ Four Hundred Dollars
11 (\$400.00), and
12 b. For each renewal of a manufactured home installer's
13 license, ~~Two Hundred Dollars (\$200.00)~~ Four Hundred
14 Dollars (\$400.00);
15 7. a. For each manufactured home manufacturer selling
16 directly to a licensed manufactured home dealer in
17 this state, ~~Seven Hundred Fifty Dollars (\$750.00)~~ One
18 Thousand Five Hundred Dollars (\$1,500.00), and
19 b. For each renewal of a manufactured home manufacturer's
20 license, ~~Seven Hundred Fifty Dollars (\$750.00)~~ One
21 Thousand Five Hundred Dollars (\$1,500.00); and
22 8. For each manufactured home salesperson's license or renewal
23 thereof, ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00), and
24

1 for each transfer, ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars
2 (\$50.00).

3 D. 1. The license issued to each used motor vehicle dealer,
4 each wholesale used motor vehicle dealer, each restricted
5 manufactured home park dealer and each manufactured home dealer
6 shall specify the location of the place of business. If the
7 business location is changed, the Oklahoma Used Motor Vehicle and
8 Parts Commission shall be notified immediately of the change and the
9 Commission may endorse the change of location on the license. The
10 fee for a change of location shall be One Hundred Dollars (\$100.00),
11 and the fee for a change of name, Twenty-five Dollars (\$25.00). The
12 license of each licensee shall be posted in a conspicuous place in
13 the place or places of business of the licensee.

14 2. The license issued to each manufactured home installer, and
15 each manufactured home manufacturer shall specify the location of
16 the place of business. If the business location is changed, the
17 Oklahoma Used Motor Vehicle and Parts Commission shall be notified
18 immediately of the change and the Commission may endorse the change
19 of location on the license without charge. The license of each
20 licensee shall be posted in a conspicuous place in the place or
21 places of business of the licensee.

22 3. Every used motor vehicle salesperson shall have the license
23 upon his or her person when engaged in business, and shall display
24 same upon request. The name of the employer of the salesperson

1 shall be stated on the license and if there is a change of employer,
2 the license holder shall immediately mail the license to the
3 Commission for its endorsement of the change thereon. There shall
4 be no ~~charge for endorsement of change of employer on the license or~~
5 penalty for not having a license upon his or her person.

6 4. Every manufactured home installer shall have the license
7 available for inspection at the primary place of business of the
8 licensee. This license shall be valid for the licensee and all of
9 the employees of the licensee. Any person who is not an employee of
10 the licensee must obtain a separate manufactured home installer
11 license regardless of whether such person is acting in the capacity
12 of a contractor or subcontractor.

13 E. 1. a. Each applicant for a used motor vehicle dealer's
14 license shall procure and file with the Commission a
15 good and sufficient bond in the amount of Twenty-five
16 Thousand Dollars (\$25,000.00). Each new applicant for
17 a used motor vehicle dealer's license for the purpose
18 of conducting a used motor vehicle auction shall
19 procure and file with the Commission a good and
20 sufficient bond in the amount of Fifty Thousand
21 Dollars (\$50,000.00). An applicant who intends to
22 conduct a used motor vehicle auction who provides
23 proof that the applicant has check and title insurance
24 in an amount not less than Fifty Thousand Dollars

1 (\$50,000.00) shall only be required to have a bond in
2 the amount of Twenty-five Thousand Dollars
3 (\$25,000.00).

4 b. Each new applicant for a used motor vehicle dealer
5 license for the purpose of conducting a used motor
6 vehicle business which will consist primarily of non-
7 auction consignment sales which are projected to equal
8 Five Hundred Thousand Dollars (\$500,000.00) or more in
9 gross annual sales shall procure and file with the
10 Commission a good and sufficient bond in the amount of
11 Fifty Thousand Dollars (\$50,000.00). The Commission
12 shall prescribe by rule the method of operation of the
13 non-auction consignment dealer in order to properly
14 protect the interests of all parties to the
15 transaction and to provide sanctions against dealers
16 who fail to comply with the rules.

