

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)  
CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1251

By: Shurden of the Senate

and

Leist of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 14-109, as last amended by Section 1, Chapter 106, O.S.L. 1996, 581, as last amended by Section 1, Chapter 168, O.S.L. 1997, 591.5, as amended by Section 2, Chapter 242, O.S.L. 1992, and 1111, as last amended by Section 2, Chapter 324, O.S.L. 1995 (47 O.S. Supp. 1997, Sections 14-109, 581, 591.5, and 1111), which relate to driver's license endorsements, load limits, utility vehicles, definitions, and salvage titles; expanding exception to certain load limit restriction; rearranging, modifying, and adding definitions; providing for rebuilder certificate; setting fees; requiring issuance of certain buyer's identification card under certain circumstances; making exception to issuance of certain title; regularizing formatting, punctuation, and usage; clarifying references; deleting obsolete provisions; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 14-109, as last amended by Section 1, Chapter 106, O.S.L. 1996 (47 O.S. Supp. 1997, Section 14-109), is amended to read as follows:

Section 14-109. A. On any road or highway:

1. No single axle weight shall exceed twenty thousand (20,000) pounds; and
2. The total gross weight in pounds imposed thereon by a vehicle or combination of vehicles shall not exceed the value given in the following table corresponding to the distance in feet between the extreme axles of the group measured longitudinally to the nearest foot.

Distance in Feet  
 Between the Extremes of  
 Any Group of 2 or More  
 Consecutive Axles

Maximum Load in Pounds  
 Carried  
 More Consecutive Axles

	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
4	34,000	-----	-----	-----	-----
5	34,000	-----	-----	-----	-----
6	34,000	-----	-----	-----	-----
7	34,000	-----	-----	-----	-----
8	34,000	42,000	-----	-----	-----
9	39,000	42,500	-----	-----	-----
10	40,000	43,500	-----	-----	-----
11	-----	44,000	-----	-----	-----
12	-----	45,000	50,000	-----	-----
13	-----	45,500	50,500	-----	-----
14	-----	46,500	51,500	-----	-----
15	-----	47,000	52,000	-----	-----
16	-----	48,000	52,500	58,000	-----
17	-----	48,500	53,500	58,500	-----
18	-----	49,500	54,000	59,000	-----
19	-----	50,000	54,500	60,000	-----
20	-----	51,000	55,500	60,500	66,000
21	-----	51,500	56,000	61,000	66,500
22	-----	52,500	56,500	61,500	67,000
23	-----	53,000	57,500	62,500	68,000
24	-----	54,000	58,000	63,000	68,500
25	-----	54,500	58,500	63,500	69,000
26	-----	56,000	59,500	64,000	69,500
27	-----	57,500	60,000	65,000	70,000
28	-----	59,000	60,500	65,500	71,000
29	-----	60,500	61,500	66,000	71,500
30	-----	62,000	62,000	66,500	72,000
31	-----	63,500	63,500	67,000	72,500
32	-----	64,000	64,000	68,000	73,500
33	-----	-----	64,500	68,500	74,000
34	-----	-----	65,000	69,000	74,500

35	-----	-----	66,000	70,000	75,000
36	-----	-----	68,000	70,500	75,500
37	-----	-----	68,000	71,000	76,000
38	-----	-----	69,000	72,000	77,000
39	-----	-----	70,000	72,500	77,500
40	-----	-----	71,000	73,000	78,000
41	-----	-----	72,000	73,500	78,500
42	-----	-----	73,000	74,000	79,000
43	-----	-----	73,280	75,000	80,000
44	-----	-----	73,280	75,500	80,500
45	-----	-----	73,280	76,000	81,000
46	-----	-----	73,280	76,500	81,500
47	-----	-----	73,500	77,500	82,000
48	-----	-----	74,000	78,000	83,000
49	-----	-----	74,500	78,500	83,500
50	-----	-----	75,500	79,000	84,000
51	-----	-----	76,000	80,000	84,500
52	-----	-----	76,500	80,500	85,000
53	-----	-----	77,500	81,000	86,000
54	-----	-----	78,000	81,500	86,500
55	-----	-----	78,500	82,500	87,000
56	-----	-----	79,500	83,000	87,500
57	-----	-----	80,000	83,500	88,000
58	-----	-----	-----	84,000	89,000
59	-----	-----	-----	85,000	89,500
60	-----	-----	-----	85,500	90,000

B. Except as to gross limits, the table in subsection A of this section shall not apply to a truck-tractor and dump semitrailer when ~~such are~~ used as a combination unit. In no event shall the maximum load in pounds carried by any set of tandem axles exceed thirty-four thousand (34,000) pounds for vehicles exempt from the table. ~~However~~ ; however, any ~~such~~ vehicle operating with split tandem axles or tri-axles shall adhere to the table.

