

1 STATE OF OKLAHOMA

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

3 SENATE BILL 592

By: Anderson

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Used Motor Vehicle
8 and Parts Commission; amending 47 O.S. 2011, Section
9 583, as last amended by Section 11, Chapter 4, O.S.L.
10 2014 (47 O.S. Supp. 2014, Section 583), which relates
11 to licenses, fees, fines and bonds; deleting certain
12 maximum fine; modifying license renewals; changing
13 licenses to two-year term on certain date; phasing in
14 license term changes; doubling certain fees;
15 requiring certain auctions to remit certain fee;
16 stating procedure; setting fees; exempting
17 governmental entities; amending 47 O.S. 2011,
18 Sections 591.4, 591.5, 591.9, 591.10, 591.11 and
19 1137.1, which relate to fees, bid identification
20 cards, salvage pools, and temporary licenses;
21 deleting buyer identification cards; increasing
22 certain fees; modifying language; and providing an
23 effective date.

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

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

Section 583. A. 1. It shall be unlawful and constitute a
misdemeanor for any person to engage in business as, or serve in the
capacity of, or act as a used motor vehicle dealer, used motor

1 vehicle salesperson, wholesale used motor vehicle dealer,
2 manufactured home dealer, restricted manufactured home park dealer,
3 manufactured home salesperson, manufactured home installer, or
4 manufactured home manufacturer selling directly to a licensed
5 manufactured home dealer in this state without first obtaining a
6 license or following other requirements therefor as provided in this
7 section.

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

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

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

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

19 3. Any person except persons penalized by administrative fine
20 violating the provisions of this section shall, upon conviction, be
21 fined not to exceed Five Hundred Dollars (\$500.00). A second or
22 subsequent conviction shall be punished by a fine not to exceed One
23 Thousand Dollars (\$1,000.00); provided that each day such unlicensed
24 person violates this section shall constitute a separate offense,

1 and any vehicle involved in a violation of this subsection shall be
2 considered a separate offense.

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

- 13 a. the applicant's financial standing,
- 14 b. the applicant's business integrity,
- 15 c. whether the applicant has an established place of
16 business and is engaged in the pursuit, avocation, or
17 business for which a license, or licenses, is applied
18 for,
- 19 d. whether the applicant is able to properly conduct the
20 business for which a license, or licenses, is applied
21 for, and
- 22 e. such other pertinent information consistent with the
23 safeguarding of the public interest and the public
24 welfare.

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

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

19 a. Any license issued before January 1, 2016, and ending
20 in an even number shall expire on December 31, 2016.
21 Application for renewal of such license shall be for a
22 period of two (2) years and the appropriate fee shall
23 be assessed.

24

1 b. Any license issued before January 1, 2016, and ending
2 in an uneven or odd number shall expire December 31,
3 2017. All applicants for renewal of such license
4 before January 1, 2016 shall pay the appropriate two-
5 year license fee.

6 4. A used motor vehicle salesperson's license shall permit the
7 licensee to engage in the activities of a used motor vehicle
8 salesperson. Salespersons shall not be allowed to sell vehicles
9 unless applications and fees are on file with the Commission and the
10 motor vehicle salesperson's or temporary salesperson's license
11 issued. A temporary salesperson's license, salesperson's renewal or
12 reissue of salesperson's license shall be deemed to have been issued
13 when the appropriate application and fee have been properly
14 addressed and mailed to the Commission.

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

17 C. The schedule of license fees to be charged and received by
18 the Commission for the licenses issued hereunder shall be as
19 follows:

20 1. For each used motor vehicle dealer's license and each
21 wholesale used motor vehicle dealer's license, ~~Three Hundred Dollars~~
22 ~~(\$300.00)~~ Six Hundred Dollars (\$600.00). If a used motor vehicle
23 dealer or a wholesale used motor vehicle dealer has once been
24 licensed by the Commission in the classification for which he or she

1 applies for a renewal of the license, the fee for each subsequent
2 renewal shall be ~~One Hundred Fifty Dollars (\$150.00)~~ Three Hundred
3 Dollars (\$300.00); provided, if an applicant holds a license to
4 conduct business as an automotive dismantler and parts recycler
5 issued pursuant to Section 591.1 et seq. of this title, the initial
6 fee shall be ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars
7 (\$200.00) and the renewal fee shall be ~~One Hundred Dollars (\$100.00)~~
8 Two Hundred Dollars (\$200.00). If an applicant is applying
9 simultaneously for a license under this paragraph and a license
10 under paragraph 1 of Section 591.5 of this title, the initial
11 application fee shall be ~~Two Hundred Dollars (\$200.00)~~ Four Hundred
12 Dollars (\$400.00). For the reinstatement of a used motor vehicle
13 dealer's license after revocation for cancellation or expiration of
14 insurance pursuant to subsection F of this section, the fee shall be
15 ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00);