17 c. Each applicant for a wholesale used motor vehicle
18 dealer's license shall procure and file with the
19 Commission a good and sufficient bond in the amount of
20 Twenty-five Thousand Dollars (\$25,000.00).

21 d. Any used motor vehicle dealer who, for the purpose of
22 being a rebuilder, applies for a rebuilder
23 certificate, as provided in Section 591.5 of this
24 title, whether as a new application or renewal, shall

1 procure and file with the Commission a good and
2 sufficient bond in the amount of Fifteen Thousand
3 Dollars (\$15,000.00), in addition to any other bonds
4 required.

5 e. Each applicant for a manufactured home dealer's
6 license or a restricted manufactured home park
7 dealer's license shall procure and file with the
8 Commission a good and sufficient bond in the amount of
9 Thirty Thousand Dollars (\$30,000.00).

10 f. Each manufactured home manufacturing facility selling
11 directly to a licensed manufactured home dealer in
12 this state shall procure and file with the Commission
13 a good and sufficient bond in the amount of Thirty
14 Thousand Dollars (\$30,000.00). In addition to all
15 other conditions and requirements set forth herein,
16 the bond shall require the availability of prompt and
17 full warranty service by the manufacturer to comply
18 with all warranties expressed or implied in connection
19 with each manufactured home which is manufactured for
20 resale in this state. A manufacturer may not sell,
21 exchange, or lease-purchase a manufactured home to a
22 person in this state who is not a licensed
23 manufactured home dealer.

1 g. The bond shall be approved as to form by the Attorney
2 General and conditioned that the applicant shall not
3 practice fraud, make any fraudulent representation, or
4 violate any of the provisions of this act in the
5 conduct of the business for which the applicant is
6 licensed. One of the purposes of the bond is to
7 provide reimbursement for any loss or damage suffered
8 by any person by reason of issuance of a certificate
9 of title by a used motor vehicle dealer, a wholesale
10 used motor vehicle dealer, a restricted manufactured
11 home park dealer or a manufactured home dealer.

12 2. The bonds as required by this section shall be maintained
13 throughout the period of licensure. Should the bond be canceled for
14 any reason, the license shall be revoked as of the date of
15 cancellation unless a new bond is furnished prior to such date.

16 F. Any used motor vehicle dealer or wholesale used motor
17 vehicle dealer is required to furnish and keep in force a minimum of
18 Twenty-five Thousand Dollars (\$25,000.00) of single liability
19 insurance coverage on all vehicles offered for sale or used in any
20 other capacity in demonstrating or utilizing the streets and
21 roadways in accordance with the financial responsibility laws of
22 this state.

23 G. Any manufactured home dealer or restricted manufactured home
24 park dealer is required to furnish and keep in force a minimum of

1 One Hundred Thousand Dollars (\$100,000.00) of garage liability or
2 general liability with products and completed operations insurance
3 coverage.

4 H. Any manufactured home installer is required to furnish and
5 keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00)
6 of general liability with products and completed operations
7 insurance coverage.

8 SECTION 2. AMENDATORY 47 O.S. 2011, Section 591.4, is
9 amended to read as follows:

10 Section 591.4. A. Every person, firm or corporation desiring
11 to engage in the business of an automotive dismantler and parts
12 recycler shall apply in writing, on a form to be prescribed by the
13 Oklahoma Used Motor Vehicle and Parts Commission, which form shall
14 contain:

- 15 1. The name of the applicant;
- 16 2. The street address of the applicant's principal place of
17 business;
- 18 3. The type of business organization of the applicant;
- 19 4. The applicant's financial statement;
- 20 5. The legal description of the proposed place of business,
21 together with written verification from the appropriate local
22 authorities that the place of business meets the licensing and
23 zoning requirements of the municipality or county where located; and
24

1 6. Such additional information as may be required by the
2 Commission.