C. Special permits may be issued as provided in this title for divisible loads for vehicle configurations in excess of six

(6) axles. The permits may not exceed the Table "B" federal weights formula imposed by Title 23, U.S. Code, Section 127. Vehicles moving under the permits shall not traverse H-15 bridges or less without the ~~expressed~~ express approval of the Secretary of Transportation.

D. Except for loads moving under special permits as provided in this title, no department or agency of ~~the~~ this state or any county ~~or,~~ city, or public entity thereof shall accept loads moving in interstate or intrastate commerce in excess of the legal load limits of this state.

E. Exceptions to this section will be:

1. Utility or refuse collection vehicles used by counties, cities ~~and,~~ or towns or by private companies contracted by counties, cities ~~and,~~ or towns ~~provided if~~ provided if the following conditions are met:

a. calculation of weight for a utility or refuse collection vehicle shall be "Gross Vehicle Weight". The "Gross Vehicle Weight" of a utility or refuse collection vehicle may not exceed the otherwise applicable weight by more than fifteen percent (15%). The weight on individual axles must not exceed the manufacturer's component ~~ratings~~ rating which includes axle, suspension, wheels, rims, brakes, and tires as shown on the vehicle certification label or tag, and

b. utility or refuse collection vehicles operated under these exceptions will not be allowed to operate on interstate highways; and

2. Vehicles transporting timber, pulpwood, and chips in their natural state, and vehicles transporting grain ~~from the field to the elevator,~~ if the following conditions are met:

a. the vehicles are registered for the maximum allowable rate,

b. the vehicles do not exceed five percent (5%) of the gross limits set forth in subsection A of this section, and

c. the vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

F. Utility or refuse collection vehicles, vehicles transporting timber, pulpwood, and chips in their natural state, and vehicles transporting grain ~~from the field to the elevator~~, operating under exceptions shall purchase an annual special overload permit for One Hundred Dollars (\$100.00). This fee shall be apportioned as provided for in Section 1104 of this title.

G. For purposes of this section, "utility vehicle" shall mean any truck used by a private utility company, county, city, or town for the purpose of installing or maintaining electric, water, or sewer systems.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 581, as last amended by Section 1, Chapter 168, O.S.L. 1997 (47 O.S. Supp. 1997, Section 581), is amended to read as follows:

Section 581. As used in Sections 581 through 587 of this title:

1. "Commission" means the Oklahoma Used Motor Vehicle and Parts Commission;

2. "Compensation" means anything of value including money, merchandise, rebates on purchases, trading stamps, or any other thing of value;

3. "Consignment sale" means the sale of used motor vehicles belonging to another by a used motor vehicle dealer, whether or not title is transferred from the consignor to the used motor vehicle dealer;

4. "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, covers three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained thereon. For the purposes of Sections 581

through 587 of this title, the term "manufactured home" shall not include any structure or vehicle which is owned by a religious corporation or society and is used exclusively for religious purposes. "Mobile home" means a manufactured home transportable in one section. "Sectional home" means a manufactured home transportable in two or more sections. These terms shall not include any travel trailer or any self-propelled vehicle used as living quarters, whether referred to as a motor home or by any other name. Trailers or semitrailers used for the transportation of goods or property other than the personal belongings of the owner of the vehicle shall not be included in this definition;

5. a. "Manufactured home dealer" means any person, firm, corporation, or other legal authority who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, offers to sell, or attempts to negotiate a sale or exchange of interest in, new or used manufactured homes, or that is engaged wholly or in part in the business of selling any new and unused, or used, or both new and used manufactured homes. A valid franchise letter as proof of authorization to sell any new manufactured home product line or lines shall be attached to the application for a dealer license to sell manufactured homes.

b. "Manufactured home dealer" shall not include any person, firm, corporation, or other legal entity who sells or contracts for the sale of a personally titled manufactured home or homes, or any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of manufactured homes as a part of an auction or liquidation of an estate, or any Oklahoma licensed real estate broker or sales associate when buying or selling used mobile homes as a part of a real estate business. No person, firm, corporation, or other legal entity shall be

considered a manufactured home dealer as to any manufactured home purchased or acquired by the person, firm, corporation, or other legal entity for purposes other than resale; provided, that the restriction set forth in this sentence shall not prevent an otherwise qualified person, firm, corporation, or other legal entity from utilizing a single manufactured home as a sales office;

