

ENROLLED HOUSE
BILL NO. 2184

By: Williams and Kirby of
the House

and

Hooper and Long (Lewis)
of the Senate

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 1137.1, as last amended by Section 3, Chapter 93, O.S.L. 1993 and 1137.2, as amended by Section 4, Chapter 93, O.S.L. 1993 (47 O.S. Supp. 1993, Sections 1137.1 and 1137.2), which relate to used dealer temporary license plates; modifying the issuance and requirements of a temporary license plate for a used motor vehicle or trailer; deleting certain dealer requirements and penalties involving temporary license plates; removing Oklahoma Tax Commission as authority to print and distribute dealer license plates and temporary license forms; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 1137.1, as last amended by Section 3, Chapter 93, O.S.L. 1993 (47 O.S. Supp. 1993, Section 1137.1), is amended to read as follows:

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

B. Upon the purchase or transfer of ownership of an out-of-state used motor vehicle, travel trailer or commercial trailer 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, travel trailer or commercial trailer 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 or travel trailer, 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 or her 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 or travel trailers but shall not relieve any other property of the dealer from ad valorem taxation.

D. Upon sale of a used motor vehicle or travel trailer 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 or her dealer license plate on the used motor vehicle, travel trailer or commercial trailer as provided in subsection A of this section; provided, for vehicles, travel trailers or commercial trailers purchased by a licensed used dealer at an 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 used motor vehicle, travel trailer or commercial trailer, except as otherwise provided by law, shall obtain registration and title for the vehicle or trailer within thirty (30) days from the date of purchase of same, ~~provided, that the purchaser obtains from.~~ It shall be the responsibility of the selling dealer to place a temporary license which shall be valid for a period of thirty (30) days from the date of purchase. The temporary license shall be issued at no cost to a licensed dealer upon application to a motor license agent, the Oklahoma Tax Commission or the Used Motor Vehicle and Parts Commission plate, in size similar to the permanent Oklahoma license plate but of a fibrous substance, upon a used motor vehicle, travel trailer or commercial trailer when a transaction is completed for the sale of said vehicle. The temporary license plate shall show the license number which is issued to the dealer each year by the Oklahoma Tax Commission or the Used Motor Vehicle and Parts Commission, the date the used motor vehicle, travel trailer or commercial trailer was purchased and the company name of the selling dealer. Such temporary license plate shall be valid for a period of thirty (30) days from the date of purchase. 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 plate shall be a three-part sequentially numbered form and shall provide space for the name of the purchaser,

~~the year, make and vehicle, travel trailer or commercial trailer 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 dealer for a period of three (3) years from the date of sale, 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. Purchasers of a commercial trailer shall affix ~~said copy~~ the temporary license plate to the rear of the commercial trailer. The purchaser shall display the temporary license plate for a period not to exceed thirty (30) days or until registration and title are obtained as provided in this section. ~~The dealer shall complete the temporary license upon delivery of the vehicle, travel trailer or commercial trailer 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. A dealer shall be accountable to the Used Motor Vehicle and Parts Commission for all temporary licenses issued to the dealer. A penalty in the amount of Fifty Dollars (\$50.00) shall be imposed upon any 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.~~~~

The provisions of this subsection on temporary licenses shall apply to nonresidents who purchase a used motor vehicle, travel trailer or commercial trailer within this state that is to be licensed in another state. The nonresident purchaser shall be allowed to operate the vehicle or trailer within the state with a temporary license plate for a period not to exceed thirty (30) days from date of purchase. Any nonresident purchaser found to be operating a used motor vehicle, travel trailer or commercial trailer within this state after thirty (30) 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 used motor vehicle, travel trailer or commercial trailer 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 used vehicle, travel trailer or commercial trailer. 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, travel trailers or commercial trailers 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, travel trailer or commercial trailer on which the registration therefor has been expired for a period exceeding thirty (30) days without obtaining current registration therefor.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 1137.2, as amended by Section 4, Chapter 93, O.S.L. 1993 (47 O.S. Supp. 1993, Section 1137.2), is amended to read as follows:

Section 1137.2 The Oklahoma Tax Commission shall have the sole authority to ~~print and~~ issue the ~~used~~ dealer license plate ~~and the temporary license forms~~ specified in subsection A of Section 1137.1 of this title ~~to be distributed in the manner provided for in subsection E of Section 1137.1 of this title.~~

SECTION 3. This act shall become effective September 1, 1994.

Passed the House of Representatives the 25th day of April, 1994.

Speaker of the House of
Representatives

Passed the Senate the 6th day of April, 1994.

President of the Senate