3 B. Notwithstanding subsection A of this section, the Commission
4 may decline to issue an original license ~~or buyer's identification~~
5 ~~card (B.I.D.)~~ to any person, firm or corporation that does not, in
6 good faith, meet the requirements of the Automotive Dismantlers and
7 Parts Recycler Act; or whose proposed place of business does not
8 meet the applicable zoning requirements; or whose proposed use is
9 deemed inappropriate by the Commission due to surrounding property
10 uses or objections from the immediate surrounding neighbors, such
11 that the place of business would be deemed to be a private or public
12 nuisance; or whose place of business is not properly screened by
13 natural objects, plantings, opaque fences of a height not less than
14 six (6) nor more than eight (8) feet or other appropriate
15 sightproofing, so as to screen where possible vehicles and parts
16 stored outside of buildings from view from immediately adjacent
17 property.

18 SECTION 3. AMENDATORY 47 O.S. 2011, Section 591.5, is
19 amended to read as follows:

20 Section 591.5. An application for a license shall be
21 accompanied by the following fees:

22 1. ~~Three Hundred Dollars (\$300.00)~~ Six Hundred Dollars
23 (\$600.00) for an initial license for an applicant's established
24 principal place of business, ~~One Hundred Fifty Dollars (\$150.00)~~

1 Three Hundred Dollars (\$300.00) for a renewal license for an
2 applicant's established place of business and ~~One Hundred Dollars~~
3 ~~(\$100.00)~~ Two Hundred Dollars (\$200.00) for each additional place of
4 business, if any, to which the application pertains; provided, if an
5 applicant holds a used motor vehicle dealer's license issued
6 pursuant to paragraph 1 of subsection C of Section 583 of this
7 title, for an applicant's established place of business the initial
8 license fee shall be ~~One Hundred Dollars (\$100.00)~~ Two Hundred
9 Dollars (\$200.00) and the renewal fee shall be ~~One Hundred Dollars~~
10 ~~(\$100.00)~~ Two Hundred Dollars (\$200.00); provided further, if an
11 applicant is applying simultaneously for a license under this
12 paragraph and under paragraph 1 of subsection C of Section 583 of
13 this title, the initial application fee shall be ~~Two Hundred Dollars~~
14 ~~(\$200.00)~~ Four Hundred Dollars (\$400.00). If an applicant for or
15 holder of a used motor vehicle dealer's license also applies for a
16 rebuilder certificate, the initial fee for the certificate shall be
17 ~~Three Hundred Dollars (\$300.00)~~ Six Hundred Dollars (\$600.00) and
18 the renewal fee shall be ~~One Hundred Fifty Dollars (\$150.00)~~ Three
19 Hundred Dollars (\$300.00). ~~The Oklahoma Used Motor Vehicle and~~
20 ~~Parts Commission shall issue a buyer's identification card (B.I.D.)~~
21 ~~with each certificate issued.~~ License fees shall be returnable only
22 in the event that the application is denied by the Commission.

23 2. Any change which renders no longer accurate any information
24 contained in an application for a license filed with the Commission

1 shall be amended within thirty (30) days after the occurrence of the
2 change on a form prescribed by the Commission by rule, accompanied
3 by a fee of One Hundred Dollars (\$100.00), provided, the fee for a
4 change of name shall be Fifty Dollars (\$50.00).

5 3. Every license issued to an automobile dismantler and parts
6 recycler shall expire on December 31 of each year and shall be
7 renewed on or before January 1 of the following year.

8 SECTION 4. AMENDATORY 47 O.S. 2011, Section 591.9, is
9 amended to read as follows:

10 Section 591.9. The Oklahoma Used Motor Vehicle and Parts
11 Commission is authorized to refuse, cancel, suspend or revoke a
12 license ~~or buyer's identification card (B.I.D.)~~ to any person, firm
13 or corporation for the following reasons:

14 1. Failure to meet the requirements of the Automotive
15 Dismantlers and Parts Recycler Act;

16 2. Failure to continue to meet the requirements of this act or
17 of the rules promulgated by the Commission pursuant to the
18 provisions of the Automotive Dismantlers and Parts Recycler Act;

19 3. Upon satisfactory proof of unfitness of the applicant or the
20 licensee, as the case may be, under the standards established by the
21 Automotive Dismantlers and Parts Recycler Act;

22 4. For the felony conviction of a state or federal law by an
23 applicant, licensee, partner of an applicant or licensee, director,
24 officer, or stockholder in the case of a corporate applicant or

