

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 1135

By: Osburn

AS INTRODUCED

An Act relating to agency consolidation; consolidating the Oklahoma Motor Vehicle Commission and the Oklahoma Used Motor Vehicle and Parts Commission; providing for interpretation of certain statutory references; transferring personnel, funds, records, encumbrances, equipment and other items; providing requirements pertaining to transfer of employees; providing for transition coordinators and a transition team; providing duties of the transition team; amending 47 O.S. 2011, Sections 581, as last amended by Section 1, Chapter 223, O.S.L. 2015, 582, as amended by Section 179, Chapter 304, O.S.L. 2012, 583, as last amended by Section 1, Chapter 386, O.S.L. 2015, 584, as amended by Section 3, Chapter 145, O.S.L. 2013 and 587, as amended by Section 180, Chapter 304, O.S.L. 2012 (47 O.S. Supp. 2018, Sections 581, 582, 583, 584 and 587), which relate to the Used Motor Vehicle and Parts Commission; modifying definition; eliminating references to Oklahoma Used Motor Vehicle and Parts Commission; modifying agency vested with authority; eliminating the Oklahoma Used Motor Vehicle and Parts Commission and related appointment process, compensation, powers and duties; eliminating position of Executive Director for Oklahoma Used Motor Vehicle and Parts Commission; modifying certain fund name; amending 47 O.S. 2011, Sections 591.2, 591.4, as amended by Section 2, Chapter 386, O.S.L. 2015, 591.6, 591.8, 591.9, as amended by Section 4, Chapter 386, O.S.L. 2015, 591.11, as amended by Section 6, Chapter 386, O.S.L. 2015 and 591.13 (47 O.S. Supp. 2018, Sections 591.4, 591.9 and 591.11), which relate to the Automotive Dismantlers and Parts Recycler Act; modifying definition; modifying agency vested with authority; amending Sections 2, 3, 9 and 10, Chapter

1 376, O.S.L. 2014 (47 O.S. Supp. 2018, Sections 592.2,
2 592.3, 592.9 and 592.10), which relate to the
3 Oklahoma Crusher Act; modifying definition; modifying
4 agency vested with authority; amending 47 O.S. 2011,
5 Section 1137.1, as last amended by Section 1, Chapter
6 308, O.S.L. 2016 (47 O.S. Supp. 2018, Section
7 1137.1), which relates to used dealer temporary
8 license plates; modifying agency reference; amending
9 74 O.S. 2011, Section 3601.1, as last amended by
10 Section 11, Chapter 269, O.S.L. 2016 (74 O.S. Supp.
11 2018, Section 3601.1), which relates to full-time-
12 equivalent employee maximum allowances; increasing
13 amount allowed for Oklahoma Motor Vehicle Commission;
14 eliminating reference to Oklahoma Used Motor Vehicle
15 and Parts Commission; providing for codification; and
16 providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 582A of Title 47, unless there
20 is created a duplication in numbering, reads as follows:

21 A. The Oklahoma Used Motor Vehicle and Parts Commission is
22 hereby consolidated with the Oklahoma Motor Vehicle Commission. Any
23 reference in the Oklahoma Statutes to the Oklahoma Used Motor
24 Vehicle and Parts Commission shall be deemed to be a reference to
the Oklahoma Motor Vehicle Commission unless otherwise required by
the context of the reference.

B. All assets, funds, liabilities, allotments, purchase orders,
outstanding financial obligations, encumbrances, records, aircraft,
vehicles, equipment and other property of the Oklahoma Used Motor

1 Vehicle and Parts Commission is hereby transferred to the Oklahoma
2 Motor Vehicle Commission.

3 C. Personnel employed by the Oklahoma Used Motor Vehicle and
4 Parts Commission on November 1, 2019, shall be transferred to the
5 Oklahoma Motor Vehicle Commission pursuant to a transition plan
6 implemented by the Oklahoma Used Motor Vehicle and Parts Commission
7 as required by Section 2 of this act.

8 D. The classified and unclassified employees who are
9 transferred pursuant to this section shall be subject to the
10 following provisions:

11 1. Classified employees shall remain subject to the provisions
12 of the Merit System of Personnel Administration, as provided in the
13 Oklahoma Personnel Act;

14 2. Unclassified employees transferred to the Oklahoma Motor
15 Vehicle Commission shall remain in the unclassified service and
16 shall serve at the pleasure of the Executive Director of the
17 Oklahoma Motor Vehicle Commission;

18 3. All employees who are transferred pursuant to this act shall
19 retain leave, sick and annual time earned and any retirement and
20 longevity benefits which have accrued during their employment with
21 the state. The salaries of employees who are transferred shall not
22 be reduced as a direct and immediate result of the transfer; and

23 4. If the Oklahoma Motor Vehicle Commission should implement a
24 reduction in force, all employees transferred pursuant to this act

1 shall be credited for the time they were employed by the Oklahoma
2 Used Motor Vehicle and Parts Commission.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 582B of Title 47, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The Executive Director of the Oklahoma Motor Vehicle
7 Commission and the Executive Director of the Oklahoma Used Motor
8 Vehicle and Parts Commission shall serve as transition coordinators
9 and shall establish a transition team to coordinate the orderly
10 transfer of duties, personnel, property, funds and encumbrances
11 from, and consolidation of, the Oklahoma Used Motor Vehicle and
12 Parts Commission to the Oklahoma Motor Vehicle Commission. Each
13 Executive Director may assign personnel to the transition team from
14 each Executive Director's respective agency as deemed necessary.

15 B. The transition team shall:

16 1. Oversee and administer the orderly transfer of
17 responsibilities, assets, funds, liabilities, allotments, purchase
18 orders, aircraft, vehicles and other property, records, personnel
19 and any outstanding financial obligations or encumbrances to the
20 Oklahoma Motor Vehicle Commission from the Oklahoma Used Motor
21 Vehicle and Parts Commission;

22 2. Review functions currently assigned to or managed by the
23 Oklahoma Used Motor Vehicle and Parts Commission and the Oklahoma
24 Motor Vehicle Commission;

1 3. Establish a plan for the transfer of employees from the
2 Oklahoma Used Motor Vehicle and Parts Commission to the Oklahoma
3 Motor Vehicle Commission. The plan shall include a list of
4 positions to be transferred. The plan also shall include a
5 reduction-in-force plan and a severance benefits plan that conform
6 with the requirements of the State Government Reduction-in-Force and
7 Severance Benefits Act; and

8 4. Take such other action as may be reasonably necessary and
9 appropriate to effectuate the orderly transition of functions as
10 provided by this act.

11 SECTION 3. AMENDATORY 47 O.S. 2011, Section 581, as last
12 amended by Section 1, Chapter 223, O.S.L. 2015 (47 O.S. Supp. 2018,
13 Section 581), is amended to read as follows:

14 Section 581. As used in Section 581 et seq. of this title:

15 1. "Commission" means the Oklahoma ~~Used Motor Vehicle and Parts~~
16 Commission;

17 2. "Compensation" means anything of value including money,
18 merchandise, rebates on purchases, trading stamps or any other thing
19 of value;

20 3. "Consignment sale" means the sale of used motor vehicles
21 belonging to another by a used motor vehicle dealer, whether or not
22 title is transferred from the consignor to the used motor vehicle
23 dealer;

1 4. "Factory" means a manufacturer, distributor, factory branch,
2 distributor branch, factory representative or distributor
3 representative, which manufactures or distributes vehicle products;

4 5. "Manufactured home" means a residential dwelling in one or
5 more sections built in accordance with the National Manufactured
6 Housing Construction and Safety Standards Act of 1974, 42 U.S.C.,
7 Section 5401, et seq. and rules promulgated pursuant thereto;

8 6. a. "Manufactured home dealer" means any person who, for a
9 commission or with intent to make a profit or gain of
10 money or other thing of value, sells, offers to sell,
11 or attempts to negotiate a sale or exchange of
12 interest in, new or used manufactured homes, or that
13 is engaged wholly or in part in the business of
14 selling any new and unused, or used, or both new and
15 used manufactured homes. A valid franchise letter as
16 proof of authorization to sell any new manufactured
17 home product line or lines shall be attached to the
18 application for a dealer license to sell manufactured
19 homes. "Manufactured home dealer" shall include a
20 manufactured home auction. A manufactured home
21 auction shall mean any person selling more than
22 twenty-five manufactured homes in an auction or
23 liquidation format. Only licensed manufactured home
24

1 dealers shall be authorized to purchase manufactured
2 homes at such auctions.

3 b. "Manufactured home dealer" shall not include any
4 person who sells or contracts for the sale of a
5 personally titled manufactured home or homes, or
6 any person acting as an auctioneer who has been
7 engaged by a seller to direct, conduct, control,
8 or be responsible for the sale of manufactured
9 homes as a part of an auction or liquidation of
10 an estate, or any Oklahoma licensed real estate
11 broker or sales associate when buying or selling
12 used mobile homes as a part of a real estate
13 business. No person shall be considered a
14 manufactured home dealer as to any manufactured
15 home purchased or acquired by the person for
16 purposes other than resale; provided, that the
17 restriction set forth in this sentence shall not
18 prevent an otherwise qualified person from
19 utilizing a single manufactured home as a sales
20 office.