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

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

22 4. For each holder who possesses a valid new motor vehicle
23 dealer's license from the Oklahoma Motor Vehicle Commission, ~~One~~
24 ~~Hundred Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00) shall be the

1 initial fee for a used motor vehicle license and the fee for each
2 subsequent renewal shall be ~~One Hundred Dollars (\$100.00)~~ Two
3 Hundred Dollars (\$200.00);

4 5. a. For each manufactured home dealer's license or a
5 restricted manufactured home park dealer's license,
6 ~~Three Hundred Dollars (\$300.00)~~ Six Hundred Dollars
7 (\$600.00), and for each place of business in addition
8 to the principal place of business, ~~Two Hundred~~
9 ~~Dollars (\$200.00)~~ Four Hundred Dollars (\$400.00), and

10 b. For each renewal of a manufactured home dealer's
11 license or a restricted manufactured home park
12 dealer's license, and renewal for each place of
13 business in addition to the principal place of
14 business, ~~One Hundred Fifty Dollars (\$150.00)~~ Three
15 Hundred Dollars (\$300.00);

16 6. a. For each manufactured home installer's license, ~~Two~~
17 ~~Hundred Dollars (\$200.00)~~ Four Hundred Dollars
18 (\$400.00), and

19 b. For each renewal of a manufactured home installer's
20 license, ~~Two Hundred Dollars (\$200.00)~~ Four Hundred
21 Dollars (\$400.00);

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

1 this state, ~~Seven Hundred Fifty Dollars (\$750.00)~~ One
2 Thousand Five Hundred Dollars (\$1,500.00), and

3 b. For each renewal of a manufactured home manufacturer's
4 license, ~~Seven Hundred Fifty Dollars (\$750.00)~~ One
5 Thousand Five Hundred Dollars (\$1,500.00); and

6 8. For each manufactured home salesperson's license or renewal
7 thereof, ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00), and
8 for each transfer, ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars
9 (\$50.00); and

10 9. It shall be the duty of the owner, manager or person in
11 charge of any used motor vehicle auction which sells motor vehicles
12 to the public to remit payments to the Oklahoma Used Motor Vehicle
13 and Parts Commission in an amount of Five Dollars (\$5.00) for each
14 vehicle sold to any person not licensed as a used motor vehicle
15 dealer in this state. The first payment shall not be calculated on
16 any sales transaction prior to November 1, 2015. Payments shall be
17 made monthly on all transactions. The payments shall be transmitted
18 to the Commission at any time during the thirty (30) days
19 immediately following the period for which payment is calculated.
20 Auction sales conducted by and on behalf of any governmental entity
21 shall be exempt from the remission of payments required in this
22 paragraph of this subsection.

23 D. 1. The license issued to each used motor vehicle dealer,
24 each wholesale used motor vehicle dealer, each restricted

1 manufactured home park dealer and each manufactured home dealer
2 shall specify the location of the place of business. If the
3 business location is changed, the Oklahoma Used Motor Vehicle and
4 Parts Commission shall be notified immediately of the change and the
5 Commission may endorse the change of location on the license. The
6 fee for a change of location shall be One Hundred Dollars (\$100.00),
7 and the fee for a change of name, ~~Twenty-five Dollars (\$25.00)~~ Fifty
8 Dollars (\$50.00). The license of each licensee shall be posted in a
9 conspicuous place in the place or places of business of the
10 licensee.

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

19 3. Every used motor vehicle salesperson shall have the license
20 upon his or her person when engaged in business, and shall display
21 same upon request. The name of the employer of the salesperson
22 shall be stated on the license and if there is a change of employer,
23 the license holder shall immediately mail the license to the
24 Commission for its endorsement of the change thereon. There shall

1 be no charge for endorsement of change of employer on the license or
2 penalty for not having a license upon his or her person.

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

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

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

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

18 d. Any used motor vehicle dealer who, for the purpose of
19 being a rebuilder, applies for a rebuilder
20 certificate, as provided in Section 591.5 of this
21 title, whether as a new application or renewal, shall
22 procure and file with the Commission a good and
23 sufficient bond in the amount of Fifteen Thousand
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1 Dollars (\$15,000.00), in addition to any other bonds
2 required.

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

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

22 g. The bond shall be approved as to form by the Attorney
23 General and conditioned that the applicant shall not
24 practice fraud, make any fraudulent representation, or

1 violate any of the provisions of this act in the
2 conduct of the business for which the applicant is
3 licensed. One of the purposes of the bond is to
4 provide reimbursement for any loss or damage suffered
5 by any person by reason of issuance of a certificate
6 of title by a used motor vehicle dealer, a wholesale
7 used motor vehicle dealer, a restricted manufactured
8 home park dealer or a manufactured home dealer.

