

ENGROSSED HOUSE AMENDMENT  
TO  
ENGROSSED SENATE BILL NO. 379

BY: STIPE of the SENATE

and

ROBERTS (Walt) of the  
HOUSE

AN ACT RELATING TO MOTOR VEHICLES; AMENDING SECTION  
12, CHAPTER 179, O.S.L. 1985, AS LAST AMENDED BY  
SECTION 1, CHAPTER 159, O.S.L. 1989, SECTION 10,  
CHAPTER 144, O.S.L. 1986, AS AMENDED BY SECTION 7,  
CHAPTER 6, O.S.L. 1987 AND SECTION 5, CHAPTER 172,  
O.S.L. 1986, AS LAST AMENDED BY SECTION 5, CHAPTER  
315, O.S.L. 1990 (47 O.S. SUPP. 1990, SECTIONS  
1109, 1115.1 AND 1137.1), WHICH RELATE TO TRANSFER  
OF VEHICLE TITLE FEES, SEIZURE OF VEHICLES AND  
TEMPORARY LICENSES; \* \* \* AND PROVIDING AN  
EFFECTIVE DATE.

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
and insert

" ( MOTOR VEHICLES - AMENDING SECTIONS IN TITLE 47 -  
OKLAHOMA VEHICLE LICENSE AND REGISTRATION ACT -  
EFFECTIVE DATE )

SECTION 1. AMENDATORY Section 12, Chapter 179, O.S.L. 1985, as last amended by Section 1, Chapter 159, O.S.L. 1989 (47 O.S. Supp. 1990, Section 1109), is amended to read as follows:

Section 1109. A. All information contained in certificates of title, applications therefor, or registration certificates is hereby declared to be confidential information and shall not be copied by anyone or disclosed to anyone other than employees of the Commission in the regular course of their employment, except as follows:

1. To law enforcement officers in the regular course of their duties;
2. To other governmental agencies when required in their governmental functions;
3. To any motor vehicle manufacturer or his authorized representative for the purpose of meeting the requirements of the recall provisions of Title 15 U.S.C. 1974; provided that said manufacturer or his representative shall, when requesting information pertaining to motor vehicles, furnish the Commission with an affidavit stating the purpose for which the information is to be used, and that the confidentiality of the information shall be protected, as set out above, and used only for the purpose stated; provided, further, that the Commission shall be authorized to review the use of and the measures employed to safeguard said information; and provided, further, that the manufacturer or his representative shall bear the cost incurred by the Commission in the production of the information requested. If the confidentiality provisions, as set out above, are violated, the provisions of subsection (d) of Section 205 of Title 68 of the Oklahoma Statutes, shall apply and the privilege of obtaining information shall be terminated. Any manufacturer or his representative violating the provisions of this subsection, upon conviction, shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00); and

4. To any person compiling and publishing motor vehicle statistics, provided that such statistics do not disclose the names and addresses of individuals. Such information shall be provided upon payment of a fee as determined by the Oklahoma Tax Commission.

B. Notwithstanding the foregoing, the Commission may, when requested for a particular vehicle, furnish desired information for the sum of One Dollar (\$1.00) per vehicle or make copies of certificates of title, applications therefor and registration certificates and sell the same for the fee hereinafter prescribed. Certified copies of any and all records held by the Commission relative to certificates of title and registration certificates issued under the laws of this state, duly certified by the Commission, may be received in evidence with the same effect as the original, when such original is not in the possession or under the control of the party desiring to use the same. For each certified copy furnished under this section, a fee of Two Dollars (\$2.00) per instrument shall be charged and collected by the Commission. All such funds shall be deposited in the Oklahoma Tax Commission Revolving Fund.

C. Notwithstanding the foregoing, the Commission may allow the release of information from its motor vehicle records upon magnetic tape consisting only of the following information:

1. The date of the certificate of title;
2. The certificate of title number;
3. The type of title issued for the vehicle;
4. The odometer reading from the certificate of title;
5. The year in which the vehicle was manufactured;
6. The vehicle identification number for the vehicle;
7. The make of the vehicle; and
8. The location in which the vehicle is registered.

