

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 380

BY: WEEDN

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; AMENDING 47 O.S. 1981, SECTIONS 6-101, AS LAST AMENDED BY SECTION 10, CHAPTER 219, O.S.L. 1990, 6-115, AS LAST AMENDED BY SECTION 22, CHAPTER 219, O.S.L. 1990, 6-117, AS LAST AMENDED BY SECTION 4, CHAPTER 349, O.S.L. 1989, SECTION 7, CHAPTER 179, O.S.L. 1985, AS LAST AMENDED BY SECTION 9, CHAPTER 298, O.S.L. 1990, SECTION 46, CHAPTER 179, O.S.L. 1985, AS LAST AMENDED BY SECTION 2, CHAPTER 158, O.S.L. 1987 AND SECTION 49, CHAPTER 179, O.S.L. 1985, AS AMENDED BY SECTION 5, CHAPTER 158, O.S.L. 1987 (47 O.S. SUPP. 1990, SECTIONS 6-101, 6-115, 6-117, 1104, 1143 AND 1146), WHICH RELATE TO DRIVER'S LICENSES AND THE OKLAHOMA VEHICLE LICENSE AND REGISTRATION ACT; DELETING CERTAIN EXCEPTION; MODIFYING EXPIRATION DATE OF CERTAIN DRIVER'S LICENSES; AUTHORIZING MOTOR LICENSE AGENT TO PREPARE AND FURNISH SUMMARY OF TRAFFIC RECORD; SPECIFYING AMOUNT AND APPORTIONMENT OF FEE THEREOF; DELETING OBSOLETE LANGUAGE; AUTHORIZING MOTOR LICENSE AGENT TO RETAIN CERTAIN FEE; MODIFYING AMOUNT OF COMPENSATION TO MOTOR LICENSE AGENTS; REQUIRING CERTAIN MONITORING OF SUCH COMPENSATION; PROVIDING THAT AGENT SUBJECT TO DISMISSAL UNDER CERTAIN CIRCUMSTANCES; MODIFYING

CERTAIN FEE; DELETING CERTAIN PROVISION FOR DEPOSIT OF MOTOR LICENSE AGENT FEES; REQUIRING CERTAIN STATEMENT TO BE ON CERTAIN FORM; REQUIRING COPY BE FORWARDED TO STATE AUDITOR AND INSPECTOR; DELETING CERTAIN POSTING AND BUDGET SUBMISSION REQUIREMENT; MODIFYING AMOUNT OF COMPENSATION FOR MOTOR LICENSE AGENT EMPLOYEES; MODIFYING MOTOR LICENSE AGENCIES TO WHICH CERTAIN REQUIREMENTS APPLY AND MODIFYING SUCH REQUIREMENTS; REQUIRING REVIEW EXAMINATION TO BE MADE IN ACCORDANCE WITH CERTAIN GUIDELINES; REQUIRING CERTAIN EVALUATION; MODIFYING CERTAIN PURCHASING REQUIREMENTS; REPEALING SECTION 24, CHAPTER 290, O.S.L. 1988 (47 O.S. SUPP. 1990, SECTION 1140.1), WHICH RELATES TO CAMERAS FOR MOTOR LICENSE AGENTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 47 O.S. 1981, Section 6-101, as last amended by Section 10, Chapter 219, O.S.L. 1990 (47 O.S. Supp. 1990, Section 6-101), is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Section 6-102 of this title, shall operate any motor vehicle upon a highway in this state unless such person has a valid Oklahoma license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time.

B. 1. No person shall operate a Class A commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class A commercial license. Any person holding a valid Class A commercial license shall be permitted to operate motor

vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection;

2. No person shall operate a Class B commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class B commercial license. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection;

3. No person shall operate a Class C commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class C commercial license. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection;

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F; and

5. No person shall operate a Class D motor vehicle unless such person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. No person shall operate a motorcycle, motor-driven cycle or a motorized bicycle without first having obtained a Class A, B, C or D license with a motorcycle endorsement.

D. Any person issued a classified driver's license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

E. Except as otherwise may be provided for by law, any new applicant for an original classified license shall be required to successfully complete a written examination, vision examination and

driving examination for a motorcycle as prescribed by the Department of Public Safety to be eligible for a motorcycle endorsement thereon.

F. Except as otherwise may be provided for by law, any holder of an Oklahoma commercial chauffeur, chauffeur or operator driver's license which is eligible for renewal who applies for a Class A, B, C or D license shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement thereon; provided, however, the Department may waive all such examinations upon being furnished satisfactory proof that the applicant has regularly operated a motorcycle, motor-driven cycle or motorized bicycle for a minimum of two (2) years immediately preceding the application.

G. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C license. The Department, after the applicant has passed all parts of the examination for and has been issued a Class D license and has successfully passed all parts of the examination for a Class A, B or C license other than the driving test, may issue to the applicant a restricted driver's license which shall entitle the applicant having such license in his immediate possession to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training while accompanied by a licensed driver twenty-one (21) years of age or older holding a valid license for the class of vehicle being driven including any and all required endorsements.

This restricted driver's license shall be issued for the same period as all other licenses; provided, such restricted license may be suspended, revoked, canceled or denied at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application or for violation of any traffic laws of this state pertaining to the

operation of a motor vehicle. Except as otherwise provided, the holder of such restricted license who has been issued such restricted license for a minimum of thirty (30) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of such restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law. The Department shall cause such examination to be conducted not more than three times during the first six (6) months after date of issuance of said restricted license and not more than one time every three (3) months thereafter upon request of the holder thereof.

H. The fee charged for a successful examination shall be assessed in accordance with the following schedule:

Class A Commercial License	\$25.00
Class B Commercial License	\$15.00
Class C Commercial License	\$15.00
Class D License	\$ 4.00
Motorcycle Examination	\$ 4.00

Notwithstanding the provisions of Section 1104 of this title, all monies collected from the examination fees charged for Class A, B and C Commercial Licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

I. In addition to any fee charged for a successful examination pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of an Oklahoma license shall be in accordance with the following schedule:

Class A Commercial License	\$35.00
Class B Commercial License	\$35.00
Class C Commercial License	\$25.00
Class D License	\$15.00

J. All original and renewal classified licenses shall expire four (4) years from the last day of the month in which the license was issued.

K. Any person sixty-two (62) years of age or older during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

Age 62	\$11.25
Age 63	\$ 7.50
Age 64	\$ 3.75
Age 65	-0-

L. The Oklahoma Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules and regulations for the issuance and for the renewal of driver's licenses authorized to be issued pursuant to the provisions of Sections 6-101 through 6-309 of this title. Applications for such licenses shall be handled by the motor license agents, provided that the Department of Public Safety is authorized to assume these duties in any county of this state. ~~Except for driver's licenses issued pursuant to subsection K of this section, each~~ Each motor license agent accepting applications for such drivers' licenses shall receive Two Dollars (\$2.00) to be deducted from the total collected for each license or renewal application accepted. The two-dollar fee received by the motor license agent shall be used for operating expenses. The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each motor license agent issuing a license pursuant to subsection K of this section, an amount not to exceed One Dollar (\$1.00) for each license so issued. The Oklahoma Tax Commission shall develop procedures for claims for such reimbursement.

M. Notwithstanding the provisions of Section 1104 of this title and subsection L of this section and except as provided in subsection H of this section, the first Sixty Thousand Dollars

(\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Department of Public Safety Share the Road Program as that program pertains to the operation of commercial vehicles in this state with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds. The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as provided in subsection L of this section.

N. The Commissioner of the Department of Public Safety is authorized to employ such additional personnel as shall be necessary to administer the provisions of Sections 6-101 through 6-309 of this title.

SECTION 2. AMENDATORY 47 O.S. 1981, Section 6-115, as last amended by Section 22, Chapter 219, O.S.L. 1990 (47 O.S. Supp. 1990, Section 6-115), is amended to read as follows:

Section 6-115. Every driver's license shall be issued for a period of four (4) years. The expiration date of the license shall be four (4) years from the last day of the month of issuance for an initial license, and shall be four (4) years from the last day of the month of expiration of the previous license for a renewed license. Every such driver's license shall be renewable upon application and payment of the required fee. All applicants for renewals of driver's licenses who have proven accident records or

apparent physical defects may be required to take an examination as specified by the Commissioner of Public Safety.

SECTION 3. AMENDATORY 47 O.S. 1981, Section 6-117, as last amended by Section 4, Chapter 349, O.S.L. 1989 (47 O.S. Supp. 1990, Section 6-117), is amended to read as follows:

Section 6-117. (a) The Department of Public Safety shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial; and
2. All applications granted; and
3. The name of every licensee whose license has been suspended or revoked by the Department and after each such name note the reasons for such action.

(b) The Department shall also file all accident reports and abstracts of court records of convictions received by it pursuant to the laws of this state and maintain convenient records of such records and reports or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the Department of Public Safety upon any application for license or renewal of license and at other suitable times.

(c) The Commissioner may cause any or all records kept by the Department of Public Safety to be photographed, microphotographed, photostated, or reproduced on film. Such film or reproducing material shall be of durable material and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all detail.