21 c. A holder of a lien on a manufactured home may
22 sell, exchange, or transfer by lease-purchase the
23 repossessed manufactured home and shall not be
24 required to be licensed pursuant to this chapter.

1 If the lienholder contracts with a person or
2 company to sell the repossessed manufactured home
3 and the person or company is not an employee,
4 officer or principal of the lienholder, such
5 person or company shall be licensed pursuant to
6 this chapter.

7 d. "Manufactured home dealer" shall not include any
8 person who sells mobile or manufactured homes
9 located in a mobile or manufactured home park or
10 community;

11 7. "Manufactured home salesperson" means any person who has
12 been engaged by a manufactured home dealer to buy, sell, exchange,
13 negotiate, or act as an agent for the purchase, sale, or exchange of
14 an interest in a manufactured home. A person may not act as a
15 salesperson nor may a manufactured home dealer employ the
16 salesperson without applying for a salesperson's license within
17 thirty (30) days of employment by the manufactured home dealer;

18 8. "Manufactured home installer" means a person who is engaged
19 in the business of installing or setting up manufactured homes
20 and/or mobile homes as defined herein;

21 9. "Manufactured home manufacturer" means a person who
22 manufactures, assembles, and sells new manufactured homes to new
23 manufactured home retailers for resale in this state;

1 10. "Mobile home" means a residential dwelling fabricated in an
2 off-site manufacturing facility, designed to be a permanent
3 residence, but which is still transportable, that was built prior to
4 the enacting of the National Manufactured Housing Construction and
5 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.;

6 11. "Person" means an individual, business, corporation,
7 partnership, association, limited liability corporation, trust,
8 firm, or company or legal entity, but does not include any political
9 subdivision;

10 12. "Ready for occupancy" means a mobile or manufactured home
11 which is installed and anchored properly and has utilities connected
12 to service;

13 13. "Rebuilder" means a used motor vehicle dealer who is
14 engaged in the business of rebuilding repairable motor vehicles and
15 who has paid the fee for and been issued a rebuilder certificate as
16 provided by Section 591.5 of this title;

17 14. "Restricted manufactured home park dealer" means any person
18 operating a mobile or manufactured home park who, for a commission
19 or with intent to make a profit or gain of money or other thing of
20 value, sells, offers to sell, or attempts to negotiate a sale or
21 exchange of interest in, new or used manufactured homes, or that is
22 engaged wholly or in part in the business of selling any new and
23 unused, or used, or both new and used manufactured homes; provided,
24 every mobile or manufactured home sold pursuant to a restricted

1 manufactured home park dealer license shall be located in the
2 licensed mobile or manufactured home park and ready for occupancy;

3 15. "Retail implement dealer" means a business engaged
4 primarily in the sale of farm tractors as defined in Section 1-
5 118 of this title or implements of husbandry as defined in
6 Section 1-125 of this title or a combination thereof;

7 16. "Sale" or "sell" means the act of selling, brokering,
8 exchanging, exchanging of an interest in, or renting with the
9 option of purchasing, a new or used manufactured home for
10 commission, profit, or gain of money or other thing of value;

11 17. "Used motor vehicle" means any motor vehicle, as that term
12 is defined in the Oklahoma Vehicle License and Registration Act, but
13 not including any all-terrain vehicles, utility vehicles, and
14 motorcycles used exclusively for off-road use which are sold by a
15 retail implement dealer, which has been sold, bargained, exchanged,
16 given away or the title thereto transferred from the person who
17 first took title from the manufacturer, importer, or dealer or agent
18 of the manufacturer or importer, or so used as to have become what
19 is commonly known as a "secondhand motor vehicle". In the event of
20 transfer, on the statement of origin, from the original franchised
21 dealer to any other dealer or individual other than a franchised
22 dealer of the same make of vehicle, the vehicle shall be considered
23 a used motor vehicle and must be titled in the new owner's name;

24

1 18. "Used motor vehicle auction" means any business other than
2 salvage pools which regularly engages in the sale or trade, or
3 negotiates the sale or trade, of used motor vehicles by auction,
4 whether by open or closed bid or by sale to or purchase by used
5 motor vehicle dealers or individuals;

6 19. a. "Used motor vehicle dealer" means any person who, for
7 a commission or with intent to make a profit or gain
8 of money or other thing of value, sells, brokers,
9 exchanges, rents with option to purchase, or offers or
10 attempts to negotiate a sale or exchange of an
11 interest in used motor vehicles, or who is engaged
12 wholly or in part in the business of selling used
13 motor vehicles, whether or not such motor vehicles are
14 owned by the person.

15 b. "Used motor vehicle dealer" shall not include:

16 (1) receivers, trustees, administrators, executors,
17 guardians, or other persons appointed by or
18 acting pursuant to the judgment or order of any
19 court,

20 (2) public officers while performing their official
21 duties,

22 (3) employees of persons enumerated in the definition
23 of "used motor vehicle dealer" when engaged in
24

1 the specific performance of their duties as such
2 employees,

3 (4) mortgagees or secured parties as to sales of
4 motor vehicles constituting collateral on a
5 mortgage or security agreement, if the mortgagees
6 or secured parties shall not realize for their
7 own account from such sales any monies in excess
8 of the outstanding balance secured by such
9 mortgage or security agreement, plus the costs of
10 collection,

11 (5) any person acting as an auctioneer who has been
12 engaged by a seller to direct, conduct, control,
13 or be responsible for the sale of used motor
14 vehicles as part of an estate auction or
15 liquidation,

16 (6) any person, firm, corporation, or other legal
17 entity who sells, or contracts for the sale of,
18 the vehicles of the person, firm, corporation, or
19 other legal entity when such vehicles are sold in
20 liquidation, and any person, firm, corporation,
21 or other legal entity who serves as an agent in
22 such sale. The exclusion provided in this
23 paragraph shall not extend to any person, firm,
24 corporation, or other legal entity whose business

1 is the purchase, sale, or rental with option to
2 purchase, of motor vehicles, or to a location
3 used for such purposes,

4 (7) any person acting as an auctioneer who has been
5 engaged by a seller to direct, conduct, control,
6 or be responsible for the sale of used motor
7 vehicles as part of an auction held at a licensed
8 used motor vehicle dealer location. The
9 exclusion provided in this division shall not
10 extend to a person who auctions five or more used
11 motor vehicles in a nonliquidation sale held at a
12 licensed used motor vehicle dealer location which
13 is not regularly used as a vehicle auction, or

14 (8) any retail implement dealer that sells all-
15 terrain vehicles, utility vehicles, and
16 motorcycles used exclusively for off-road
17 use;

18 20. "Used motor vehicle salesperson" means a person employed by
19 a licensed used motor vehicle dealer to sell, broker, exchange, or
20 negotiate a purchase, sale, or rental with option to purchase, used
21 motor vehicles or an interest in used motor vehicles. The term
22 "used motor vehicle salesperson" shall not include any person who:

23 a. uses the person's own funds for such
24 transactions,

- 1 b. operates independently as a used motor vehicle
2 dealer using a licensed used motor vehicle
3 dealer's license number, or
- 4 c. is licensed by the Oklahoma Motor Vehicle
5 Commission to sell new or unused motor vehicles
6 who also sells used motor vehicles for the dealer
7 at the motor vehicle dealer's licensed franchise
8 location; provided, such a person shall only be
9 authorized to sell used motor vehicles for the
10 dealer at the motor vehicle dealer's licensed
11 franchise location and to represent the motor
12 vehicle dealer at used motor vehicle auctions
13 without obtaining a separate used motor vehicle
14 salesperson's license; and

15 21. "Wholesale used motor vehicle dealer" means any person who,
16 for a commission or with intent to make a profit or gain of money or
17 other thing of value, sells, brokers, exchanges, rents with option
18 to purchase, or offers or attempts to negotiate a sale or exchange
19 of interest in used motor vehicles exclusively to used motor vehicle
20 dealers, or who is engaged in the business of selling used motor
21 vehicles exclusively to used motor vehicle dealers, whether or not
22 such motor vehicles are owned by the person.

