

1 ENGROSSED SENATE  
2 BILL NO. 729

By: Rosino of the Senate

and

Echols of the House

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5  
6 An Act relating to motor vehicle delivery; amending  
7 47 O.S. 2021, Section 584, as last amended by Section  
8 4, Chapter 192, O.S.L. 2022 (47 O.S. Supp. 2022,  
9 Section 584), which relates to the basis for denial,  
10 revocation, or suspension of license; providing  
11 certain exemption; and providing an effective date.

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

13 SECTION 1. AMENDATORY 47 O.S. 2021, Section 584, as last  
14 amended by Section 4, Chapter 192, O.S.L. 2022 (47 O.S. Supp. 2022,  
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, a 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, a manufactured home  
16 salesperson or a manufactured home manufacturer who:

17           a. resorts to or uses any false or misleading advertising  
18               in connection with business as a used motor vehicle  
19               dealer, wholesale used motor vehicle dealer or a  
20               restricted manufactured home park dealer or  
21               manufactured home dealer, installer or manufacturer,

22           b. has committed any unlawful act which resulted in the  
23               revocation of any similar license in another state,  
24

- 1 c. has been convicted of a felony crime that  
2 substantially relates to the occupation of a used  
3 motor vehicle dealer, a wholesale used motor vehicle  
4 dealer, a manufactured home dealer, a restricted  
5 manufactured home park dealer, a manufactured home  
6 installer or a manufactured home manufacturer and  
7 poses a reasonable threat to public safety,
- 8 d. has committed a fraudulent act in selling, purchasing  
9 or otherwise dealing in motor vehicles or manufactured  
10 homes or has misrepresented the terms and conditions  
11 of a sale, purchase or contract for sale or purchase  
12 of a motor vehicle or manufactured home or any  
13 interest therein including an option to purchase such  
14 motor vehicles or manufactured homes,
- 15 e. has engaged in business under a past or present  
16 license issued pursuant to Sections 581 through 588 of  
17 this title, in such a manner as to cause injury to the  
18 public or to those with whom the licensee is dealing,
- 19 f. has failed to meet or maintain the conditions and  
20 requirements necessary to qualify for the issuance of  
21 a license,
- 22 g. has failed or refused to furnish and keep in force any  
23 bond required under Sections 581 through 588 of this  
24 title,

1           h.    has installed or attempted to install a manufactured  
2                   home in an unworkmanlike manner, or

3           i.    employs a person in connection with the sale of  
4                   manufactured homes without first obtaining a  
5                   certificate of registration for the person;

6       7.   Being a used motor vehicle dealer who:

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

8           b.    employs a person in connection with the sale of used  
9                   vehicles without first obtaining a certificate of  
10                  registration for the person,

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

15          d.    is not operating from the address shown on the license  
16                  if this change has not been reported to the  
17                  Commission; or

18       8.   Being a manufactured home dealer or a restricted  
19   manufactured home park dealer who:

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

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

1           c.    is not operating from the address shown on the license  
2                    if this change has not been reported to the  
3                    Commission.

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

8           a.    a display area for manufactured homes which is easily  
9                    accessible, with sufficient parking for the public,

10          b.    an office for conducting business where the books,  
11                    records, and files are kept, with access to a restroom  
12                    for the public,

13          c.    a place of business which meets all zoning, occupancy  
14                    and other requirements of the appropriate local  
15                    government and regular occupancy by a person, firm, or  
16                    corporation engaged in the business of selling  
17                    manufactured homes, and

18          d.    a place of business which is separate and apart from  
19                    any other dealer's location.

20          2.  The Commission shall deny an application for a restricted  
21 manufactured home park dealer license, or revoke or suspend a  
22 license after it has been granted, if a manufactured home park  
23 dealer does not satisfy the following guidelines and restrictions:  
24

- 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, firm or corporation engaged in the business of selling manufactured homes inside a park, and
- d. maintains a place of business which is separate and apart from any other dealer's location.

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

1. Installs or attempts to install a manufactured home in a manner that is not in compliance with installation standards as set by the Commission pursuant to rule; or
2. Violates or fails to comply with any applicable rule as promulgated by the Commission concerning manufactured home installers.

D. The Commission shall deny an application for a license, or revoke or suspend a license after it has been granted, if a manufactured home manufacturer violates or fails to comply with any

1 applicable rule as promulgated by the Commission concerning  
2 manufactured home manufacturers.

3 E. The Commission shall deny an application for a license by a  
4 motor vehicle manufacturer or factory if the application is for the  
5 purpose of selling used motor vehicles to any retail consumer in the  
6 state, other than through its retail franchised dealers, or acting  
7 as a broker between a seller and a retail buyer. This subsection  
8 does not prohibit a manufacturer from selling used motor vehicles  
9 where the retail customer is a nonprofit organization or a federal,  
10 state, or local government or agency. This subsection does not  
11 prohibit a manufacturer from providing information to a consumer for  
12 the purpose of marketing or facilitating the sale of used motor  
13 vehicles or from establishing a program to sell or offer to sell  
14 used motor vehicles through the manufacturer's retail franchised  
15 dealers as provided for in Sections 561 through 580.2 of this title.  
16 This subsection shall not prevent a factory from obtaining a  
17 wholesale used motor vehicle dealer's license or the factory's  
18 financing subsidiary from obtaining a wholesale used motor vehicle  
19 dealer's license.

20 F. If the Commission denies issuance of a license the  
21 Commission shall provide the grounds for the action to the applicant  
22 in writing and allow the applicant sixty (60) days to resolve any  
23 issues that are the grounds for the action.

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1 G. Each of the aforementioned grounds for suspension,  
2 revocation, or denial of issuance or renewal of license shall also  
3 constitute a violation of Sections 581 through 588 of this title,  
4 unless the person involved has been tried and acquitted of the  
5 offense constituting such grounds.

6 The suspension, revocation or refusal to issue or renew a  
7 license or the imposition of any other penalty by the Commission  
8 shall be in addition to any penalty which might be imposed upon any  
9 licensee upon a conviction at law for any violation of Sections 581  
10 through 588 of this title.

11 H. This section shall not be construed to prohibit a used motor  
12 vehicle dealer from delivering a motor vehicle off site or from  
13 selling a motor vehicle to a customer at the home or place of  
14 business of the customer.

15 ~~H.~~ I. As used in this section:

16 1. "Substantially relates" means the nature of criminal conduct  
17 for which the person was convicted has a direct bearing on the  
18 fitness or ability to perform one or more of the duties or  
19 responsibilities necessarily related to the occupation; and

20 2. "Poses a reasonable threat" means the nature of criminal  
21 conduct for which the person was convicted involved an act or threat  
22 of harm against another and has a bearing on the fitness or ability  
23 to serve the public or work with others in the occupation.

24 SECTION 2. This act shall become effective November 1, 2023.