6. "Rebuilder" means a used motor vehicle dealer who is engaged in the business of rebuilding repairable motor vehicles and who has paid the fee for and been issued a rebuilder certificate as provided by Section 591.5 of this title;

7. "Sale" or "sell" means the act of selling, brokering, exchanging, exchanging of an interest in, or renting with the option of purchasing, a new or used manufactured home for commission, profit, or gain of money or other thing of value;

~~4.~~ 8. "Used motor vehicle" means any motor vehicle, as that term is defined in the Oklahoma Motor Vehicle License and Registration Act, which has been sold, bargained, exchanged, given away, or the title thereto transferred from the person who first took title from the manufacturer, importer, or dealer or agent of the manufacturer or importer, or so used as to have become what is commonly known as a "secondhand motor vehicle". In the event of transfer, on the statement of origin, from the original franchised dealer to any other dealer or individual other than a franchised dealer of the same make of vehicle, the vehicle shall be considered a used motor vehicle and must be titled in the new owner's name;

~~5.~~ 9. "Used motor vehicle auction" means any business other than salvage pools which regularly engages in the sale or trade, or negotiates the sale or trade, of used motor vehicles by auction, whether by open or closed bid or by sale to or purchase by used motor vehicle dealers or individuals;

~~6.~~ 10. a. "Used motor vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value,

sells, brokers, exchanges, rents with option to purchase, or offers or attempts to negotiate a sale or exchange of an interest in used motor vehicles, or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by ~~such~~ the person.

b. "Used motor vehicle dealer" shall not include:

- ~~a.~~ (1) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting pursuant to the judgment or order of any court,
- ~~b.~~ (2) public officers while performing their official duties,
- ~~c.~~ (3) employees of persons enumerated in the definition of "used motor vehicle dealer" when engaged in the specific performance of their duties as such employees,
- ~~d.~~ (4) mortgagees or secured parties as to sales of motor vehicles constituting collateral on a mortgage or security agreement, if ~~such~~ the mortgagees or secured parties shall not realize for their own account from such sales any monies in excess of the outstanding balance secured by such mortgage or security agreement, plus the costs of collection,
- ~~e.~~ (5) any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of used motor vehicles as part of an estate auction or liquidation,
- ~~f.~~ (6) any person, firm ~~or~~, corporation, or other legal entity who sells, or contracts for the sale of, the vehicles of the person, firm ~~or~~, corporation, or other legal entity when such vehicles are sold in liquidation, and any

person, firm ~~or~~, corporation, or other legal entity who serves as an agent in such sale. The exclusion provided in this paragraph shall not extend to any person, firm ~~or~~, corporation, or other legal entity whose business is the purchase, sale, or rental with option to purchase, of motor vehicles, or to a location used for such purposes, or

~~9.~~ (7) any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of used motor vehicles as part of an auction held at a licensed used motor vehicle dealer location. The exclusion provided in this ~~subparagraph~~ division shall not extend to a person who auctions five or more used motor vehicles in a nonliquidation sale held at a licensed used motor vehicle dealer location which is not regularly used as a vehicle auction;

~~7.~~ 11. "Used motor vehicle salesman" means a person employed by a licensed used motor vehicle dealer to sell, broker, exchange, or negotiate a purchase, sale, or rental with option to purchase, used motor vehicles or an interest in used motor vehicles. Used motor vehicle salesman shall not include any person who:

- a. uses the person's own funds for such transactions,
- b. operates independently as a used motor vehicle dealer using a licensed used motor vehicle dealer's license number, or
- c. is licensed by the Oklahoma Motor Vehicle Commission to sell new or unused motor vehicles who also sells used motor vehicles for the dealer at the motor vehicle dealer's licensed franchise location; provided, such a person shall only be authorized to sell used motor vehicles for the dealer at the motor vehicle dealer's licensed franchise location and to represent the motor vehicle dealer at used motor

vehicle auctions without obtaining a separate used motor vehicle salesman's license; and

~~8.~~ 12. "Wholesale used motor vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, brokers, exchanges, rents with option to purchase, or offers or attempts to negotiate a sale or exchange of interest in used motor vehicles exclusively to used motor vehicle dealers, or who is engaged in the business of selling used motor vehicles exclusively to used motor vehicle dealers, whether or not such motor vehicles are owned by ~~such~~ the person;