1 licensee, or an employee, manager, or any person having a pecuniary
2 interest in the business involving:

- 3 a. theft,
- 4 b. violation of the Oklahoma certificate of title law or
5 similar laws of other states,
- 6 c. alteration, obliteration, or removal of a vehicle
7 identification number, or
- 8 d. any other act directly relating to the ability of the
9 applicant or licensee to conduct an automotive
10 dismantler and parts recycling business;

11 5. Commission of any unlawful act which resulted in the
12 revocation of any similar license in another state; or

13 6. Engaging in business under a past or present license issued
14 pursuant to the Automotive Dismantlers and Parts Recycler Act in
15 such a manner as to cause injury to the public or to those with whom
16 the licensee has dealt.

17 SECTION 5. AMENDATORY 47 O.S. 2011, Section 591.10, is
18 amended to read as follows:

19 Section 591.10. A. Any person, firm or corporation who is
20 refused a license or whose license ~~or B.I.D. card~~ is canceled,
21 suspended or revoked shall be notified in person or by mail with
22 return receipt requested to the address given on the application of
23 the applicant or licensee and, upon written request within fifteen
24 (15) days of receipt of such notice, shall be given a hearing upon

1 the proposed action. The hearing may be conducted by the Commission
2 and shall be held no more than thirty (30) days from receipt of the
3 written request for a hearing. The hearing may be informal and the
4 rules of evidence of the courts of Oklahoma shall not be required.
5 Appeals from the decision of the Commission shall be governed by the
6 Administrative Procedures Act.

7 B. In addition to the cancellation, suspension, revocation or
8 refusal to issue or renew a license ~~or buyer's identification~~ or the
9 imposition of any other penalty by the Commission, the Commission is
10 hereby authorized to impose administrative fines for violations of
11 the Automotive Dismantlers and Parts Recycler Act in the amounts not
12 to exceed Five Hundred Dollars (\$500.00) for a first violation, One
13 Thousand Dollars (\$1,000.00) for a second violation and Five
14 Thousand Dollars (\$5,000.00) for a third violation.

15 SECTION 6. AMENDATORY 47 O.S. 2011, Section 591.11, is
16 amended to read as follows:

17 Section 591.11. A. Sales at a salvage pool or salvage disposal
18 sale may be opened only to:

- 19 1. A person who is a resident of this state;
- 20 2. A company representative of a business that is based in this
21 state; or
- 22 3. A person who may legally purchase salvage vehicles in his or
23 her home state or country.

24

1 B. It shall be the duty of the owner, manager or person in
2 charge of any salvage pool or salvage disposal sale to prohibit the
3 bidding by any person who is not qualified to purchase salvage
4 vehicles as provided in subsection A of this section and, further,
5 to refuse to sell to any person any wrecked or repairable motor
6 vehicle if such person is not qualified to purchase salvage vehicles
7 as provided in subsection A of this section.

8 C. Any salvage pool or salvage disposal sale that is
9 facilitating in the sale of a motor vehicle for an insurance company
10 must provide on its ~~web-site~~ website the full seventeen-digit
11 vehicle identification number (VIN) and the name of the insurance
12 company that is selling the motor vehicle.

13 D. The salvage pool or salvage disposal sale shall show the
14 buyer's identification number of the winning bidder on any sale that
15 takes place on the Internet or by ~~on-line~~ online bidding for all
16 salvage motor vehicles being sold for an insurance company.

17 E. It shall be the duty of the owner, manager or person in
18 charge of any salvage pool or salvage disposal sale to remit
19 payments to the Oklahoma Used Motor Vehicle and Parts Commission.
20 Such payments shall be calculated by multiplying the total number of
21 salvage vehicle sales transactions during a certain period times Two
22 Dollars (\$2.00). The first payment shall not be calculated on any
23 sales transactions prior to November 1, 2007. The payments shall
24 not be made more often than one payment each month. The payments

1 shall be transmitted to the Oklahoma Used Motor Vehicle and Parts
2 Commission at any time during the thirty (30) days immediately
3 following the period for which the payment was calculated.