(d) Such photostatic copy, photograph, microphotograph, or photographic film of the original records shall be deemed to be an

original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy thereof shall be deemed to be a transcript, exemplification, or certified copy of the original.

(e) If such photostatic copy, photograph, microphotograph, or reproductions on films shall be placed in conveniently accessible files and provisions made for preserving, examining, and using same, the Commissioner is empowered to authorize the disposal, archival storage, or destruction of such records or papers.

(f) Officers and employees of the Department designated by the Commissioner, for the purpose of administering the motor vehicle laws, are authorized to administer oaths and acknowledge signatures, and shall do so without fee.

(g) The Commissioner and such officers of the Department as he may designate are hereby authorized to prepare under the seal of the Department and deliver upon request a certified copy of any record of the Department, charging a fee of Three Dollars (\$3.00) per sheet, photograph, or any part of a sheet or photograph of any such document or similar document so certified. The certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

(h) The Department of Public Safety or any motor license agent upon request shall prepare and furnish a summary to any person of the traffic record of any person subject to the provisions of the motor vehicle laws of this state. Said summary shall include the enumeration of any motor vehicle accidents, reference to convictions for violations of motor vehicle laws, and any action taken against the person's privilege to operate a motor vehicle, as shown by the files of the Department for the three (3) years preceding the date of the request. For each summary furnished by the Department of Public Safety, the Department shall collect the sum of Five Dollars (\$5.00). For each summary furnished by a motor license agent, the

agent shall collect the sum of Seven Dollars (\$7.00), Five Dollars (\$5.00) of which shall be apportioned to the Department and Two Dollars (\$2.00) of which shall be retained by the motor license agent.

(i) There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the Department of Public Safety Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all money received by the Department of Public Safety from sale of surplus property, insurance and other reimbursements for damaged property, for the services of highway patrol personnel as approved by the Department if such personnel are representing the Department or are in any uniform of the Department, turnpike enforcement, fees and costs paid by subscribers to the Oklahoma Law Enforcement Telecommunications Systems, refund of federal gasoline tax, court-ordered forfeitures, salvage vehicle inspection and certification fees, inspections fees provided for in subsection H of Section 1111 of this title, reimbursements by state agencies for the use of Department of Public Safety airplanes, fees for meals from users of the Robert R. Lester Law Enforcement Training Academy facilities and federal funds unless otherwise provided by federal law or regulation. Except as provided for in subsection (j) of this section, all monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Public Safety for the operating expenses of the Department and for vehicles, equipment, personnel and other operating expenses for turnpike enforcement. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

(j) All monies accruing to the credit of the Department of Public Safety Revolving Fund from inspection fees provided for in

subsection H of Section 1111 of this title shall be budgeted and expended solely for the purpose of inspections by the Department of Public Safety provided for in Section 1111 of this title and for contracting with local law enforcement agencies for conducting the inspections provided for in Section 1111 of this title.

(k) All monies received by the Commissioner of Public Safety, his officers and his employees shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury except as otherwise provided in this section.

SECTION 4. AMENDATORY Section 7, Chapter 179, O.S.L. 1985, as last amended by Section 9, Chapter 298, 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, Section 1101 et seq. of this title;

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 G of Section 1105 of this title; and

18. Two Dollars (\$2.00) for each traffic record summary pursuant to the provisions of subsection (h) of Section 6-117 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%)~~ Thirty-five percent (35%) of said monies shall be apportioned to the various school districts as follows:

~~(1)~~ a. 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)~~ b. any funds remaining unallocated following the allocation provided in ~~division (1)~~ subparagraph a of this ~~subparagraph~~

paragraph 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)~~ subparagraph a of this ~~subparagraph~~ paragraph 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)~~ c. if, for any month, the funds available are insufficient to provide the total allocation required in ~~division (1)~~ subparagraph a of this ~~subparagraph~~ paragraph, 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~~ July 1, 1989, 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. ~~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~~ 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. 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 46, Chapter 179, O.S.L. 1985, as last amended by Section 2, Chapter 158, O.S.L. 1987 (47 O.S. Supp. 1990, Section 1143), is amended to read as follows:

Section 1143. A motor license agent appointed under the provisions of this title, out of the motor license agent fees provided by Section 1104 of this title and so collected,~~shall retain~~ for each transaction performed in the motor license agency as prescribed by the Motor Vehicle Division of the Oklahoma Tax Commission and the Department of Public Safety shall, after paying all and necessary expenses for the operation of his motor license agency, be able to claim as his compensation ~~a maximum sum of Thirty Thousand Dollars (\$30,000.00) per year, plus all notary and mailing fees received by such agent and all profits from any concessions operated in the agent's office~~ the remainder of the fees so collected during the year. This compensation shall be monitored by the Tax Commission and the State Auditor and Inspector according to the provisions of Section 1146 of this title. If a motor license agent is collecting fees and not expending adequate funds for the professional operation of his agency for the purpose of enhancing his compensation or if such agent is charging and collecting fees not authorized by Section 1104 of this title or by the Oklahoma Tax Commission or the Department of Public Safety, the agent shall be subject to dismissal.