~~9.~~ "~~Manufactured home~~" means ~~a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained thereon. The term "manufactured home" shall not include any manufactured home which is owned by a religious corporation or society and is used exclusively for religious purposes. "Mobile home" means a manufactured home transportable in one section. "Sectional home" means a manufactured home transportable in two or more sections. Said terms shall not include any travel trailer or any self-propelled vehicles used as living quarters, whether referred to as motor homes or by any other name. Trailers or semitrailers used for the transportation of goods or property, other than the personal belongings of the owner of such vehicle, shall not be included in this definition;~~

~~10.~~ "~~Manufactured home dealer~~" means ~~any person, firm or corporation who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, offers to sell, or attempts to negotiate a sale or exchange of interest in, new or used manufactured homes, or who is engaged wholly or in part in the business of selling any new and unused, or used, or both new~~

~~and used manufactured homes. Such information and a valid franchise letter as proof of authorization to sell any such new manufactured home product line or lines shall be attached to said application for a dealer license to sell manufactured homes. "Manufactured home dealer" shall not include any person, firm or corporation who sells or contracts for the sale of his or her own personally titled manufactured home or homes, or any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control or be responsible for the sale of manufactured homes as a part of an auction or liquidation of an estate, or any Oklahoma licensed real estate broker or sales associate when buying or selling used mobile homes as part of their real estate business. No person, firm or corporation shall be considered a manufactured home dealer as to any manufactured home purchased or acquired by such person, firm or corporation for purposes other than resale; provided, that the restriction set forth in this sentence shall not prevent an otherwise qualified person, firm or corporation from utilizing a single manufactured home as a sales office; and~~

~~11. "Sale" or "sell" means the act of selling, brokering, exchanging, exchanging of interest in, or renting with the option of purchasing, a new or used manufactured home for commission, profit or gain of money or other thing of value.~~

SECTION 3. AMENDATORY 47 O.S. 1991, Section 591.5, as amended by Section 2, Chapter 242, O.S.L. 1992 (47 O.S. Supp. 1997, Section 591.5), is amended to read as follows:

Section 591.5 An application for a license shall be accompanied by the following fees:

1. Two Hundred Dollars (\$200.00) for an initial license for an applicant's established principal place of business, One Hundred Dollars (\$100.00) for a renewal license for an applicant's established place of business and Fifty dollars (\$50.00) for each additional place of business, if any, to which the application pertains. ~~Provided;~~ provided, if an applicant holds a used motor vehicle dealer's license issued pursuant to paragraph 1 of subsection C of Section 583 of this title, for an applicant's

established place of business the initial license fee shall be One Hundred Dollars (\$100.00) and the renewal fee shall be Seventy-five Dollars (\$75.00). ~~If; provided further, if~~ an applicant is applying simultaneously for a license under this paragraph and under paragraph 1 of subsection C of Section 583 of this title, the initial application fee shall be One Hundred Fifty Dollars (\$150.00). If an applicant for or holder of a used motor vehicle dealer's license also applies for a rebuilder certificate, the initial fee for the certificate shall be Fifty Dollars (\$50.00) and the renewal fee shall be Twenty-five Dollars (\$25.00). The Oklahoma Used Motor Vehicle and Parts Commission shall issue a buyer's identification card (B.I.D.) with each certificate issued. License fees shall be returnable only in the event that the application is denied by the Commission.

2. Any change which renders no longer accurate any information contained in an application for a license filed with the Commission shall be amended within thirty (30) days after the occurrence of the change on ~~the a form as the may prescribe~~ prescribed by the Commission by rule or regulation, accompanied by ~~an amendatory~~ a fee of Two Dollars (\$2.00) plus Five Dollars (\$5.00) for each additional place of business, if any. If an ~~amendatory~~ amended application is made after July 1 of any year, the filing fee shall be Two Dollars (\$2.00) plus Three Dollars (\$3.00) for each additional place of business, if any.