4 F. Every salvage pool shall keep a register of all sales of
5 salvage vehicles showing the make, model, year, style, vehicle
6 identification number, and names and addresses of the purchaser and
7 seller of the motor vehicle. Such registers shall be submitted to
8 the Oklahoma Used Motor Vehicle and Parts Commission on a regular
9 basis.

10 G. The provisions of this section shall not apply to a
11 regularly scheduled vehicle consignment auction conducted by a used
12 motor vehicle dealer which sells salvage vehicles, damaged vehicles,
13 wrecked vehicles or repairable vehicles for someone other than a
14 public insurance company. Such auction may sell these vehicles as
15 an incident to the sale of operable vehicles, but shall not
16 constitute a primary part of the business.

17 SECTION 7. AMENDATORY 47 O.S. 2011, Section 1137.1, is
18 amended to read as follows:

19 Section 1137.1. A. Except for vehicles, travel trailers or
20 commercial trailers which display a current Oklahoma license tag,
21 upon the purchase or transfer of ownership of a used motor vehicle,
22 travel trailer or commercial trailer, including an out-of-state
23 purchase or transfer of the same, to a licensed used motor vehicle
24 dealer, wholesale used motor vehicle dealer, used travel trailer

1 dealer or used commercial trailer dealer, subsequently referred to
2 in this section as "dealer", the dealer shall affix a used dealer's
3 plate visible from the rear of the vehicle, travel trailer or
4 commercial trailer. Such license plate shall expire on December 31
5 of each year. When the vehicle, travel trailer or commercial
6 trailer is parked on the dealer's licensed place of business, it
7 shall not be required to have a license plate of any kind affixed.
8 A dealer shall obtain from the Oklahoma Tax Commission at a cost of
9 Ten Dollars (\$10.00) a dealer license plate for demonstrating,
10 transporting or any other normal business of a dealer; ~~provided, any~~
11 including use by an individual holding a valid salesperson's license
12 issued by the Oklahoma Used Motor Vehicle and Parts Commission. Any
13 dealer who operates a wrecker or towing service licensed pursuant to
14 Sections 951 through 957 of this title shall register each wrecker
15 vehicle and display a wrecker license plate on each vehicle as
16 required by Section 1134.3 of this title. A dealer may obtain as
17 many additional license plates as may be desired upon the payment of
18 Ten Dollars (\$10.00) for each additional license plate. Use of the
19 used dealer license plate by a licensed dealer for other than the
20 purposes as set forth herein shall constitute grounds for revocation
21 of the dealer's license. The Oklahoma Tax Commission shall design
22 the official used dealer license plate to include the used dealer's
23 license number issued to him or her each year by the Commission or
24 the Used Motor Vehicle and Parts Commission.

1 B. Upon the purchase or transfer of ownership of an out-of-
2 state used motor vehicle, travel trailer or commercial trailer to a
3 licensed dealer, the dealer shall make application for an Oklahoma
4 certificate of title pursuant to the Oklahoma Vehicle License and
5 Registration Act, Section 1101 et seq. of Title 47 of the Oklahoma
6 Statutes. Upon receipt of the Oklahoma certificate of title, the
7 dealer shall follow the procedure as set forth in subsection A of
8 this section. Provided, nothing in this title shall be construed as
9 requiring a dealer to register a used motor vehicle, travel trailer
10 or commercial trailer purchased in another state which will not be
11 operated or sold in this state.

12 C. Upon sale or transfer of ownership of the used motor vehicle
13 or travel trailer, the dealer shall place upon the reassignment
14 portion of the certificate of title a tax stamp issued by the county
15 treasurer of the county in which the dealer has his or her primary
16 place of business. The tax stamp shall be issued upon payment of a
17 fee of Three Dollars and fifty cents (\$3.50) and shall be in lieu of
18 the dealer's ad valorem tax on the inventories of used motor
19 vehicles or travel trailers but shall not relieve any other property
20 of the dealer from ad valorem taxation.