The Commission shall allow the release of such information upon payment of a fee to be determined by the Commission. The

information released as authorized by this subsection may only be used for purposes of detecting odometer rollback or odometer tampering, for determining the issuance in this state or any other state of salvage or rebuilt titles for vehicles or for determining whether a vehicle has been reported stolen in this state or any other state.

D. Notwithstanding the foregoing, any motor license agent, upon written request from a secured party for information contained in the certificate of title or registration certificate of a vehicle in which the secured party has an interest or upon written request from a vehicle owner for information contained in the certificate of title or registration certificate of such vehicle, may furnish such desired information for the sum of One Dollar (\$1.00) per vehicle.

E. Notwithstanding the provisions of this section or of Section 205 of Title 68 of the Oklahoma Statutes, the Commission may inform a secured party that taxes and fees are delinquent with respect to a vehicle upon which the secured party has a perfected lien.

~~E.~~ F. The provisions of subsections A and B of this section shall not apply to vehicles in excess of twenty-six thousand (26,000) pounds, or to trailers or semitrailers which may be used in combination with such vehicles. The Oklahoma Tax Commission shall establish an appropriate fee to cover the cost of furnishing the requested data and shall issue specific rules and regulations for the dissemination of information that shall apply only to vehicles registered in Oklahoma with a gross vehicle weight in excess of twenty-six thousand (26,000) pounds, or the applicable trailers or semitrailers.

The release of such information shall be limited to Oklahoma incorporated and domiciled, nonprofit, tax exempt industry trade groups and organizations for the express purpose of making such data directly available to the heavy duty motor transportation industry.

SECTION 2. AMENDATORY Section 10, Chapter 144, O.S.L. 1986, as amended by Section 7, Chapter 6, O.S.L. 1987 (47 O.S. Supp. 1990, Section 1115.1), is amended to read as follows:

Section 1115.1 After ninety (90) days from the expiration date for annual registration of a vehicle, ~~it shall be the duty of~~ or the expiration of temporary license provided for in Section 1137.1 of this title, the Oklahoma Tax Commission, Department of Public Safety, county sheriffs, and all other duly authorized peace officers of this state ~~to~~ may seize and take into custody every vehicle owned within this state not bearing or displaying a proper license plate required by the Oklahoma Vehicle License and Registration Act. Any such agency seizing a vehicle pursuant to the provisions of this section shall notify, in writing, any secured party which has an interest in the vehicle within five (5) days from the date of seizure of such vehicle. The vehicle shall not be released to the owner until it is duly registered and the license, registration, or title fee and penalties due are paid in full, and the cost of seizure, including the reasonable cost of taking the vehicle into custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees and penalties due, together with cost of seizure and storage, the ~~Oklahoma Tax Commission or its motor license agents~~ agency seizing the vehicle shall proceed to sell the vehicle by posting not less than five notices of sale in five different public places in the county where the vehicle is located, one of such notices to be posted at the place where the vehicle is stored; provided further, that a copy of the notice shall also be sent by certified mail, restricted delivery, with return receipt requested, to the last-known address of the registered owner of such vehicle in question. Such vehicle shall be sold at such sale subject to the following terms and conditions:

1. In the event the sale price is equal to, or greater than, the total costs of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate, manufactured home registration receipt and decal and registration certificate;

2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, such vehicle shall be sold as junk to the highest bidder, whereupon he shall receive a certificate of purchase; and if such vehicle be dismantled, the record to such junked vehicle shall be canceled. If not dismantled, the same shall be immediately registered; or

3. Any residue remaining unclaimed by the delinquent owner shall be deposited in the State Treasury as miscellaneous collections, and if no claim is made for such residue, within twelve (12) months from the date of sale of the vehicle, the same shall escheat to the state.