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

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

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

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

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

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

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

23 B. Notwithstanding subsection A of this section, the Commission
24 may decline to issue an original license ~~or buyer's identification~~

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

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

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

18 1. ~~Three Hundred Dollars (\$300.00)~~ Six Hundred Dollars
19 (\$600.00) for an initial license for an applicant's established
20 principal place of business, ~~One Hundred Fifty Dollars (\$150.00)~~
21 Three Hundred Dollars (\$300.00) for a renewal license for an
22 applicant's established place of business and ~~One Hundred Dollars~~
23 ~~(\$100.00)~~ Two Hundred Dollars (\$200.00) for each additional place of
24 business, if any, to which the application pertains; provided, if an

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

19 2. Any change which renders no longer accurate any information
20 contained in an application for a license filed with the Commission
21 shall be amended within thirty (30) days after the occurrence of the
22 change on a form prescribed by the Commission by rule, accompanied
23 by a fee of One Hundred Dollars (\$100.00), provided, the fee for a
24 change of name shall be Fifty Dollars (\$50.00).

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

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

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

10 1. Failure to meet the requirements of the Automotive
11 Dismantlers and Parts Recycler Act;

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

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

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

23 a. theft,

24

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

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

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

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

16 Section 591.10. A. Any person, firm or corporation who is
17 refused a license or whose license ~~or B.I.D. card~~ is canceled,
18 suspended or revoked shall be notified in person or by mail with
19 return receipt requested to the address given on the application of
20 the applicant or licensee and, upon written request within fifteen
21 (15) days of receipt of such notice, shall be given a hearing upon
22 the proposed action. The hearing may be conducted by the Commission
23 and shall be held no more than thirty (30) days from receipt of the
24 written request for a hearing. The hearing may be informal and the

1 rules of evidence of the courts of Oklahoma shall not be required.
2 Appeals from the decision of the Commission shall be governed by the
3 Administrative Procedures Act.

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

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

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

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

21 B. It shall be the duty of the owner, manager or person in
22 charge of any salvage pool or salvage disposal sale to prohibit the
23 bidding by any person who is not qualified to purchase salvage
24 vehicles as provided in subsection A of this section and, further,

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

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

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

13 E. It shall be the duty of the owner, manager or person in
14 charge of any salvage pool or salvage disposal sale to remit
15 payments to the Oklahoma Used Motor Vehicle and Parts Commission.
16 Such payments shall be calculated by multiplying the total number of
17 salvage vehicle sales transactions during a certain period times ~~Two~~
18 ~~Dollars (\$2.00)~~ Five Dollars (\$5.00). The first payment shall not
19 be calculated on any sales transactions prior to November 1, 2007.
20 The payments shall not be made more often than one payment each
21 month. The payments shall be transmitted to the Oklahoma Used Motor
22 Vehicle and Parts Commission at any time during the thirty (30) days
23 immediately following the period for which the payment was
24 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 7. AMENDATORY 47 O.S. 2011, Section 1137.1, is
15 amended to read as follows:

16 Section 1137.1. A. Except for vehicles, travel trailers or
17 commercial trailers which display a current Oklahoma license tag,
18 upon the purchase or transfer of ownership of a used motor vehicle,
19 travel trailer or commercial trailer, including an out-of-state
20 purchase or transfer of the same, to a licensed used motor vehicle
21 dealer, wholesale used motor vehicle dealer, used travel trailer
22 dealer or used commercial trailer dealer, subsequently referred to
23 in this section as "dealer", the dealer shall affix a used dealer's
24 plate visible from the rear of the vehicle, travel trailer or

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

22 B. Upon the purchase or transfer of ownership of an out-of-
23 state used motor vehicle, travel trailer or commercial trailer to a
24 licensed dealer, the dealer shall make application for an Oklahoma

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

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

18 D. Upon sale of a used motor vehicle or travel trailer to
19 another licensed dealer, the selling dealer shall place the tax
20 stamp required in subsection C of this section upon the certificate
21 of title. The used dealer license plate or wholesale dealer license
22 plate shall be removed by the selling dealer. The purchasing dealer
23 shall, at time of purchase, place his or her dealer license plate on
24 the used motor vehicle, travel trailer or commercial trailer as

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

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

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

19 The provisions of this subsection on temporary licenses shall
20 apply to nonresidents who purchase a used motor vehicle, travel
21 trailer or commercial trailer within this state that is to be
22 licensed in another state. The nonresident purchaser shall be
23 allowed to operate the vehicle or trailer within the state with a
24 temporary license plate for a period not to exceed thirty (30) days

1 from date of purchase. Any nonresident purchaser found to be
2 operating a used motor vehicle, travel trailer or commercial trailer
3 within this state after thirty (30) days shall be subject to the
4 registration fees of this state upon the same terms and conditions
5 applying to residents of this state.

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

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

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

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