21 D. Upon sale of a used motor vehicle or travel trailer to
22 another licensed dealer, the selling dealer shall place the tax
23 stamp required in subsection C of this section upon the certificate
24 of title. The used dealer license plate or wholesale dealer license

1 plate shall be removed by the selling dealer. The purchasing dealer
2 shall, at time of purchase, place his or her dealer license plate on
3 the used motor vehicle, travel trailer or commercial trailer as
4 provided in subsection A of this section; provided, for vehicles,
5 travel trailers or commercial trailers purchased by a licensed used
6 dealer at an auction, in lieu of such placement of the dealer
7 license plate, the auction may provide temporary documentation as
8 approved by the Director of the Motor Vehicle Division of the
9 Oklahoma Tax Commission for the purpose of transporting such vehicle
10 to the purchaser's point of destination. Such temporary
11 documentation shall be valid for two (2) days following the date of
12 sale.

13 E. The purchaser of every used motor vehicle, travel trailer or
14 commercial trailer, except as otherwise provided by law, shall
15 obtain registration and title for the vehicle or trailer within
16 thirty (30) days from the date of purchase of same. It shall be the
17 responsibility of the selling dealer to place a temporary license
18 plate, in size similar to the permanent Oklahoma license plate but
19 of a weatherproof plastic-impregnated substance approved by the Used
20 Motor Vehicle and Parts Commission, upon a used motor vehicle,
21 travel trailer or commercial trailer when a transaction is completed
22 for the sale of said vehicle. The temporary license plate under
23 this subsection shall be placed at the location provided for the
24 permanent motor vehicle license plate. The temporary license plate

1 shall show the license number which is issued to the dealer each
2 year by the Oklahoma Tax Commission or the Used Motor Vehicle and
3 Parts Commission, the date the used motor vehicle, travel trailer or
4 commercial trailer was purchased and the company name of the selling
5 dealer. The Used Motor Vehicle and Parts Commission is hereby
6 directed to develop the temporary license plate design to
7 incorporate these requirements in a manner that will permit law
8 enforcement personnel to readily identify the dealer license number
9 and date of the vehicle purchase. The Used Motor Vehicle and Parts
10 Commission is hereby authorized to develop additional requirements
11 and parameters as deemed appropriate to discourage or prevent
12 illegal duplication and use of the temporary license plate. Such
13 temporary license plate shall be valid for a period of thirty (30)
14 days from the date of purchase. Use of the temporary license by a
15 dealer for other than the purposes set forth herein shall constitute
16 grounds for revocation of the dealer's license to conduct business.
17 Purchasers of a commercial trailer shall affix the temporary license
18 plate to the rear of the commercial trailer. The purchaser shall
19 display the temporary license plate for a period not to exceed
20 thirty (30) days or until registration and title are obtained as
21 provided in this section.

22 The provisions of this subsection on temporary licenses shall
23 apply to nonresidents who purchase a used motor vehicle, travel
24 trailer or commercial trailer within this state that is to be

1 licensed in another state. The nonresident purchaser shall be
2 allowed to operate the vehicle or trailer within the state with a
3 temporary license plate for a period not to exceed thirty (30) days
4 from date of purchase. Any nonresident purchaser found to be
5 operating a used motor vehicle, travel trailer or commercial trailer
6 within this state after thirty (30) days shall be subject to the
7 registration fees of this state upon the same terms and conditions
8 applying to residents of this state.

9 F. It shall be unlawful for any dealer to procure the
10 registration and licensing of any used motor vehicle, travel trailer
11 or commercial trailer sold by the dealer or to act as the agent for
12 the purchaser in the procurement of the registration and licensing
13 of the purchaser's used vehicle, travel trailer or commercial
14 trailer. A license of any dealer violating the provision of this
15 section may be revoked.

16 G. Dealers following the procedure set forth herein shall not
17 be required to register vehicles, travel trailers or commercial
18 trailers to which this section applies, nor will the registration
19 fee otherwise required be assessed. Provided, dealers shall not
20 purchase or trade for a used motor vehicle, travel trailer or
21 commercial trailer on which the registration therefor has been
22 expired for a period exceeding thirty (30) days without obtaining
23 current registration therefor.

24

1 SECTION 8. This act shall become effective November 1, 2015.

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