SECTION 3. AMENDATORY Section 5, Chapter 172, O.S.L. 1986, as last amended by Section 5, Chapter 315, O.S.L. 1990 (47 O.S. Supp. 1990, Section 1137.1), is amended to read as follows:

Section 1137.1 A. Except for vehicles which display a current Oklahoma license tag, upon the purchase or transfer of ownership of a used motor vehicle, including an out-of-state vehicle, to a licensed used motor vehicle dealer or wholesale used motor vehicle dealer, subsequently referred to in this section as "dealer", the dealer shall affix a used dealer's plate visible from the rear of the vehicle. Such license plate shall expire on December 31 of each year. When the vehicle is parked on the dealer's licensed place of business, such vehicle shall not be required to have a license plate of any kind affixed. A licensed used motor vehicle dealer shall obtain from the Oklahoma Tax Commission at a cost of Ten Dollars (\$10.00) a used motor vehicle dealer license plate for demonstrating, transporting or any other normal business of a used

motor vehicle dealer. A used motor vehicle dealer may obtain as many additional license plates as may be desired upon the payment of Ten Dollars (\$10.00) for each additional license plate. Use of the used dealer license plate by a licensed used motor vehicle dealer for other than the purposes as set forth herein shall constitute grounds for revocation of the dealer's license. The Oklahoma Tax Commission shall design the official used motor vehicle dealer license plate to include the used dealer's license number issued to him each year by the Used Motor Vehicle and Parts Commission.

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

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

D. Upon sale of a used motor vehicle to another licensed dealer, the selling dealer shall place the tax stamp required in subsection C of this section upon the certificate of title. The used dealer license plate or wholesale dealer license plate shall be removed by the selling dealer. The purchasing dealer shall, at time

of purchase, place his dealer license plate on the used motor vehicle as provided in subsection A of this section; provided, for vehicles purchased by a licensed used motor vehicle dealer at a motor vehicle auction, in lieu of such placement of the dealer license plate, the auction may provide temporary documentation as approved by the Director of the Motor Vehicle Division of the Oklahoma Tax Commission for the purpose of transporting such vehicle to the purchaser's point of destination. Such temporary documentation shall be valid for two (2) days following the date of sale.

E. The purchaser of every new or used motor vehicle, except as otherwise provided by law, shall obtain registration and title for the vehicle within thirty (30) days from the date of purchase of same, provided, that the purchaser obtains from the selling new or used motor vehicle dealer a temporary license which shall be valid for a period of thirty (30) days from the date of the purchase of such new or used motor vehicle. The temporary license shall be issued at no cost to a licensed new or used motor vehicle dealer upon application to a motor license agent, the Oklahoma Tax Commission, the Motor Vehicle Commission or the Used Motor Vehicle and Parts Commission. Use of the temporary license by a dealer for other than the purposes set forth herein shall constitute grounds for revocation of the dealer's license to conduct business. The temporary license shall be a three-part sequentially numbered form and shall provide space for the name of the purchaser, the year, make and vehicle identification number, the effective date and expiration date of the temporary license. One copy of the temporary license shall be retained in the files of the selling new or used motor vehicle dealer for a period of three (3) years from the date of sale of a motor vehicle, one copy shall be surrendered to the Oklahoma Tax Commission or motor license agent as provided in this section and one copy shall be affixed to the rear window of the

vehicle sold. The purchaser shall display the temporary license in the rear window of the vehicle purchased for a period not to exceed thirty (30) days or until registration and title are obtained as provided in this section. The new or used motor vehicle dealer shall complete the temporary license upon delivery of the vehicle to the purchaser and shall within seventy-two (72) hours of the time of sale surrender one (1) copy of the temporary license to the Oklahoma Tax Commission or a motor license agent along with a twenty-five-cent fee for each copy. The Oklahoma Tax Commission or a motor license agent shall upon receipt of one copy of the temporary license enter such information on the computerized motor vehicle record of said motor vehicle within forty-eight (48) hours of receipt of such copy. If the purchaser of the new or used vehicle fails to transfer title within thirty (30) days the Commission shall notify the purchaser and any secured party that the taxes and fees are delinquent. A used motor vehicle dealer shall be accountable to the Used Motor Vehicle and Parts Commission, and a new motor vehicle dealer shall be accountable to the Motor Vehicle Commission, for all temporary licenses issued to the dealer. A penalty in the amount of Fifty Dollars (\$50.00) shall be imposed upon any new or used motor vehicle dealer for any temporary license for which such dealer is unable to account. This penalty shall be collected by and deposited with the Used Motor Vehicle and Parts Commission for a used motor vehicle dealer or the Motor Vehicle Commission for a new motor vehicle dealer.

