

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; ESTABLISHING A TEMPORARY
LICENSE COPY FEE; REQUIRING NOTIFICATION;
AUTHORIZING SEIZURE AFTER EXPIRATION OF TEMPORARY
LICENSE; ALLOWING ANY AGENCY SEIZING VEHICLE TO
PROCEED WITH SALE; AUTHORIZING OKLAHOMA TAX
COMMISSION TO MAKE CERTAIN NOTIFICATIONS; AND
PROVIDING AN EFFECTIVE DATE.

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

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, may furnish such desired information for the sum of One Dollar (\$1.00) per vehicle.

E. Notwithstanding the foregoing, the Commission may inform a secured party that the taxes and fees are delinquent on a certain vehicle at the same time they notify the owner of such vehicle.

~~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. 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 fifty-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. This act shall become effective September 1, 1991.

Passed the Senate the 7th day of March, 1991.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1991.

Speaker of the House of Representatives