1 SECTION 4. AMENDATORY 47 O.S. 2011, Section 582, as
2 amended by Section 179, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
3 2018, Section 582), is amended to read as follows:

4 Section 582. A. ~~There is hereby created the~~ The Oklahoma Used
5 Motor Vehicle and Parts Commission, ~~to be composed of ten (10)~~
6 ~~members who shall be selected as follows:~~

7 ~~1. One member shall be appointed from each congressional~~
8 ~~district and any remaining members, including the chair, shall be~~
9 ~~appointed from the state at large. However, when congressional~~
10 ~~districts are redrawn, each member appointed prior to July 1 of the~~
11 ~~year in which such modification becomes effective shall complete the~~
12 ~~current term of office and appointments made after July 1 of the~~
13 ~~year in which such modification becomes effective shall be based on~~
14 ~~the redrawn districts. Appointments made after July 1 of the year~~
15 ~~in which such modification becomes effective shall be from any~~
16 ~~redrawn districts which are not represented by a board member until~~
17 ~~such time as each of the modified congressional districts are~~
18 ~~represented by a board member; provided, the chair shall be~~
19 ~~appointed at large without regard to congressional district~~
20 ~~representation on the board;~~

21 ~~2. All members shall be appointed by the Governor, by and with~~
22 ~~the advice and consent of the Senate;~~

23 ~~3. a. each of the members appointed from a congressional~~
24 ~~district shall, at the time of appointment, be a~~

1 ~~resident in good faith of the congressional district~~
2 ~~from which appointed, and~~

3 ~~b. each of the members appointed from the state at large~~
4 ~~shall, at the time of appointment and during the~~
5 ~~period of service, be residents in good faith of the~~
6 ~~state;~~

7 ~~4. Each member shall be of good moral character and, for the~~
8 ~~ten-year period immediately preceding appointment, each of the used~~
9 ~~motor vehicle dealer representatives shall have been licensed for~~
10 ~~and actually engaged in the distribution or sale of used motor~~
11 ~~vehicles; each of the dismantler representatives shall have actually~~
12 ~~been licensed for and engaged in the principal business of~~
13 ~~dismantling or disassembling motor vehicles for the purpose of~~
14 ~~selling the parts thereof; and the manufactured housing~~
15 ~~representative shall have been licensed for and actually engaged in~~
16 ~~the principal business of selling manufactured homes; and~~

17 ~~5. Eight members plus the chair shall be engaged in the used~~
18 ~~motor vehicle industry or the automotive dismantler industry. There~~
19 ~~shall not be fewer than five members engaged in the principal~~
20 ~~business of the sale of used motor vehicles and there shall not be~~
21 ~~fewer than two members engaged in the principal business of~~
22 ~~dismantling or disassembling motor vehicles for the purpose of~~
23 ~~selling the parts thereof. One of the at-large members shall be~~
24 ~~engaged in the principal business of selling manufactured homes as a~~

1 ~~licensed manufactured home dealer. Being engaged in one or more of~~
2 ~~such pursuits shall not disqualify a person otherwise qualified from~~
3 ~~serving on the Commission.~~

4 ~~B. 1. The term of the chair shall be coterminous with that of~~
5 ~~the Governor making the appointment, and until a successor is~~
6 ~~appointed and is qualified.~~

7 ~~2. The terms of office of each member of the Commission shall~~
8 ~~be subject to the following:~~

9 ~~a. the Commission shall determine and certify the trade~~
10 ~~associations of manufactured home dealers that~~
11 ~~represent ten percent (10%) or more of the number of~~
12 ~~licensed manufactured home dealers in the state and~~
13 ~~shall certify each such association to the Governor.~~
14 ~~The Governor shall request a minimum of ten names from~~
15 ~~each such association and shall select one member from~~
16 ~~the manufactured home industry from the names~~
17 ~~provided,~~

18 ~~b. each member actively serving July 1, 2000, who was~~
19 ~~appointed on or before June 30, 2000, shall remain and~~
20 ~~fulfill the term of his or her membership as set forth~~
21 ~~at the appointment,~~

22 ~~c. except for the chair, the term of office of each~~
23 ~~member of the Commission shall be for six (6) years,~~
24

- 1 d. ~~except for the chair and the at-large members, the~~
2 ~~term of office of any member will automatically expire~~
3 ~~if the member moves out of the congressional district~~
4 ~~from which appointed; however, if the congressional~~
5 ~~districts are modified each member shall complete the~~
6 ~~current term of office as provided in this section,~~
7 e. ~~in event of death, resignation, or removal of any~~
8 ~~person serving on the Commission, the vacancy shall be~~
9 ~~filled by appointment as aforesaid for the unexpired~~
10 ~~portion of the term,~~
11 f. ~~except for the chair, when the term of a member~~
12 ~~automatically expires, the vacancy shall be filled by~~
13 ~~appointment of a qualified successor for a term of six~~
14 ~~(6) years as aforesaid, except that the member shall~~
15 ~~serve until a successor is appointed and qualified.~~

16 3. ~~The chair and each member of the Commission shall take and~~
17 ~~subscribe to the oath of office required of public officers.~~

18 C. ~~The chair and members of the Commission shall receive Thirty~~
19 ~~Dollars (\$30.00) for each and every day actually and necessarily~~
20 ~~spent in attending the meetings of the Commission, and shall be~~
21 ~~reimbursed for subsistence and traveling expenses incurred in the~~
22 ~~performance of their duties hereunder as provided by the State~~
23 ~~Travel Reimbursement Act; provided that such meeting payments shall~~
24

1 ~~not exceed the sum of Six Hundred Dollars (\$600.00) per annum to any~~
2 ~~one person.~~

3 ~~D. 1. a. The Commission shall appoint a qualified person to~~
4 ~~serve as Executive Director who shall have had~~
5 ~~sufficient management and organizational experience in~~
6 ~~the automotive industry to direct the functions of the~~
7 ~~Commission.~~

8 ~~b. The Executive Director shall be appointed for a term~~
9 ~~of six (6) years, and shall not be subject to~~
10 ~~dismissal or removal without cause.~~

11 ~~c. The Commission shall fix the salary and define and~~
12 ~~prescribe the duties of the Executive Director.~~

13 ~~d. The Executive Director shall be in charge of the~~
14 ~~Commission's office, shall devote such time as~~
15 ~~necessary to fulfill the duties thereof, and, before~~
16 ~~entering upon these duties, shall take and subscribe~~
17 ~~to the oath of office.~~

18 ~~2. The Commission may employ such clerical, technical, legal~~
19 ~~and other help and incur such expenses as may be necessary for the~~
20 ~~proper discharge of its duties under Section 581 et seq. of this~~
21 ~~title.~~

22 ~~3. The Commission shall maintain its office and transact its~~
23 ~~business in Oklahoma City, and is authorized to adopt and use a~~
24 ~~seal.~~

1 ~~E. 1. a. The Commission is hereby vested with the powers and~~
2 ~~duties necessary and proper to enable it to fully and~~
3 ~~effectively carry out the provisions and objectives of~~
4 ~~Section 581 et seq. of this title, and is hereby~~
5 ~~authorized and empowered, pursuant to the~~
6 ~~Administrative Procedures Act, to make and enforce all~~
7 ~~reasonable rules and to adopt and prescribe all forms~~
8 ~~necessary to accomplish said purpose.~~

9 ~~b. The Commission shall promulgate rules for the~~
10 ~~licensing of manufactured home installers and the~~
11 ~~installation, which is the blocking, anchoring and~~
12 ~~leveling of mobile and manufactured homes that meet~~
13 ~~the standards of the manufacturer's manual or the~~
14 ~~Commission.~~

15 ~~c. The Commission shall promulgate rules to prescribe the~~
16 ~~contents of manufactured home sales agreements and to~~
17 ~~require that each manufactured home manufacturer issue~~
18 ~~with each new manufactured home a warranty comparable~~
19 ~~to warranties generally in use in the industry~~
20 ~~warranting the manufactured home to be free from~~
21 ~~material defects.~~

22 ~~d. The enumeration of any power or authority herein shall~~
23 ~~not be construed to deny, impair, disparage or limit~~
24 ~~any others necessary to the attainment thereof.~~

1 ~~e. A copy of all rules adopted by the Commission shall be~~
2 ~~filed and recorded in the office of the Secretary of~~
3 ~~State and the State Librarian and Archivist, and same~~
4 ~~may be amended, modified or repealed from time to~~
5 ~~time.~~

6 ~~2. The Commission's powers and duties shall include, but not be~~
7 ~~limited to, the following:~~

- 8 ~~a. to license used motor vehicle dealers, used motor~~
9 ~~vehicle salespersons, wholesale used motor vehicle~~
10 ~~dealers, dismantlers, manufactured home dealers,~~
11 ~~manufactured home manufacturers, and manufactured home~~
12 ~~installers,~~
- 13 ~~b. to inspect used motor vehicle dealer, dismantler and~~
14 ~~manufactured home dealer locations, and manufactured~~
15 ~~home manufacturers' factories or assembly sites to~~
16 ~~ensure that they are in an approved location, meet~~
17 ~~local zoning or other municipal requirements, and have~~
18 ~~sufficient facilities which shall include, but not be~~
19 ~~limited to, for retail businesses, a business sign, a~~
20 ~~listed and usable telephone number, a restroom, and a~~
21 ~~sales office,~~
- 22 ~~c. to inspect wholesale used motor vehicle dealer~~
23 ~~locations to ensure that they are in an approved~~
24 ~~location, meet local zoning or other municipal~~

1 ~~requirements, and have sufficient facilities which~~
2 ~~shall include, but not be limited to, a listed and~~
3 ~~usable telephone number in the dealer's name and a~~
4 ~~business office where records of the business are~~
5 ~~kept,~~

6 ~~d. to require all dealer sales to have a condition of~~
7 ~~sale such as a warranty disclaimer, implied or written~~
8 ~~warranty or a service contract approved by the~~
9 ~~Commission,~~

10 ~~e. to work with consumers and dealers to hear complaints~~
11 ~~on used vehicles and manufactured homes, including~~
12 ~~installation, and~~

13 ~~f. to serve as a dispute resolution panel for binding~~
14 ~~arbitration in accordance with Section 801 et seq. of~~
15 ~~Title 15 of the Oklahoma Statutes in contract~~
16 ~~controversies between licensed used motor vehicle~~
17 ~~dealers, dismantlers and manufactured housing dealers,~~
18 ~~manufactured home dealers, installers, and~~
19 ~~manufacturers and their consumers when, by mutual~~
20 ~~written agreement executed after the dispute between~~
21 ~~the parties has arisen, both parties have agreed to~~
22 ~~use the Commission as their arbitration panel for~~
23 ~~contract disputes is hereby consolidated with the~~
24 ~~Oklahoma Motor Vehicle Commission. All references in~~

1 the Oklahoma Statutes to the Oklahoma Used Motor
2 Vehicle and Parts Commission shall be deemed to be a
3 reference to the Oklahoma Motor Vehicle Commission
4 unless otherwise required by the context of the
5 reference.