The provisions of this subsection on temporary licenses shall apply to nonresidents who purchase a new or used motor vehicle within this state that is to be licensed in another state. The nonresident purchaser shall be allowed to operate the new or used motor vehicle within the state with a temporary license for a period not to exceed five (5) days from date of purchase. Any nonresident purchaser found to be operating a new or used motor vehicle within

this state after five (5) days shall be subject to the registration fees of this state upon the same terms and conditions applying to residents of this state.

F. It shall be unlawful for any dealer to procure the registration and licensing of any new or used motor vehicle sold by the dealer or to act as the agent for the purchaser in the procurement of the registration and licensing of the purchaser's new or used vehicle. A license of any dealer violating the provision of this section may be revoked.

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

SECTION 4. AMENDATORY Section 7, Chapter 179, O.S.L. 1985, as last amended by Section 26, Chapter 337, O.S.L. 1990 (47 O.S. Supp. 1990, Section 1104), is amended to read as follows:

Section 1104. A. ~~Each motor license agent shall be entitled to retain the following amounts from the taxes and fees collected by such agent to be used to fund the operation of the office of such motor license agent subject to the provisions of Sections 1140 through 1146 of this title:~~

~~1. One Dollar and twenty-five cents (\$1.25) for each vehicle registered pursuant to the Oklahoma Vehicle License and Registration Act;~~

~~2. One Dollar and twenty-five cents (\$1.25) for each certificate of title issued for boats and motors pursuant to the Oklahoma Statutes;~~

~~3. One Dollar and twenty-five cents (\$1.25) for each certificate of registration issued for boats and motors pursuant to the Oklahoma Statutes;~~

~~4. One Dollar and twenty-five cents (\$1.25) for each certificate of title issued pursuant to the Oklahoma Vehicle License and Registration Act;~~

~~5. Four percent (4%) of the excise tax collected pursuant to Section 2102 of Title 68 of the Oklahoma Statutes;~~

~~6. Four percent (4%) of the excise tax collected on the transfer of boats and motors pursuant to the Oklahoma Statutes;~~

~~7. Until July 1, 1990, One Dollar (\$1.00) for each operators' or chauffeurs' license or identification license or renewal issued as provided in Sections 6-101 through 6-113 and Section 6-115 of this title, and Two Dollars (\$2.00) for each duplicate license issued pursuant to Section 6-114 of this title. Beginning July 1, 1990, Two Dollars (\$2.00) for each drivers' license, endorsement, identification license, or renewal or duplicate issued pursuant to Section 6-101 et seq. of this title;~~

~~8. Two Dollars (\$2.00) for the recording of security interests as provided in Section 1110 of this title;~~

~~9. Two Dollars (\$2.00) for each inspection conducted pursuant to subsection L of Section 1105 of this title;~~

~~10. Fifty cents (\$0.50) for each inspection conducted pursuant to Section 1102 of this title;~~

~~11. Three Dollars (\$3.00) for each inspection conducted pursuant to subsection M of Section 1105 of this title;~~

~~12. One Dollar (\$1.00) for each certificate of ownership filed pursuant to subsection Q of Section 1105 of this title;~~

~~13. One Dollar (\$1.00) for each temporary permit issued pursuant to Section 1124 of this title;~~

~~14. One Dollar and fifty cents (\$1.50) for processing each proof of financial responsibility, driver's license information,~~

~~insurance verification information, and other additional information as provided in Section 7-602 of this title;~~

~~15. The mailing fees provided in Sections 1131 and 1140 of this title;~~

~~16. The notary fee provided in Section 1143 of this title; and~~

~~17. Three Dollars (\$3.00) for each lien entry form completed and recorded on a certificate of title pursuant to subsection C of Section 1105 of this title.~~

~~The balance of the funds collected shall be remitted to the Commission as provided in Section 1142 of this title to be apportioned as hereinafter provided.~~

~~B.~~ Unless otherwise provided by law, all fees, taxes and penalties collected or received pursuant to the Oklahoma Vehicle License and Registration Act or Section 1-101 et seq. of this title and the unapportioned monies in the Motor Vehicle Escrow Account after the July 1985 apportionment shall be apportioned and distributed monthly by the Oklahoma Tax Commission as follows:

1. a. Except as provided in subparagraph b of this paragraph, thirty-five percent (35%) of said monies shall be apportioned to the various school districts as follows:

(1) except as otherwise provided in this division, each district shall receive the same amount of funds as such district received from the taxes and fees provided in this title in the corresponding month of the preceding year. Any district eligible for funds pursuant to the provisions of this section that was not eligible the preceding year shall receive an amount equal to the average daily attendance of the applicable year times the average daily attendance

apportionment within such county for each appropriate month, and

- (2) any funds remaining unallocated following the allocation provided in division (1) of this subparagraph shall be apportioned to the various school districts so that each district shall first receive the cumulative total of the monthly apportionments for which it is otherwise eligible under division (1) of this subparagraph and then an amount based upon the proportion that each district's average daily attendance bears to the total average daily attendance of those districts entitled to receive funds pursuant to this section as certified by the State Department of Education, and
- (3) if, for any month, the funds available are insufficient to provide the total allocation required in division (1) of this subparagraph, each district shall receive a proportionate share of the funds available based upon the proportion of the total revenues that such district received in the corresponding month of the preceding year.

Each district's allocation of funds shall be remitted to the county treasurer of the county wherein the administrative headquarters of the district are located.

No district shall be eligible for the funds herein provided unless said district makes an ad valorem tax levy of fifteen (15) mills and maintains nine (9) years of instruction and pursuant to the rules of the State Board of Education, are authorized to maintain ten (10) years of instruction; and

- b. Beginning July 1, 1991, if the amendment to Section 12a of Article X of the Constitution of the State of

Oklahoma contained in Enrolled House Joint Resolution No. 1005 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature is approved by the people, thirty-five percent (35%) of said monies shall be remitted to the State Treasurer to be deposited in the Common School Fund;

2. Forty-six and sixty-seven one-hundredths percent (46.67%) of said monies shall be remitted to the State Treasurer to be credited to the General Revenue Fund of the State Treasury;

3. Three-tenths of one percent ( $3/10$  of 1%) of said monies shall be remitted to the State Treasurer to be credited to the State Transportation Fund;

4. Seven percent (7%) of said monies shall be apportioned to the various counties as follows: Forty percent (40%) of such sum shall be distributed to the various counties in that proportion which the county road mileage of each county bears to the entire state road mileage as certified by the Transportation Commission and the remaining sixty percent (60%) of such sum shall be distributed to the various counties on the basis which the population and area of each county bears to the total population and area of the state. The population shall be as shown by the last Federal Census or the most recent annual estimate provided by the United States Bureau of the Census. Said funds shall be used for the purpose of constructing and maintaining county highways, provided, however, the county treasurer may deposit so much of said funds in the sinking fund as may be necessary for the retirement of interest and annual accrual of indebtedness created by the issuance of county or township bonds for road purposes. Such deposits to the sinking fund shall not exceed forty percent (40%) of the funds allocated to a county pursuant to this paragraph;

5. Two and one-half percent (2.5%) of said monies shall be remitted to the county treasurers of the respective counties and by

them deposited in a separate special revenue fund to be used by the county commissioners for the primary purpose of matching federal funds for the construction of federal aid projects on county roads, or constructing and maintaining county or township highways and permanent bridges of such counties. The distribution of monies apportioned by this paragraph shall be made upon the basis of the current formula based upon road mileage, area and population as related to county road improvement and maintenance costs. Provided, however, the Department of Transportation may update the formula factors from time to time as necessary to account for changing conditions.

Any unencumbered monies remaining in the County Road Fund on the effective date of this act shall be distributed to the various counties within thirty (30) days thereafter; provided, that the Department of Transportation is authorized to withhold from such distribution an amount not to exceed ten percent (10%) of the counties' share of the estimated construction cost of any uncompleted federally aided project utilizing county road funds for the local match. Such funds shall be used to cover any approved overruns on such projects which remain uncompleted on the effective date of this act. Upon completion and acceptance of said projects, any monies due the counties will be returned to them by the Department of Transportation within thirty (30) days of completion of final audit. In the event additional county monies are required to complete such projects, the Department of Transportation shall submit an invoice for payment to the counties and the affected counties shall pay such additional amount to the Department of Transportation. All claims against nonfederally aided project resolutions accepted by the Department of Transportation prior to July 1, 1989, must be presented to the Department of Transportation for payment prior to September 1, 1989. Any County Road Fund monies encumbered for nonfederally aided projects which remain under

control of the Department of Transportation on September 30, 1989, shall be returned to the county which encumbered said funds;