A motor license agent shall receive a fee of not more than ~~One Dollar (\$1.00)~~ Two Dollars (\$2.00) for each document notarized and a

fee of fifty cents (\$0.50) for any documents mailed. ~~All motor license agent fees shall be deposited in the school general fund and shall be distributed after the payment of expenses as provided for in the Oklahoma Vehicle License and Registration Act.~~

The Oklahoma Tax Commission shall initiate a mail order vehicle registration notification program, which shall consist of notification annually to all vehicle owners in this state of such time an owner shall register and license his vehicle as provided for in this act, Section 1101 et seq. of this title. The notification issued by the Commission shall include a breakdown of all charges to be paid by the owner, other items deemed necessary by the Commission and shall notify the owner that he has the option of paying his registration and receiving his license plate or decal through the mail directly from the Commission or of registering and receiving his license plate or decal from a motor license agent. On the back of such registration notification forms ordered after the effective date of this act there shall be the address of the Oklahoma Tax Commission in large black type and an explanation of the apportionment of all license fees and penalties collected and their disposition. Such explanation shall include information as to all charges included in the total license fee and any fees or charges incident to the registration of a motor vehicle, to include all fees that a motor license agent is authorized to collect.

If the owner chooses the option of receiving these services through the mail, either from the Commission or the motor license agent, he shall then be instructed to pay the final total listed. The costs of mailing shall be One Dollar (\$1.00) for license plates, fifty cents (\$0.50) for decals and fifty cents (\$0.50) for the mailing of any other form, title, decal or device provided for in the Oklahoma Vehicle License and Registration Act. Provided however, the Commission may adjust any mailing costs from time to time as they deem appropriate and as will allow for additional fees

the U.S. Postal Service may charge. Any amount retained by the motor license agent to defray costs of handling and mailing that is in excess of the amount needed for such expenses shall be retained by the agent as part of his compensation as herein provided.

Money received by the Commission for the issuance of any registrations, license plates or otherwise shall be apportioned to the schools in accordance with other laws controlling such distributions.

Failure by an owner of a vehicle to receive registration notification as provided for in the ~~Motor~~ Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title, shall not in any manner relieve such person from the obligation of proper and timely registration and licensing of such vehicle, and such person shall be subject to any penalties prescribed by the Oklahoma Vehicle License and Registration Act. A motor license agent, out of the fees collected under the provisions of this title, shall obtain a faithful performance surety bond or cash bond in the amount of Thirty Thousand Dollars (\$30,000.00) or in such additional amount and form required by the Commission or by this act, a blanket surety bond or cash bond covering adequately all office personnel, necessary insurance, necessary office equipment and furniture, and other goods and services essential to the proper operation of the motor license agent office. Provided that the Commission shall have the authority to lower such required surety bond to an amount that is commensurate with the amount of business conducted by the motor license agent, but in no event shall that amount be less than Five Thousand Dollars (\$5,000.00). Motor license agents shall obtain the surety bond or cash bond required by this section only during their first year of operation. Thereafter, the motor license agents shall be subject to the provisions of Section ~~3~~ 1143.1 of this ~~act~~ title.

SECTION 6. AMENDATORY Section 49, Chapter 179, O.S.L. 1985, as amended by Section 5, Chapter 158, O.S.L. 1987 (47 O.S. Supp. 1990, Section 1146), is amended to read as follows:

Section 1146. A. Before October 1 of each year and as of the last day of operation of an agent, all motor license agents shall forward a complete financial statement on a form prescribed by the State Auditor and Inspector covering all expenses and disbursements out of all fees collected by such agents during the last completed fiscal year or during the current fiscal year through the last day of operation of the agent to the State Auditor and Inspector and to the Oklahoma Tax Commission. ~~A copy of such financial statement shall be posted by the motor license agent in a conspicuous public place in the motor license agent's office. Each such motor license agent shall submit a proposed budget to the Commission.~~ The Commission shall audit such motor license agents at least once during each fiscal year and shall have the power to require any changes it deems necessary in the operation of those motor license agents. The Commission shall issue such rules and regulations as it deems necessary for the proper control of all fiscal matters involving those motor license agents. No person employed in the office of a motor license agent performing duties imposed by law upon such office ~~shall~~ may receive a salary that exceeds ~~seventy percent (70%) of the maximum annual compensation designated by law for the motor license agent provided, however, any such employee who has been so employed in excess of five (5) years may be compensated by an additional five percent (5%) of such maximum annual compensation for each year in excess of five (5) years employment not exceeding a total of twenty-five percent (25%).~~ The provisions of this section shall not apply to the Commission the salary paid to an employee of the Commission whose duties are equivalent to those of the agency employee.