6 F. B. 1. All fees and charges collected under the provisions
7 of Section 581 et seq. of this title shall be deposited by the
8 Executive Director of the Oklahoma Motor Vehicle Commission in the
9 State Treasury in accordance with the depository laws of this state
10 in a special fund to be known as the "Oklahoma ~~Used~~ Motor Vehicle
11 ~~and Parts~~ Commission Revolving Fund", which fund is hereby created.
12 Except as hereinafter provided, the monies in the fund shall be used
13 by the Commission for the purpose of carrying out and enforcing the
14 provisions of Section 581 et seq. of this title. Expenditures from
15 the fund shall be warrants issued by the State Treasurer against
16 claims submitted by the Commission to the Director of the Office of
17 Management and Enterprise Services for approval.

18 2. At the close of each fiscal year, the Commission shall file
19 with the Governor and the State Auditor and Inspector a true and
20 correct report of all fees and charges collected and received by it
21 during the preceding fiscal year and shall at the same time pay into
22 the General Revenue Fund of the state a sum equal to ten percent
23 (10%) of the gross fees and charges so collected and received.
24

1 3. All expenses incurred by the Commission in carrying out the
2 provisions of Section 581 et seq. of this title including, but not
3 limited to, per diem, wages, salaries, rent, postage, advertising,
4 supplies, bond premiums, travel and subsistence for the
5 Commissioners, the Executive Director, employees, and legal counsel,
6 and printing and utilities, shall be a proper charge against the
7 fund, exclusive of the portion thereof to be paid into the General
8 Revenue Fund as above set out; provided, that in no event shall
9 liability ever accrue hereunder against the state in any sum
10 whatsoever, or against the Oklahoma ~~Used Motor Vehicle and Parts~~
11 Commission Revolving Fund, in excess of the ninety percent (90%) of
12 the fees and charges deposited therein.

13 SECTION 5. AMENDATORY 47 O.S. 2011, Section 583, as last
14 amended by Section 1, Chapter 386, O.S.L. 2015 (47 O.S. Supp. 2018,
15 Section 583), is amended to read as follows:

16 Section 583. A. 1. It shall be unlawful and constitute a
17 misdemeanor for any person to engage in business as, or serve in the
18 capacity of, or act as a used motor vehicle dealer, used motor
19 vehicle salesperson, wholesale used motor vehicle dealer,
20 manufactured home dealer, restricted manufactured home park dealer,
21 manufactured home salesperson, manufactured home installer, or
22 manufactured home manufacturer selling directly to a licensed
23 manufactured home dealer in this state without first obtaining a
24

1 license or following other requirements therefor as provided in this
2 section.

3 2. a. Any person engaging, acting, or serving in the
4 capacity of a used motor vehicle dealer and/or a used
5 motor vehicle salesperson, a manufactured home dealer,
6 restricted manufactured home park dealer, manufactured
7 home salesperson, a manufactured home installer, or a
8 manufactured home manufacturer, or having more than
9 one place where any such business, or combination of
10 businesses, is carried on or conducted shall be
11 required to obtain and hold a current license for each
12 such business, in which engaged.

13 b. A used motor vehicle dealer's license shall authorize
14 one person to sell without a salesperson's license in
15 the event such person shall be the owner of a
16 proprietorship, or the person designated as principal
17 in the dealer's franchise or the managing officer or
18 one partner if no principal person is named in the
19 franchise.

20 c. If after a hearing in accordance with the provisions
21 of Section 585 of this title, the Oklahoma ~~Used~~ Motor
22 Vehicle ~~and Parts~~ Commission shall find any person
23 installing a mobile or manufactured home to be in
24 violation of any of the provisions of this act, such

1 person may be subject to an administrative fine of not
2 more than Five Hundred Dollars (\$500.00) for each
3 violation. Each day a person is in violation of this
4 act may constitute a separate violation. All
5 administrative fines collected pursuant to the
6 provisions of this subparagraph shall be deposited in
7 the fund established in Section 582 of this title.
8 Administrative fines imposed pursuant to this
9 subparagraph may be enforceable in the district courts
10 of this state.

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

13 3. Any person except persons penalized by administrative fine
14 violating the provisions of this section shall, upon conviction, be
15 fined not to exceed Five Hundred Dollars (\$500.00). A second or
16 subsequent conviction shall be punished by a fine not to exceed One
17 Thousand Dollars (\$1,000.00); provided that each day such unlicensed
18 person violates this section shall constitute a separate offense,
19 and any vehicle involved in a violation of this subsection shall be
20 considered a separate offense.

21 B. 1. Applications for licenses required to be obtained under
22 the provisions of the Oklahoma ~~Used Motor Vehicle and Parts~~
23 Commission shall be verified by the oath or affirmation of the
24 applicant and shall be on forms prescribed by the Commission and

1 furnished to the applicants, and shall contain such information as
2 the Commission deems necessary to enable it to fully determine the
3 qualifications and eligibility of the several applicants to receive
4 the license or licenses applied for. The Commission shall require
5 in the application, or otherwise, information relating to:

- 6 a. the applicant's financial standing,
- 7 b. the applicant's business integrity,
- 8 c. whether the applicant has an established place of
9 business and is engaged in the pursuit, avocation, or
10 business for which a license, or licenses, is applied
11 for,
- 12 d. whether the applicant is able to properly conduct the
13 business for which a license, or licenses, is applied
14 for, and
- 15 e. such other pertinent information consistent with the
16 safeguarding of the public interest and the public
17 welfare.

18 2. All applications for license or licenses shall be
19 accompanied by the appropriate fee or fees in accordance with the
20 schedule hereinafter provided. In the event any application is
21 denied and the license applied for is not issued, the entire license
22 fee shall be returned to the applicant.

23 3. All bonds and licenses issued under the provisions of this
24 act shall expire on December 31, following the date of issue and

1 shall be nontransferable. All applications for renewal of licenses
2 shall be submitted by November 1 of each year of expiration, and
3 licenses for completed renewals received by November 1 shall be
4 issued by January 10. If applications have not been made for
5 renewal of licenses, such licenses shall expire on December 31 and
6 it shall be illegal for any person to represent himself or herself
7 and act as a dealer thereafter. Tag agents shall be notified not to
8 accept dealers' titles until such time as licenses have been issued.
9 Beginning January 1, 2016, all licenses shall be issued for a period
10 of two (2) years and the appropriate fees shall be assessed. The
11 Commission shall adopt rules necessary to implement the two-year
12 licensing provisions.

13 4. A used motor vehicle salesperson's license shall permit the
14 licensee to engage in the activities of a used motor vehicle
15 salesperson. Salespersons shall not be allowed to sell vehicles
16 unless applications and fees are on file with the Commission and the
17 motor vehicle salesperson's or temporary salesperson's license
18 issued. A temporary salesperson's license, salesperson's renewal or
19 reissue of salesperson's license shall be deemed to have been issued
20 when the appropriate application and fee have been properly
21 addressed and mailed to the Commission.

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

24

1 C. The schedule of license fees to be charged and received by
2 the Commission for the licenses issued hereunder shall be as
3 follows:

4 1. For each used motor vehicle dealer's license and each
5 wholesale used motor vehicle dealer's license, Six Hundred Dollars
6 (\$600.00). If a used motor vehicle dealer or a wholesale used motor
7 vehicle dealer has once been licensed by the Commission in the
8 classification for which he or she applies for a renewal of the
9 license, the fee for each subsequent renewal shall be Three Hundred
10 Dollars (\$300.00); provided, if an applicant holds a license to
11 conduct business as an automotive dismantler and parts recycler
12 issued pursuant to Section 591.1 et seq. of this title, the initial
13 fee shall be Two Hundred Dollars (\$200.00) and the renewal fee shall
14 be Two Hundred Dollars (\$200.00). If an applicant is applying
15 simultaneously for a license under this paragraph and a license
16 under paragraph 1 of Section 591.5 of this title, the initial
17 application fee shall be Four Hundred Dollars (\$400.00). For the
18 reinstatement of a used motor vehicle dealer's license after
19 revocation for cancellation or expiration of insurance pursuant to
20 subsection F of this section, the fee shall be Two Hundred Dollars
21 (\$200.00);

22 2. For a used motor vehicle dealer's license, for each place of
23 business in addition to the principal place of business, Two Hundred
24 Dollars (\$200.00);

1 3. For each used motor vehicle salesperson's license and
2 renewal, Fifty Dollars (\$50.00), and for a transfer, Fifty Dollars
3 (\$50.00);

4 4. For each holder who possesses a valid new motor vehicle
5 dealer's license from the Oklahoma Motor Vehicle Commission, Two
6 Hundred Dollars (\$200.00) shall be the initial fee for a used motor
7 vehicle license and the fee for each subsequent renewal shall be Two
8 Hundred Dollars (\$200.00);

9 5. a. For each manufactured home dealer's license or a
10 restricted manufactured home park dealer's license,
11 Six Hundred Dollars (\$600.00), and for each place of
12 business in addition to the principal place of
13 business, Four Hundred Dollars (\$400.00), and

14 b. For each renewal of a manufactured home dealer's
15 license or a restricted manufactured home park
16 dealer's license, and renewal for each place of
17 business in addition to the principal place of
18 business, Three Hundred Dollars (\$300.00);

19 6. a. For each manufactured home installer's license, Four
20 Hundred Dollars (\$400.00), and

21 b. For each renewal of a manufactured home installer's
22 license, Four Hundred Dollars (\$400.00);

23 7. a. For each manufactured home manufacturer selling
24 directly to a licensed manufactured home dealer in

1 this state, One Thousand Five Hundred Dollars
2 (\$1,500.00), and

3 b. For each renewal of a manufactured home manufacturer's
4 license, One Thousand Five Hundred Dollars
5 (\$1,500.00); and

6 8. For each manufactured home salesperson's license or renewal
7 thereof, Fifty Dollars (\$50.00), and for each transfer, Fifty
8 Dollars (\$50.00).