6. Three and one-half percent (3.5%) of said monies shall be transmitted by the Tax Commission to the various counties on the basis of a formula to be developed by the Department of Transportation. Such formula shall be similar to that currently used for the distribution of County Bridge Program Funds, but also taking into consideration the effect of terrain and traffic volume as related to county road improvement and maintenance costs. Provided, however, the Department of Transportation may update the formula factors from time to time as necessary to account for changing conditions. Said funds shall be transmitted to the various county treasurers to be deposited in the county highway fund of their respective counties;

7. Eight-tenths of one percent (8/10 of 1%) of said monies shall be apportioned to the various counties as follows:

- a. each county shall receive the same amount of funds as such county received from the taxes and fees provided for in the 1985 fiscal year,
- b. any funds remaining unallocated following the allocation provided in subparagraph a of this paragraph shall be apportioned to the various counties based upon the proportion that each county's population bears to the total state population, and
- c. if the funds available are insufficient to provide the total allocation required in subparagraph a of this paragraph, each county shall receive a proportionate share of the funds available based upon the proportion of the total revenues that each such county received in the 1985 fiscal year.

Each county's allocation of funds shall be remitted to the various county treasurers to be deposited in the general fund of the county and used for the support of county government;

8. Three percent (3%) of said monies shall be apportioned to the various cities and incorporated towns based upon the proportion that each city or incorporated town's population bears to the total population of all cities and incorporated towns in the state. Such funds shall be remitted to the various county treasurers for allocation to the various cities and incorporated towns. All such funds shall be used for the construction, maintenance, repair, improvement and lighting of streets and alleys. Provided, however, the governing board of any city or town may, with the approval of the county excise board, transfer any surplus funds to the general revenue fund of such city or town whenever an emergency requires such a transfer;

9. One and two-tenths percent (1.2%) of said monies shall be remitted to the State Treasurer to be credited to the Oklahoma Law Enforcement Retirement Fund; and

10. Three one-hundredths of one percent ( $3/100$  of 1%) of said monies shall be remitted to the State Treasurer to be credited to the Wildlife Conservation Fund. Seventy-five percent (75%) of said funds shall be used for fish habitat restoration and twenty-five percent (25%) of said funds shall be used in the fish hatchery system for fish production.

~~C.~~ B. Until July 1, 1991, if the amendment to Section 12a of Article X of the Constitution of the State of Oklahoma contained in Enrolled House Joint Resolution No. 1005 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature is approved by the people, school districts, in estimating the income for the succeeding fiscal year from funds provided by this section, may use as a basis for arriving at the amount to be estimated the actual income received

from the same source the previous fiscal year plus ninety percent (90%) of any increase estimated by the Commission.

~~D.~~ C. Monies allocated to counties by this section may be estimated by the county excise board in the budget for the county as anticipated revenue to the extent of ninety percent (90%) of the previous year's income from such source, provided, not more than fifteen percent (15%) can be encumbered during any month.

SECTION 5. AMENDATORY Section 29, Chapter 179, O.S.L. 1985 (47 O.S. Supp. 1990, Section 1126), is amended to read as follows:

Section 1126. A. At any time that a mortgagee repossesses a vehicle on which the registration has become delinquent as of the date of such repossession, the mortgagee shall not be required, as a condition for registration of said vehicle, to pay the penalties which had accrued as of the date of such repossession otherwise prescribed in this act. Provided that said penalties shall not be waived unless such vehicle is registered by the mortgagee within five (5) days after it is repossessed. Provided further, that if the mortgagor, or spouse, becomes the owner of the vehicle within ninety (90) days from the date of repossession, the penalty shall reattach and be paid when the new title is applied for.