For motor license agencies that collect agency fees of less than ~~Fifty Thousand Dollars (\$50,000.00)~~ Seventy-five Thousand Dollars (\$75,000.00) a year, the State Auditor and Inspector:

1. ~~1.~~ annually, shall make a review of financial statements and inventory; ~~and~~

2. ~~at least once every five (5) years, shall make a review examination of the fees received and expenditures made by an agency.~~

For motor license agencies that collect agency fees of ~~Fifty Thousand Dollars (\$50,000.00)~~ Seventy-five Thousand Dollars (\$75,000.00) or more a year, a review examination of the fees received and expenditures made by an agency shall be made in accordance with auditing guidelines prepared by the State Auditor and Inspector and the standards established by the American Institute of Certified Public Accounting by a licensed public accountant or a certified public accountant holding a permit to practice in this state at least once each fiscal year, and as of the end of the day before a newly appointed motor license agent assumes office. A copy of the review examination shall be forwarded to the State Auditor and Inspector and the Tax Commission. The State Auditor and Inspector and the Tax Commission shall ~~review~~ evaluate the review examinations and may conduct any further examinations as deemed necessary. Except as otherwise provided by law, the allowable expenses of a motor license agency shall be the ordinary and necessary expenses allowed small businesses pursuant to the Federal Internal Revenue Code, 26 U.S.C., Section 1 et seq. All review examinations required pursuant to this subsection shall be in compliance with all laws affecting the operation of motor license agencies and in accordance with an audit guide established by the State Auditor and Inspector. Any review examination or audit of a motor license agency performed by the Oklahoma Tax Commission or the State Auditor and Inspector or a licensed public accountant or a certified public accountant pursuant to the provisions of Sections

1140 through 1147 of this title shall be open record and shall be made available for public inspection at the Oklahoma Tax Commission, notwithstanding the provisions of Section 205 of Title 68 of the Oklahoma Statutes.

Any motor license agent whose budgeted compensation is the same as the maximum amount as provided for in this act, Section 1101 et seq. of this title, shall hold all real and personal property leased or purchased from the operating expense budget of the agency in trust as the property of the agency for use in the operation of the agency and for no other purpose and, upon the resignation, removal or death of such agent, such property shall be transferred to the successor agent. The Commission shall establish a beginning inventory and maintain records of all real and personal property leased or owned by each motor license agent and shall annually update its records as to any interest, whether partial or whole, held by the motor license agent in such real and personal property. Upon the appointment of a successor agent, the Commission shall have the power to provide for the equitable settlement of any issue arising from any partial interests involved in such real and personal property. Provided however, that the property may be transferred to the Commission to be held or used by the Commission until such time as a successor agent is appointed and qualified as provided in this act.

B. The following restrictions and requirements shall apply to all motor license agents:

1. All purchases in excess of ~~Seven Hundred Fifty Dollars (\$750.00)~~ One Thousand Dollars (\$1,000.00) made by a motor license agent ~~shall be subject to the Oklahoma Central Purchasing Act~~ who collects fees in excess of Seventy-five Thousand Dollars (\$75,000.00) per year shall be identified in each review examination and shall be accompanied by at least three (3) quotes or bids

showing that the purchase was at the lowest price available in the agent's local area;

2. No motor license agent shall enter into a lease or sublease, for use in a motor license agency or in the conduct of agency business for any furniture, equipment, machinery, vehicles or other items from any entity in which the agent or any person related to the agent within the third degree by consanguinity or affinity has a financial interest. Such motor license agent may, however, locate or continue to locate a motor license agency in a building owned by said agent or by a person related to the agent within the third degree by consanguinity or affinity. In such case, the Office of Public Affairs must appraise such office space to be leased and approve any leasing agreement; and

3. Any and all records, files, books or otherwise of a motor license agent relating to the operation of the motor license agency shall be public record which shall be open to public inspection at reasonable times, regardless of their location.

SECTION 7. REPEALER Section 24, Chapter 290, O.S.L. 1988 (47 O.S. Supp. 1990, Section 1140.1), is hereby repealed.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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