3. Every license issued to an ~~automotive~~ automobile dismantler and parts recycler ~~hereunder~~ shall expire on December 31 of each year and shall be renewed on or before January 1 of the following year.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 1111, as last amended by Section 2, Chapter 324, O.S.L. 1995 (47 O.S. Supp. 1997, Section 1111), is amended to read as follows:

Section 1111. A. As used in this section:

1. "Loss" means the cost, in dollars, to repair or replace a vehicle which has been damaged by collision or other occurrence. The amount paid by an insurer to a holder of the certificate of title for repair of a damaged vehicle shall be prima facie

evidence of the amount of the loss. The amount paid by an insurer to a holder of the certificate of title for replacement of a damaged vehicle less the resale value of the damaged vehicle shall be prima facie evidence of the amount of the loss;

2. "Fair market value" means the value of a vehicle as listed in the current National Auto Dealers Association guidebook or other similar guidebook or the actual cash value, whichever is greater;

3. "Resale value" means the amount, in dollars, paid to the holder of a certificate of title by a willing buyer for a vehicle damaged by collision or other occurrence or recovered from theft;

4. "Total loss" means a loss which is equal to the fair market value of the vehicle immediately prior to the damage to or theft of the vehicle; and

5. "Vehicle" means a vehicle, as defined in paragraph 29 of Section 1102 of this title, ~~which is~~ manufactured within the last seven (7) model years.

B. Any insurance company that pays a total loss on a claim for any vehicle including, but not limited to, a flood-damaged vehicle or recovered-theft vehicle, any junk dealer who receives a motor vehicle which is to be used for junk or for parts, or any other person permanently dismantling or junking a vehicle shall receive the certificate of title from the current holder of the certificate of title, shall detach the license plate from ~~such~~ the vehicle, and shall return the license plate and the certificate of title to the Oklahoma Tax Commission or a motor license agent within thirty (30) days from receipt of the certificate. The Tax Commission shall cancel the certificate of title to the vehicle used for junk or parts and shall preserve the vehicle identification numbers on the certificate of title in the computer files for at least five (5) years. The Tax Commission shall transfer ownership of a stolen vehicle, not recovered from theft at the time of transfer, by salvage title to the insurer. The Tax Commission shall transfer ownership of a vehicle damaged by flooding or other occurrence to the insurer by an original title, salvage title, or junked title, as may be appropriate, based upon

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an estimate of the amount of loss submitted~~r~~ by the insurer. All license plates surrendered to the Tax Commission shall be destroyed.

C. 1. If an insurance company pays a claim for a loss which is less than a total loss but the cost of repairing the vehicle for safe operation on the highway exceeds sixty percent (60%) of the fair market value of the vehicle, or if any vehicle not insured is damaged to the extent that the cost of repair for safe operation on the highway exceeds sixty percent (60%) of the fair market value of the vehicle, any holder of the certificate of title for the vehicle shall return the certificate of title to the Oklahoma Tax Commission or a motor license agent within thirty (30) days from receipt of payment for the loss.

2. Upon receipt of the certificate, the Tax Commission or motor license agent shall issue a salvage title for the vehicle. The title for any vehicle damaged by flooding shall be stamped with the words "Flood Damaged", and for any such vehicle which was recovered from a theft, the salvage title or rebuilt title shall be stamped with the words "Recovered Theft". A licensed dealer subject to the provisions of the Automotive Dismantlers and Parts Recycler Act, Section 591.1 et seq. of this title, shall not be required to pay registration fees, excise taxes, back taxes, or penalties on a vehicle as a prerequisite to obtaining a salvage title.

3. If the actual documented cost of repairing the vehicle for safe operation on the highway does not exceed sixty percent (60%) of the fair market value of the vehicle as defined in this ~~act~~ section, the certificate of title shall be reissued to the holder and the vehicle shall not be subject to inspection as required under this section. The actual documented cost of repairing the vehicle pursuant to this paragraph shall be certified by the insurance company paying the loss.

D. If a motor vehicle with a salvage title is placed in operative condition, application shall be made to the Tax Commission or a motor license agent for a rebuilt title. A visual inspection of the vehicle and examination of the vehicle

identification numbers shall be conducted prior to the issuance of a rebuilt title. At the time of ~~such~~ issuance, the salvage title shall be returned to the Tax Commission by the owner, or by the motor license agent if the motor license agent issues the rebuilt title. A visual inspection shall also be made of any out-of-state vehicle to be registered and titled in this state, if the vehicle is within the class of vehicles for which a rebuilt title is required and a similar inspection has not been conducted by another state. The certificate of title for the rebuilt vehicle shall be stamped with the words, "This Rebuilt Vehicle Has Been Inspected By The Appropriate State Official".