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

20 2. The license issued to each manufactured home installer, and
21 each manufactured home manufacturer shall specify the location of
22 the place of business. If the business location is changed, the
23 Oklahoma ~~Used Motor Vehicle and Parts~~ Commission shall be notified
24 immediately of the change and the Commission may endorse the change

1 of location on the license without charge. The license of each
2 licensee shall be posted in a conspicuous place in the place or
3 places of business of the licensee.

4 3. Every used motor vehicle salesperson shall have the license
5 upon his or her person when engaged in business, and shall display
6 same upon request. The name of the employer of the salesperson
7 shall be stated on the license and if there is a change of employer,
8 the license holder shall immediately mail the license to the
9 Commission for its endorsement of the change thereon. There shall
10 be no penalty for not having a license upon his or her person.

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

18 E. 1. a. Each applicant for a used motor vehicle dealer's
19 license shall procure and file with the Commission a
20 good and sufficient bond in the amount of Twenty-five
21 Thousand Dollars (\$25,000.00). Each new applicant for
22 a used motor vehicle dealer's license for the purpose
23 of conducting a used motor vehicle auction shall
24 procure and file with the Commission a good and

1 sufficient bond in the amount of Fifty Thousand
2 Dollars (\$50,000.00). An applicant who intends to
3 conduct a used motor vehicle auction who provides
4 proof that the applicant has check and title insurance
5 in an amount not less than Fifty Thousand Dollars
6 (\$50,000.00) shall only be required to have a bond in
7 the amount of Twenty-five Thousand Dollars
8 (\$25,000.00).

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

22 c. Each applicant for a wholesale used motor vehicle
23 dealer's license shall procure and file with the
24

1 Commission a good and sufficient bond in the amount of
2 Twenty-five Thousand Dollars (\$25,000.00).

3 d. Any used motor vehicle dealer who, for the purpose of
4 being a rebuilder, applies for a rebuilder
5 certificate, as provided in Section 591.5 of this
6 title, whether as a new application or renewal, shall
7 procure and file with the Commission a good and
8 sufficient bond in the amount of Fifteen Thousand
9 Dollars (\$15,000.00), in addition to any other bonds
10 required.

11 e. Each applicant for a manufactured home dealer's
12 license or a restricted manufactured home park
13 dealer's license shall procure and file with the
14 Commission a good and sufficient bond in the amount of
15 Thirty Thousand Dollars (\$30,000.00).

16 f. Each manufactured home manufacturing facility selling
17 directly to a licensed manufactured home dealer in
18 this state shall procure and file with the Commission
19 a good and sufficient bond in the amount of Thirty
20 Thousand Dollars (\$30,000.00). In addition to all
21 other conditions and requirements set forth herein,
22 the bond shall require the availability of prompt and
23 full warranty service by the manufacturer to comply
24 with all warranties expressed or implied in connection

1 with each manufactured home which is manufactured for
2 resale in this state. A manufacturer may not sell,
3 exchange, or lease-purchase a manufactured home to a
4 person in this state who is not a licensed
5 manufactured home dealer.

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

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

21 F. Any used motor vehicle dealer or wholesale used motor
22 vehicle dealer is required to furnish and keep in force a minimum of
23 Twenty-five Thousand Dollars (\$25,000.00) of single liability
24 insurance coverage on all vehicles offered for sale or used in any

1 other capacity in demonstrating or utilizing the streets and
2 roadways in accordance with the financial responsibility laws of
3 this state.

4 G. Any manufactured home dealer or restricted manufactured home
5 park dealer is required to furnish and keep in force a minimum of
6 One Hundred Thousand Dollars (\$100,000.00) of garage liability or
7 general liability with products and completed operations insurance
8 coverage.

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

13 SECTION 6. AMENDATORY 47 O.S. 2011, Section 584, as
14 amended by Section 3, Chapter 145, O.S.L. 2013 (47 O.S. Supp. 2018,
15 Section 584), is amended to read as follows:

16 Section 584. A. The Oklahoma ~~Used Motor Vehicle and Parts~~
17 Commission may deny an application for a license, impose a fine not
18 to exceed One Thousand Dollars (\$1,000.00) per occurrence and/or
19 revoke or suspend a license after it has been granted, when any
20 provision of Sections 581 through 588 of this title is violated or
21 for any of the following reasons:

22 1. On satisfactory proof of unfitness of the applicant or the
23 licensee, as the case may be, under the standards established by
24 Sections 581 through 588 of this title;

1 2. For fraud practices or any material misstatement made by an
2 applicant in any application for license under the provisions of
3 Sections 581 through 588 of this title;

4 3. For any willful failure to comply with any provision of
5 Section 581 et seq. of this title or with any rule promulgated by
6 the Commission under authority vested in it by Sections 581 through
7 588 of this title;

8 4. Change of condition after license is granted resulting in
9 failure to maintain the qualifications for license;

10 5. Continued or flagrant violation of any of the rules of the
11 Commission;

12 6. Being a used motor vehicle dealer, used motor vehicle
13 salesperson, a wholesale used motor vehicle dealer, or a
14 manufactured home dealer, a restricted manufactured home park
15 dealer, a manufactured home installer, manufactured home
16 manufacturer, or manufactured home salesperson who:

- 17 a. resorts to or uses any false or misleading advertising
18 in connection with business as a used motor vehicle
19 dealer or salesperson, wholesale used motor vehicle
20 dealer or a restricted manufactured home park dealer
21 or manufactured home dealer, installer or
22 manufacturer,
- 23 b. has committed any unlawful act which resulted in the
24 revocation of any similar license in another state,

- 1 c. has been convicted of a crime involving moral
2 turpitude,
- 3 d. has committed a fraudulent act in selling, purchasing
4 or otherwise dealing in motor vehicles or manufactured
5 homes or has misrepresented the terms and conditions
6 of a sale, purchase or contract for sale or purchase
7 of a motor vehicle or manufactured home or any
8 interest therein including an option to purchase such
9 motor vehicles or manufactured homes,
- 10 e. has engaged in business under a past or present
11 license issued pursuant to Sections 581 through 588 of
12 this title, in such a manner as to cause injury to the
13 public or to those with whom the licensee is dealing,
- 14 f. has failed to meet or maintain the conditions and
15 requirements necessary to qualify for the issuance of
16 a license,
- 17 g. has failed or refused to furnish and keep in force any
18 bond required under Sections 581 through 588 of this
19 title,
- 20 h. has installed or attempted to install a manufactured
21 home in an unworkmanlike manner, or
- 22 i. employs unlicensed salesperson or other unlicensed
23 persons in connection with the sale of manufactured
24 homes;

1 7. Being a used motor vehicle dealer who:

2 a. does not have an established place of business,

3 b. employs unlicensed salespersons or other unlicensed
4 persons in connection with the sale of used vehicles,

5 c. fails or refuses to furnish or keep in force single
6 limit liability insurance on any vehicle offered for
7 sale and otherwise required under the financial
8 responsibility laws of this state, or

9 d. is not operating from the address shown on the license
10 if this change has not been reported to the
11 Commission; or

12 8. Being a manufactured home dealer or a restricted
13 manufactured home park dealer who:

14 a. does not have an established place of business,

15 b. fails or refuses to furnish or keep in force garage
16 liability and completed operations insurance, or

17 c. is not operating from the address shown on the license
18 if this change has not been reported to the
19 Commission.

20 B. 1. The Commission shall deny an application for a license,
21 or revoke or suspend a license after it has been granted, if a
22 manufactured home dealer does not meet the following guidelines and
23 restrictions:

- a. a display area for manufactured homes which is easily accessible, with sufficient parking for the public,
- b. an office for conducting business where the books, records, and files are kept, with access to a restroom for the public,
- c. a place of business which meets all zoning occupancy and other requirements of the appropriate local government and regular occupancy by a person, firm, or corporation engaged in the business of selling manufactured homes, and
- d. a place of business which is separate and apart from any other dealer's location.

