

SHORT TITLE: Motor vehicles; modifying statutory reference;
effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 871

By: Kerr

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 1140, which relates to motor license agents; modifying statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 1140, is amended to read as follows:

Section 1140. A. In municipalities having a population in excess of eight thousand five hundred (8,500) located in a county having a population in excess of one hundred thirty thousand (130,000), according to the latest Federal Decennial Census, the Oklahoma Tax Commission shall adopt, not later than sixty (60) days after the effective date of this act, rules and regulations prescribing minimum qualifications and requirements for locating motor license agencies and for persons applying for appointment as a motor license agent. Such qualifications and requirements shall include, but not be limited to, the following:

1. Necessary job skills and experience;
2. Minimum office hours;
3. Provision for sufficient staffing, equipment, office space and parking to provide maximum efficiency and maximum convenience to the public;
4. Obtainment of a faithful performance surety bond as provided for by law;

5. Operation of a motor license agency shall be the primary source of income for said agent;

6. That the applicant has not been convicted of a felony and that no felony charges are pending against the applicant;

7. That a complete financial statement be submitted by the applicant on forms provided by the Oklahoma Tax Commission;

8. That a report of the applicant's credit history be obtained through the appropriate credit bureau;

9. That the location specified in the application for appointment as a motor license agent not be owned by a member of the Oklahoma Legislature or any person related to a member of the Oklahoma Legislature within the third degree by consanguinity or affinity and that the location not be within a three-mile radius of an existing motor license agency unless the applicant is assuming the location of an operating agency; and

10. After the necessary information has been forwarded to the Oklahoma Tax Commission, each applicant shall be interviewed by the Oklahoma Tax Commission or its designees and each item of information shall be reviewed.

The qualifications and requirements specified in paragraphs 1 through 10 of this subsection shall apply only to persons making application to be appointed as motor license agents on or after the effective date of this act.

Any person making application to the Oklahoma Tax Commission for the purpose of becoming a motor license agent shall pay when submitting the application, a nonrefundable application fee of One Hundred Dollars (\$100.00). All such application fees shall be deposited in the Oklahoma Tax Commission Revolving Fund.

Upon application by a person to serve as a motor license agent, in such counties, the Commission shall make a determination whether such person and such location meets the qualifications and

requirements prescribed herein and, if such be the case, shall appoint such person to serve as a motor license agent.

A motor license agent, appointed pursuant to this subsection shall be permitted to operate a motor license agency at a single location and shall be prohibited from operating subagencies or branch agencies, unless such subagencies or branch agencies were established prior to June 1, 1985.

Unless otherwise specifically provided, motor license agents appointed pursuant to this subsection shall be subject to all laws relating to motor license agents and shall be subject to removal at the will of the Commission.

B. In all other counties of this state and in municipalities having a population of less than eight thousand five hundred (8,500) located in a county having a population in excess of one hundred thirty thousand (130,000), according to the latest Federal Decennial Census, the Commission shall appoint as many motor license agents as it deems necessary to carry out the provisions of the Motor Vehicle License and Registration Act, Section 1101 et seq. of this title. Provided, that in counties with a population in excess of twenty-five thousand (25,000), according to the latest Federal Decennial Census, having only one motor license agent serving said county, the Commission shall establish at least one additional agency to serve said county.

Such agents shall be self-employed independent contractors, and all agents shall be under the supervision of the Commission. Any such agent, upon being appointed, shall furnish and file with the Commission a bond in such amount as may be fixed by said Commission. Such agent shall be removable at the will of the Commission. Such agent shall perform all duties and do such things in the administration of the laws of this state as shall be enjoined upon and required of him by the Commission. Provided that, the

Commission may operate a motor license agency in any county where a vacancy occurs.

C. In the event of a vacancy existing by reason of resignation, removal, death or otherwise, in the position of any motor license agent, the Commission is hereby empowered and authorized to take any and all actions it deems appropriate in order to provide for the orderly transition and for the maintenance of operations of the motor license agency including, but not limited to, the designation of one of its regular employees to serve as "acting agent" without bond, and to receive and expend all fees or charges authorized or provided by law and exercise the same powers and authority as a regularly appointed motor license agent. Said acting agent may be authorized by the Commission equally as the preceding agent to make disbursements from any balances in the preceding motor license agent's operating account and the agent's operating funds for the payment of expenses of operations and salaries and other overhead. If such funds are insufficient, the Commission is authorized to expend from funds appropriated for the operation of the Commission such amounts as are necessary to maintain and continue the operation of any such motor license agency until a successor agent is appointed and qualified. The Commission may require a blanket fiduciary bond of the agency employees.

D. Any motor license agency operated by a motor license agent who has been charged with a felony shall be closed immediately. The State Auditor and Inspector shall immediately conduct an audit of such motor license agency and forward the report of the audit to the Tax Commission for review. The Commission shall determine whether the motor license agency shall be reopened and operated by the motor license agent or whether the agency shall be reopened and operated by the Commission. The review of the audit and the Commission determination shall be effected as soon as possible to prevent additional inconvenience to the public.

E. When an application for registration is made with the Commission or a motor license agent, a registration fee of One Dollar and seventy-five cents (\$1.75) shall be collected for each license plate or decal issued. Such fees shall be in addition to the registration fees on motor vehicles and when an application for registration is made to the motor license agent such motor license agent shall retain One Dollar and twenty-five cents (\$1.25) and such retained amounts shall be distributed as provided for other such fees retained by a motor license agent and the remaining fifty cents (\$0.50) shall be remitted to the Commission to be distributed according to the provisions of Section 1104 of this title.

It is provided further that, when applications are made to the motor license agent in transactions involving issuance of title and the payment of excise taxes as required by law, the motor license agent shall receive four percent (4%) of the excise tax as provided for in Section 2102 of Title 68 of the Oklahoma Statutes and such fees shall be used for operating expenses as herein defined, and the excess funds are to be deposited in school general funds as provided by law for other motor license agent fees. When the fee is paid by a person making his application directly with the Commission, said registration fees shall be in the same amount as provided for motor license agents and One Dollar and twenty-five cents (\$1.25) of such fees shall be deposited in the Oklahoma Tax Commission Revolving Fund and fifty cents (\$0.50) of such fees shall be apportioned according to the provisions of Section 1104 of this title. The Commission shall prepare schedules of registration fees and charges for titles which shall include the fees for such agents and all fees and charges paid by a person shall be listed separately on the application and registration and totaled on the application and registration. The motor license agents shall charge only such fees as are specifically provided for by law, and all such authorized

fees shall be posted in such a manner that any person shall have notice of all fees that are imposed by law.

F. Beginning on the effective date of this act, no person shall be appointed as a motor license agent unless the person has attested under oath that the person is not related by affinity or consanguinity within the third degree to:

1. Any member of the Oklahoma Legislature;

2. Any person who has served as a member of the Oklahoma Legislature within the two-year period preceding the date of appointment as motor license agent; or

3. Any employee of the Oklahoma Tax Commission.

SECTION 2. This act shall become effective September 1, 1994.

44-2-1864

DB