B. Upon each vehicle repossessed by a mortgagee, the license fee shall be Fifty Dollars (\$50.00). This fee shall also be in lieu of any applicable vehicle excise tax. Each motor license agent accepting applications for certificates of title for such vehicles shall receive Ten Dollars (\$10.00) to be deducted from the license fee specified in this subsection for each application accepted.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1141.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

Each motor license agent shall be entitled to retain the following amounts from the taxes and fees collected by such agent to

be used to fund the operation of the office of such motor license agent subject to the provisions of Sections 1140 through 1147 of this title:

1. One Dollar and twenty-five cents (\$1.25) for each vehicle registered pursuant to the Oklahoma Vehicle License and Registration Act;

2. One Dollar and twenty-five cents (\$1.25) for each certificate of title issued for boats and motors pursuant to the Oklahoma Statutes;

3. One Dollar and twenty-five cents (\$1.25) for each certificate of registration issued for boats and motors pursuant to the Oklahoma Statutes;

4. One Dollar and twenty-five cents (\$1.25) for each certificate of title issued pursuant to the Oklahoma Vehicle License and Registration Act;

5. Four percent (4%) of the excise tax collected pursuant to Section 2102 of Title 68 of the Oklahoma Statutes;

6. Four percent (4%) of the excise tax collected on the transfer of boats and motors pursuant to the Oklahoma Statutes;

7. Until July 1, 1990, One Dollar (\$1.00) for each operators' or chauffeurs' license or identification license or renewal issued as provided in Sections 6-101 through 6-113 and Section 6-115 of this title, and Two Dollars (\$2.00) for each duplicate license issued pursuant to Section 6-114 of this title. Beginning July 1, 1990, Two Dollars (\$2.00) for each drivers' license, endorsement, identification license, or renewal or duplicate issued pursuant to Section 6-101 et seq. of this title;

8. Two Dollars (\$2.00) for the recording of security interests as provided in Section 1110 of this title;

9. Two Dollars (\$2.00) for each inspection conducted pursuant to subsection L of Section 1105 of this title;

10. Fifty cents (\$0.50) for each inspection conducted pursuant to Section 1102 of this title;

11. Three Dollars (\$3.00) for each inspection conducted pursuant to subsection M of Section 1105 of this title;

12. One Dollar (\$1.00) for each certificate of ownership filed pursuant to subsection Q of Section 1105 of this title;

13. One Dollar (\$1.00) for each temporary permit issued pursuant to Section 1124 of this title;

14. One Dollar and fifty cents (\$1.50) for processing each proof of financial responsibility, driver's license information, insurance verification information, and other additional information as provided in Section 7-602 of this title;

15. The mailing fees provided in Sections 1131 and 1140 of this title;

16. The notary fee provided in Section 1143 of this title;

17. Three Dollars (\$3.00) for each lien entry form completed and recorded on a certificate of title pursuant to subsection G of Section 1105 of this title; and

18. Ten Dollars (\$10.00) for each certificate of title or each certificate of registration issued for repossessed vehicles pursuant to Section 1126 of this title.

The balance of the funds collected shall be remitted to the Commission as provided in Section 1142 of this title to be apportioned pursuant to Section 1104 of this title.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1142.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any motor license agent or any employee of such motor license agent to carry on a messenger service, courier service or pick up and delivery service for the recording of a security interest or for the registration of a motor vehicle or boat or a motor, or obtaining license plates and decals,

or for the issuance of a certificate of title for any motor vehicle or boat or motor. Provided, nothing in this subsection shall be construed to prevent a motor license agent or any employee of such motor license agent from performing such services for the motor license agent's depository bank, when the motor license agent or his employee goes to the agent's depository bank to deposit tax monies into the agent's designated Oklahoma Tax Commission Motor License Agent Account. After September 1, 1991 the Oklahoma Tax Commission shall not designate or assign a motor license agent more than one active Oklahoma Tax Commission Motor License Agent Account. Accounts designated prior to September 1, 1991 may remain active.

B. It shall be unlawful for any motor license agent to compensate in any manner a messenger service, courier service or pick up and delivery service or any one attempting to provide messenger service, courier service or pick up and delivery service for recording a security interest or for the registration of a motor vehicle or boat or motor, or obtaining license plates and decals, or for the issuance of a certificate of title for any motor vehicle or boat or motor.

C. A motor license agent who violates the provisions of this section shall be subject to a fine of One Thousand Dollars (\$1,000.00) per occurrence and shall be removed immediately by the Oklahoma Tax Commission.

SECTION 8. This act shall become effective September 1, 1991."

Passed the House of Representatives the 16th day of April, 1991.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1991.

President

of the Senate