2. The Commission shall deny an application for a restricted manufactured home park dealer license, or revoke or suspend a license after it has been granted, if a manufactured home park dealer does not satisfy the following guidelines and restrictions:

- a. only mobile or manufactured homes that are "ready for occupancy" are sold or offered for sale,
- b. maintains an office for conducting business where the books, records, and files are kept, with access to a restroom for the public,
- c. maintains a place of business which meets all zoning, occupancy and other requirements of the appropriate local government and regular occupancy by a person,

1 firm or corporation engaged in the business of selling
2 manufactured homes inside a park, and

3 d. maintains a place of business which is separate and
4 apart from any other dealer's location.

5 C. The Commission shall deny an application for a license, or
6 revoke or suspend a license after it has been granted, if a
7 manufactured home installer:

8 1. Installs or attempts to install a manufactured home in a
9 manner that is not in compliance with installation standards as set
10 by the Commission pursuant to rule; or

11 2. Violates or fails to comply with any applicable rule as
12 promulgated by the Commission concerning manufactured home
13 installers.

14 D. The Commission shall deny an application for a license, or
15 revoke or suspend a license after it has been granted, if a
16 manufactured home manufacturer violates or fails to comply with any
17 applicable rule as promulgated by the Commission concerning
18 manufactured home manufacturers.

19 E. The Commission shall deny an application for a license by a
20 motor vehicle manufacturer or factory if the application is for the
21 purpose of selling used motor vehicles to any retail consumer in the
22 state, other than through its retail franchised dealers, or acting
23 as a broker between a seller and a retail buyer. This subsection
24 does not prohibit a manufacturer from selling used motor vehicles

1 where the retail customer is a nonprofit organization or a federal,
2 state, or local government or agency. This subsection does not
3 prohibit a manufacturer from providing information to a consumer for
4 the purpose of marketing or facilitating the sale of used motor
5 vehicles or from establishing a program to sell or offer to sell
6 used motor vehicles through the manufacturer's retail franchised
7 dealers as provided for in Sections 561 through 580.2 of this title.
8 This subsection shall not prevent a factory from obtaining a
9 wholesale used motor vehicle dealer's license or the factory's
10 financing subsidiary from obtaining a wholesale used motor vehicle
11 dealer's license.

12 F. If the Commission denies issuance of a license the
13 Commission shall provide the grounds for the action to the applicant
14 in writing and allow the applicant sixty (60) days to resolve any
15 issues that are the grounds for the action.

16 G. Each of the aforementioned grounds for suspension,
17 revocation, or denial of issuance or renewal of license shall also
18 constitute a violation of Sections 581 through 588 of this title,
19 unless the person involved has been tried and acquitted of the
20 offense constituting such grounds.

21 The suspension, revocation or refusal to issue or renew a
22 license or the imposition of any other penalty by the Commission
23 shall be in addition to any penalty which might be imposed upon any
24

1 licensee upon a conviction at law for any violation of Sections 581
2 through 588 of this title.

3 SECTION 7. AMENDATORY 47 O.S. 2011, Section 587, as
4 amended by Section 180, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
5 2018, Section 587), is amended to read as follows:

6 Section 587. A. There is hereby created a petty cash fund not
7 to exceed One Hundred Dollars (\$100.00) for the Oklahoma ~~Used~~ Motor
8 Vehicle ~~and Parts~~ Commission, which may be expended for small
9 authorized expenses of the Commission.

10 B. The Director of the Office of Management and Enterprise
11 Services is authorized to prescribe forms, systems and procedures
12 for its administration. The petty cash fund may be reimbursed from
13 time to time by the filing of proper claims, accompanied by valid
14 receipts for expenditures made.

15 ~~€.~~

16 SECTION 8. AMENDATORY 47 O.S. 2011, Section 591.2, is
17 amended to read as follows:

18 Section 591.2 As used in Section 591.1 et seq. of this title:

19 1. "Automotive dismantler and parts recycler" means a person,
20 firm or corporation engaged in the business of purchasing,
21 dismantling, or disassembling used motor vehicles for the purpose of
22 selling the parts thereof, but shall not include a person who is
23 primarily engaged in the business of rebuilding repairable motor
24 vehicles;

1 2. "Motor vehicle" means every automobile, motorcycle, mobile
2 trailer, semitrailer, truck, truck-tractor, trailer and other device
3 which is self-propelled or drawn, in, upon, or by which any person
4 or property is or may be transported or drawn upon a public highway,
5 except such as is moved by animal power or used exclusively upon
6 stationary rails or tracks, or an implement of husbandry;

7 3. "Place of business" means the place owned or leased and
8 regularly occupied by a person, firm or corporation engaged in the
9 business of an automotive dismantler and parts recycler, where the
10 products for sale are displayed and offered for sale, and where the
11 books and records required for the conduct of the business are
12 maintained and kept;

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

15 5. "Salvage disposal sale" means a scheduled sale at auction or
16 by private bid of wrecked or repairable motor vehicles by insurance
17 underwriters, or insurance companies, used motor vehicle dealers or
18 automotive dismantlers and parts recyclers, either retail or
19 wholesale; ~~and~~

20 6. "Commission" means the Oklahoma ~~Used Motor Vehicle and Parts~~
21 Commission; and

22 7. "License" means the license issued pursuant to Section 591.1
23 et seq. of this title to operate an automotive dismantler and parts
24 recycler business.

1 SECTION 9. AMENDATORY 47 O.S. 2011, Section 591.4, as
2 amended by Section 2, Chapter 386, O.S.L. 2015 (47 O.S. Supp. 2018,
3 Section 591.4), is amended to read as follows:

4 Section 591.4 A. Every person, firm or corporation desiring to
5 engage in the business of an automotive dismantler and parts
6 recycler shall apply in writing, on a form to be prescribed by the
7 Oklahoma ~~Used Motor Vehicle and Parts~~ Commission, which form shall
8 contain:

- 9 1. The name of the applicant;
- 10 2. The street address of the applicant's principal place of
11 business;
- 12 3. The type of business organization of the applicant;
- 13 4. The applicant's financial statement;
- 14 5. The legal description of the proposed place of business,
15 together with written verification from the appropriate local
16 authorities that the place of business meets the licensing and
17 zoning requirements of the municipality or county where located; and
18 6. Such additional information as may be required by the
19 Commission.

20 B. Notwithstanding subsection A of this section, the Commission
21 may decline to issue an original license to any person, firm or
22 corporation that does not, in good faith, meet the requirements of
23 the Automotive Dismantlers and Parts Recycler Act; or whose proposed
24 place of business does not meet the applicable zoning requirements;

1 or whose proposed use is deemed inappropriate by the Commission due
2 to surrounding property uses or objections from the immediate
3 surrounding neighbors, such that the place of business would be
4 deemed to be a private or public nuisance; or whose place of
5 business is not properly screened by natural objects, plantings,
6 opaque fences of a height not less than six (6) nor more than eight
7 (8) feet or other appropriate sightproofing, so as to screen where
8 possible vehicles and parts stored outside of buildings from view
9 from immediately adjacent property.

10 SECTION 10. AMENDATORY 47 O.S. 2011, Section 591.6, is
11 amended to read as follows:

12 Section 591.6 Every automotive dismantler and parts recycler
13 shall keep a register of all purchases and sales of motor vehicles
14 for three (3) years from the date of purchase or sale, showing the
15 make, model, year, style, vehicle identification number, and name
16 and address of the purchaser or seller of the motor vehicle. Such
17 registers shall be made available for inspection by properly
18 identified employees or agents of the Oklahoma ~~Used~~ Motor Vehicle
19 ~~and Parts~~ Commission or identified law enforcement officers of the
20 state, county and municipality where the business of the automotive
21 dismantler and parts recycler is located, during reasonable business
22 hours on business days. The inspection authority shall include the
23 right to inspect any motor vehicle or parts thereof owned by or
24

1 stored at the automotive dismantler and parts recycler's place of
2 business.

3 SECTION 11. AMENDATORY 47 O.S. 2011, Section 591.8, is
4 amended to read as follows:

5 Section 591.8 A. An automotive dismantler and parts recycler,
6 duly licensed by this act, shall have the authority to transfer the
7 certificate of title to a motor vehicle as a dealer. Prior to the
8 sale of any motor vehicles at salvage pools or salvage disposal
9 sales, a salvage title or junked title shall be issued for any
10 salvage or junked vehicle as defined in Section 1105 of this title.

11 B. Any and all certificates of title, whether original,
12 salvage, rebuilt, or junked titles, salvage certificates, other
13 certificates of ownership, or ownership records, as approved by the
14 Oklahoma Tax Commission, to vehicles owned by a licensed automotive
15 dismantler and parts recycler, which vehicles have been dismantled,
16 destroyed, or otherwise processed so that the vehicles are no longer
17 capable of being used as motor vehicles, shall be inspected by
18 properly identified employees or agents of the Oklahoma ~~Used Motor~~
19 ~~Vehicle and Parts~~ Commission, at least annually, at the place of
20 business of the licensed automotive dismantler and parts recycler.
21 Upon verification that the vehicle is no longer capable of being
22 used as a motor vehicle, the employee or agent of the Commission
23 shall remove the license plate and the certificate of title, salvage
24 certificate, other certificate of ownership or ownership record from

1 the licensed automotive dismantler and parts recycler. The
2 Commission shall destroy the license plate and deliver the
3 certificates and ownership records to the Oklahoma Tax Commission.

4 C. Each licensed automotive dismantler and parts recycler that
5 dismantles, destroys, or otherwise processes vehicles so that the
6 vehicles are no longer capable of being used as motor vehicles, each
7 month, shall report the vehicle identification numbers of the
8 vehicles to the Oklahoma Tax Commission, upon forms prescribed by
9 the Oklahoma Tax Commission. The report shall include any vehicle
10 which is a hull, junked, abandoned or not a complete, self-
11 propelling vehicle, if there is a vehicle identification number for
12 the incomplete vehicle. The Oklahoma Tax Commission shall cancel
13 said certificates of title. The vehicle identification numbers on
14 the certificates of titles, salvage titles, other certificates of
15 ownership or ownership records to motor vehicles no longer capable
16 of being used as motor vehicles shall be preserved in the computer
17 files of the Oklahoma Tax Commission for at least five (5) years
18 from the date the certificates of title are delivered by the
19 Commission to the Oklahoma Tax Commission.

20 D. Each vehicle or incomplete vehicle required to be reported
21 to the Oklahoma Tax Commission by this section shall be reported on
22 or before the fifteenth day of the next succeeding month after the
23 month in which the vehicle or incomplete vehicle was received by the
24 licensed automotive dismantler and parts recycler. Each vehicle or

1 incomplete vehicle, which is incapable of operation or use on the
2 public roads or has no resale value except as a source of parts,
3 scrap or junk or has an eighty percent (80%) loss in fair market
4 value, possessed by a licensed automotive dismantler and parts
5 recycler on the effective date of this act shall be reported to the
6 Oklahoma Tax Commission within ninety (90) days. The vehicle
7 identification numbers on all reported vehicles shall be preserved
8 in the computer of the Oklahoma Tax Commission for at least five (5)
9 years, even if the ownership records may have been previously
10 destroyed or surrendered to the Oklahoma Tax Commission.

11 E. If the vehicle identification number for a vehicle, which is
12 incapable of operation or use on the public roads and has no resale
13 value except as a source of parts, scrap or junk or has an eighty
14 percent (80%) loss in fair market value, is not reported to the
15 Oklahoma Tax Commission, the licensed automotive dismantler and
16 parts recycler shall be required to obtain a junked title for said
17 vehicle. An Oklahoma licensed automotive dismantler and parts
18 recycler shall not be required to obtain a junked title for a junked
19 vehicle or any other vehicle which is dismantled, destroyed or
20 otherwise processed so that the vehicle is no longer capable of
21 being operated or used on the public roads, if the vehicle is
22 reported to the Oklahoma Tax Commission.

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1 SECTION 12. AMENDATORY 47 O.S. 2011, Section 591.9, as
2 amended by Section 4, Chapter 386, O.S.L. 2015 (47 O.S. Supp. 2018,
3 Section 591.9), is amended to read as follows:

4 Section 591.9 The Oklahoma ~~Used~~ Motor Vehicle ~~and Parts~~
5 Commission is authorized to refuse, cancel, suspend or revoke a
6 license to any person, firm or corporation for the following
7 reasons:

8 1. Failure to meet the requirements of the Automotive
9 Dismantlers and Parts Recycler Act;

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

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

16 4. For the felony conviction of a state or federal law by an
17 applicant, licensee, partner of an applicant or licensee, director,
18 officer, or stockholder in the case of a corporate applicant or
19 licensee, or an employee, manager, or any person having a pecuniary
20 interest in the business involving:

21 a. theft,

22 b. violation of the Oklahoma certificate of title law or
23 similar laws of other states,

24

1 c. alteration, obliteration, or removal of a vehicle
2 identification number, or

3 d. any other act directly relating to the ability of the
4 applicant or licensee to conduct an automotive
5 dismantler and parts recycling business;

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

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

12 SECTION 13. AMENDATORY 47 O.S. 2011, Section 591.11, as
13 amended by Section 6, Chapter 386, O.S.L. 2015 (47 O.S. Supp. 2018,
14 Section 591.11), is amended to read as follows:

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

17 1. A person who is a resident of this state;

18 2. A company representative of a business that is based in this
19 state; or

20 3. A person who may legally purchase salvage vehicles in his or
21 her home state or country.

22 B. It shall be the duty of the owner, manager or person in
23 charge of any salvage pool or salvage disposal sale to prohibit the
24 bidding by any person who is not qualified to purchase salvage

1 vehicles as provided in subsection A of this section and, further,
2 to refuse to sell to any person any wrecked or repairable motor
3 vehicle if such person is not qualified to purchase salvage vehicles
4 as provided in subsection A of this section.

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

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

14 E. It shall be the duty of the owner, manager or person in
15 charge of any salvage pool or salvage disposal sale to remit
16 payments to the Oklahoma ~~Used~~ Motor Vehicle ~~and Parts~~ Commission.
17 Such payments shall be calculated by multiplying the total number of
18 salvage vehicle sales transactions during a certain period times Two
19 Dollars (\$2.00). The first payment shall not be calculated on any
20 sales transactions prior to November 1, 2007. The payments shall
21 not be made more often than one payment each month. The payments
22 shall be transmitted to the Oklahoma ~~Used~~ Motor Vehicle ~~and Parts~~
23 Commission at any time during the thirty (30) days immediately
24 following the period for which the payment was calculated.

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

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

14 SECTION 14. AMENDATORY 47 O.S. 2011, Section 591.13, is
15 amended to read as follows:

16 Section 591.13 Any person violating any provision of the
17 Automotive Dismantlers and Parts Recycler Act or operating as a
18 rebuilder as used in Section 581 et seq. of this title without a
19 rebuilder certificate shall be guilty of a misdemeanor and upon the
20 first conviction thereof shall be punished by a fine of not less
21 than Five Hundred Dollars (\$500.00) with impoundment of the vehicle
22 until all taxes and fees are paid and upon the second conviction
23 thereof shall be punished by a fine of not less than One Thousand
24 Dollars (\$1,000.00) with impoundment of the vehicle until all taxes

1 and fees are paid and upon the third or subsequent conviction
2 thereof shall be punished by a fine of not less than One Thousand
3 Five Hundred Dollars (\$1,500.00) with impoundment of the vehicle
4 until all taxes and fees are paid or by imprisonment in the county
5 jail for not more than one (1) year, or by both such fine and
6 imprisonment. If a vehicle is impounded pursuant to the provisions
7 of this section, the vehicle shall not be released to the owner
8 until the owner provides proof of security or an affidavit that the
9 vehicle will not be used on public highways or public streets, as
10 required pursuant to Section 7-600 et seq. of this title. Each
11 vehicle involved in a violation of this section shall be considered
12 a separate offense. The penalties collected from the payment of the
13 fines shall, after deduction of court costs, be paid to the Oklahoma
14 ~~Used Motor Vehicle and Parts~~ Commission Revolving Fund as created by
15 Section 582 of this title.

16 SECTION 15. AMENDATORY Section 2, Chapter 376, O.S.L.
17 2014 (47 O.S. Supp. 2018, Section 592.2), is amended to read as
18 follows:

19 Section 592.2 As used in the Oklahoma Crusher Act:

20 1. "Commission" means the Oklahoma ~~Used Motor Vehicle and Parts~~
21 Commission;

22 2. "Crusher" means a person engaged in the business of crushing
23 or shredding used motor vehicles, trailers, or nonmotorized
24 recreational vehicles; and

1 3. "Person" means an individual, partnership, corporation,
2 limited liability company, joint venture, trust, association, or any
3 other legal entity however organized.

4 SECTION 16. AMENDATORY Section 3, Chapter 376, O.S.L.
5 2014 (47 O.S. Supp. 2018, Section 592.3), is amended to read as
6 follows:

7 Section 592.3 A. No person shall engage in business as a
8 crusher without first obtaining a license from the Oklahoma ~~Used~~
9 Motor Vehicle ~~and Parts~~ Commission specifically authorizing
10 engagement in such business.

11 B. A person licensed as a scrap metal dealer in this state who
12 is engaged primarily in the business of a scrap metal dealer and who
13 crushes vehicles only at its licensed scrap metal dealer location
14 shall be exempt from the licensing requirements of this act. A
15 person licensed as a scrap metal dealer who fails to keep records of
16 crushed vehicles as required by the Scrap Metal Dealers Act shall
17 not be entitled to the exemption herein. Any crusher who is an
18 independent contractor employed to crush vehicles for a scrap metal
19 dealer shall not be exempt from the requirements of this act. Any
20 law enforcement officer or employee of the ~~Used~~ Oklahoma Motor
21 Vehicle ~~and Parts~~ Commission shall be authorized to inspect the
22 records of any licensed scrap metal dealer pertaining to crushed
23 vehicles to verify compliance with this provision.

1 SECTION 17. AMENDATORY Section 9, Chapter 376, O.S.L.
2 2014 (47 O.S. Supp. 2018, Section 592.9), is amended to read as
3 follows:

4 Section 592.9 A. Rulemaking Power. The Oklahoma ~~Used~~ Motor
5 Vehicle ~~and Parts~~ Commission may adopt, amend and repeal such rules
6 as are necessary for the enforcement of the provisions of the
7 Oklahoma Crusher Act and consistent with its provisions.

8 B. Criminal Penalties.

9 1. Any person who engages in the business of operating as a
10 crusher without first obtaining the license prescribed in the
11 Oklahoma Crusher Act or any person who receives, obtains or
12 possesses and crushes any vehicle or other property which the person
13 knows to be subject to an outstanding lien shall be guilty of a
14 misdemeanor and upon conviction thereof shall be punished by a fine
15 not in excess of One Thousand Dollars (\$1,000.00), by confinement in
16 the county jail for not more than six (6) months, or by both.

17 2. Any person who engages in the business of operating as a
18 crusher without first obtaining the license prescribed in the
19 Oklahoma Crusher Act and who receives, obtains or possesses any
20 vehicle or other property which he or she knows to be stolen shall
21 be guilty of a felony offense of receiving, obtaining or possessing
22 stolen property and, upon conviction, shall be subject to the
23 penalties which may be imposed for such crime.

24

1 3. Any person selling a vehicle or other property to a crusher
2 who uses false or altered identification or makes a false
3 declaration of ownership or lien status as related to the provisions
4 of the Oklahoma Crusher Act shall be guilty of a felony, and upon
5 conviction shall be punished by imprisonment in the custody of the
6 Department of Corrections for a term of not more than five (5)
7 years, or in the county jail for a term of not more than one (1)
8 year, or by a fine not exceeding One Thousand Dollars (\$1,000.00),
9 or by both such fine and imprisonment.

10 4. Any person who fails to repay a crusher the full amount
11 received from the sale of a vehicle or other property after being
12 officially notified by a peace officer or the Commission that the
13 vehicle or other property the person sold to the crusher was stolen
14 shall be guilty of a misdemeanor and upon conviction shall be
15 punished by imprisonment in the county jail for a term of not to
16 exceed six (6) months, or a fine not to exceed One Thousand Dollars
17 (\$1,000.00), or by both such fine and imprisonment.

18 C. Injunctive Action. The Commission may institute, in the
19 name of the State of Oklahoma ex rel. Oklahoma ~~Used~~ Motor Vehicle
20 ~~and Parts~~ Commission, any necessary action to enjoin any person,
21 firm, or corporation from engaging in the business of a crusher
22 without a license, or for any violations of this act. An injunction
23 shall issue without the requirement of a bond of any kind from the
24 state. The venue of any action authorized by this section shall be

1 in the county wherein the business activity complained of is
2 conducted.

3 SECTION 18. AMENDATORY Section 10, Chapter 376, O.S.L.
4 2014 (47 O.S. Supp. 2018, Section 592.10), is amended to read as
5 follows:

6 Section 592.10 The ~~Used~~ Oklahoma Motor Vehicle ~~and Parts~~
7 Commission may deny an application for a license, impose a fine not
8 to exceed One Thousand Dollars (\$1,000.00) per occurrence, or revoke
9 or suspend a license after it has been granted, when any provision
10 of this act is violated or for any of the following reasons:

11 1. On satisfactory proof of unfitness of the applicant or
12 licensee, as the case may be;

13 2. For fraud practices or any material misstatement made by an
14 applicant in any application for licensure pursuant to this act;

15 3. For willful failure to comply with any provisions of this
16 act or with any rule promulgated by the Commission pursuant to this
17 act;

18 4. Change of condition after license is granted resulting in
19 failure to maintain the qualifications for license;

20 5. Continued or flagrant violation of any of the rules of the
21 Commission promulgated pursuant to this act; or

22 6. Being a crusher or shredder who:
23
24

- 1 a. has committed any unlawful act which resulted in the
2 revocation of any similar license in this state or
3 another state,
4 b. has been convicted of a crime involving moral
5 turpitude,
6 c. has committed a fraudulent act in buying, selling or
7 otherwise dealing in used motor vehicles, trailers, or
8 nonmotorized vehicles to be crushed or shredded, or
9 disposed of as crushed or shredded,
10 d. has engaged in business under a past or present
11 license in such a manner as to cause injury to the
12 public or to those with whom the licensee is dealing,
13 or
14 e. has failed to meet or maintain the conditions and
15 requirements necessary to qualify for the issuance of
16 a license.

17 SECTION 19. AMENDATORY 47 O.S. 2011, Section 1137.1, as
18 last amended by Section 1, Chapter 308, O.S.L. 2016 (47 O.S. Supp.
19 2018, Section 1137.1), is amended to read as follows:

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

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

1 license number issued to him or her each year by the Commission or
2 the ~~Used~~ Oklahoma Motor Vehicle ~~and Parts~~ Commission.

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

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

23 D. Upon sale of a used motor vehicle or travel trailer to
24 another licensed dealer, the selling dealer shall place the tax

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

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

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

24

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

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

19 G. Dealers following the procedure set forth herein shall not
20 be required to register vehicles, travel trailers or commercial
21 trailers to which this section applies, nor will the registration
22 fee otherwise required be assessed. Provided, dealers shall not
23 purchase or trade for a used motor vehicle, travel trailer or
24 commercial trailer on which the registration therefor has been

1 expired for a period exceeding thirty (30) days without obtaining
2 current registration therefor.

3 H. A nonprofit charitable organization which is exempt from
4 taxation pursuant to the provisions of the Internal Revenue Code, 26
5 U.S.C., Section 501(c)(3), and which accepts donations of used motor
6 vehicles previously titled in Oklahoma to be subsequently
7 transferred to another owner, upon the qualifying organization
8 providing sufficient documentation of its tax-exempt status, may
9 obtain from the Oklahoma Tax Commission charitable nonprofit
10 organization license plates for demonstrating, transporting or test-
11 driving donated vehicles, provided that no organization shall
12 possess or use at any one time more than eight such plates. The Tax
13 Commission shall design distinctive license plates for that purpose.
14 The cost for said plates shall be the same as provided in subsection
15 A of this section for dealer plates.

16 I. The transfer of ownership from the vehicle donor to the
17 qualifying nonprofit organization described in subsection H of this
18 section shall be made without the payment of motor vehicle excise
19 tax levied pursuant to Section 2103 of Title 68 of the Oklahoma
20 Statutes.

21 SECTION 20. AMENDATORY 74 O.S. 2011, Section 3601.1, as
22 last amended by Section 11, Chapter 269, O.S.L. 2016 (74 O.S. Supp.
23 2018, Section 3601.1), is amended to read as follows:
24

1 Section 3601.1 A. For purposes of Sections 3601.1 through 3603
2 of this title, the term "employee" means a full-time employee or any
3 number of part-time employees whose combined weekly hours of
4 employment equal those of a full-time employee, but shall not
5 include temporary employees working on a seasonal basis between May
6 1 and October 31.

7 B. Beginning July 1, 2008, the maximum number of full-time-
8 equivalent employees for each of the following agencies, boards,
9 commissions, departments, or programs shall not exceed the numbers
10 specified in this section, except as may be authorized pursuant to
11 the provisions of Section 3603 of this title.

	MAXIMUM NUMBER OF FULL-TIME-EQUIVALENT EMPLOYEES
Oklahoma Employment Security Commission	1150
Oklahoma Accountancy Board	11
Board of Governors of the Licensed Architects, Landscape Architects and Interior Designers of Oklahoma	4
Board of Chiropractic Examiners	3
State Board of Cosmetology	16
Board of Dentistry	10
Oklahoma State Board of Embalmers and Funeral Directors	5

1	State Board of Registration for Professional	
2	Engineers and Land Surveyors	10
3	State Board of Medical Licensure and Supervision/	
4	Board of Podiatric Medical Examiners/State	
5	Board of Examiners of Perfusionists	29
6	Commission on Marginally Producing Oil and Gas	
7	Wells	5
8	Oklahoma Motor Vehicle Commission	€ <u>18</u>
9	Oklahoma Board of Nursing	30
10	Oklahoma State Board of Examiners for Nursing	
11	Home Administrators	4
12	Board of Examiners in Optometry	3
13	State Board of Osteopathic Examiners	7
14	Oklahoma State Board of Pharmacy	10
15	State Board of Examiners of Psychologists	2
16	Oklahoma Real Estate Commission	26
17	Board of Examiners for Speech-Language Pathology	
18	and Audiology	2
19	Oklahoma Used Motor Vehicle and Parts Commission	12
20	State Board of Veterinary Medical Examiners	6
21	Oklahoma Firefighters Pension and Retirement	
22	System	13
23	Oklahoma Police Pension and Retirement System	12
24	Teachers' Retirement System of Oklahoma	52

1	Oklahoma Public Employees Retirement System	63
2	Oklahoma Student Loan Authority	85
3	Oklahoma Industrial Finance Authority/Oklahoma	
4	Development Finance Authority	10
5	State and Education Employees Group Insurance	
6	Board	178
7	Oklahoma Capital Investment Board	4
8	State Board of Licensed Social Workers	1
9	Oklahoma State Employees Benefits Council	38
10	Oklahoma State Banking Department	46
11	Liquefied Petroleum Gas Administration	10

12 C. The duties and compensation of employees, not otherwise
13 prescribed by law, necessary to perform the duties imposed upon the
14 Oklahoma Public Employees Retirement System Board of Trustees by law
15 shall be set by the Board of Trustees.

16 D. Temporary employees of the Oklahoma Used Motor Vehicle and
17 Parts Commission between the dates of November 1 and January 31
18 annually shall not be counted toward the maximum number of full-
19 time-equivalent employees provided for in this section.

20 SECTION 21. This act shall become effective November 1, 2019.

21

22 57-1-7294 JBH 12/31/18

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