E. 1. The visual inspections and examination of vehicle identification numbers shall include, but not be limited to:

- ~~1.~~ a. comparison of the vehicle identification numbers with the number recorded on the ownership records~~;~~;
- ~~2.~~ b. inspection of the vehicle identification numbers and the VIN plate to detect possible alteration or other fraud~~;~~;
- ~~3.~~ c. interpretation of the vehicle identification number recorded on the ownership documents to assure that it accurately describes the motor vehicle in question~~;~~; and
- ~~4.~~ d. inspection of the odometer of the vehicle to detect rollback or alteration.

2. All vehicle damage shall be repaired before the examination is conducted. The following paperwork shall be presented to the motor licence agent: the salvage title and original receipts for all parts placed on the vehicle. Components such as doors, motor~~,~~, and transmission shall indicate the serial number or the ~~VIN (vehicle identification number)~~ vehicle identification number (VIN) of the auto the part was purchased from or ~~parts~~ removed from ~~the auto~~.

3. The motor license agent shall require documentation that the inspection required by Section 851 et seq. of this title has been performed on the vehicle within thirty (30) days of the motor license agent's inspection. ~~Such~~ The inspection shall not be

required for any motor vehicle registered pursuant to the provisions of Section 1120 of this title or any trailer or semitrailer registered pursuant to the provisions of Section 1133 of this title.

F. The visual inspection and vehicle identification numbers examination shall be performed by a motor license agent at the location designated by the motor license agent. If the location of the inspection is not the place of business of the rebuilder, the motor license agent shall issue a permit authorizing the applicant to operate the vehicle upon the public streets, roads, and highways in route to and from the designated location for the inspection. The inspection and examination shall be performed within ten (10) working days after the owner of the vehicle requests the inspection and examination. Requests shall be made by completing the request form prescribed and provided by the Oklahoma Tax Commission.

G. Inspection and examination of a rebuilt vehicle shall be performed by ~~persons~~ a person employed by a motor license agent.

H. The fee for the examination by the motor license agent shall be Twenty-five Dollars (\$25.00), which shall be paid at the time of issuance of the certificate of title for the rebuilt vehicle. The motor license agent shall retain Five Dollars (\$5.00) and shall remit Twenty Dollars (\$20.00) to the Oklahoma Tax Commission which shall retain Ten Dollars (\$10.00) and transmit Ten Dollars (\$10.00) to the State Treasurer for deposit in the Department of Public Safety Revolving Fund. The motor license agent and its employees and agents may not be sued for and shall not be liable for any damages allegedly arising out of the inspection of a vehicle or any acts or omissions in the performance of the inspection. The motor license agent may be held liable for any damages to the vehicle caused by the negligent acts or omissions in the performance of the inspection. Any person may be liable for any damages to a vehicle caused by the intentional acts or omissions in the performance of the inspection.

I. The rebuilt title and any subsequent transfers of such title shall also reflect that the vehicle was a salvage vehicle, flood-damaged vehicle or recovered-theft vehicle, if applicable, and also shall include the salvage date.

J. Any title for a motor vehicle issued pursuant to the laws of any other state which reflects that such vehicle is a salvage vehicle, a rebuilt vehicle or a junked vehicle or has any other brand or classification notation by that state shall be retained on the new title issued by the Oklahoma Tax Commission unless the actual documented cost of repairing the vehicle for safe operation on the highway does not exceed sixty percent (60%) of the fair market value of the vehicle as provided by this section.

K. When the insurance company pays a loss, ~~as defined in this section,~~ on a vehicle which is registered at the time of mishap, accident, burning, or flooding, the appropriate certificate of title shall be issued without the payment of additional registration fees or excise taxes, upon the submission of a police report or insurance adjuster's report and a declaration by the insurer that the vehicle is held for sale to a dealer. If the owner ~~or insured~~ of the vehicle or other insured retains ownership of the damaged vehicle, the Oklahoma Tax Commission shall notify the owner or insured of the requirements of this section.

L. Any insurance company that pays a claim for a loss where the cost of repairing the vehicle for safe operation on the highway exceeds sixty percent (60%) of the market value of the vehicle or pays a claim for a flood-damaged vehicle as defined in Section 1105 of this title shall notify, in writing, the holder of the certificate of title of the requirements of this section and shall notify the Oklahoma Tax Commission of the payment of such claim. The insurance company shall also send a copy of the notification to the holder of the title. The Oklahoma Tax Commission shall ~~notify~~ provide notice to the owner of the vehicle in writing requiring the owner to surrender the title along with the fee to the Tax Commission or one of its motor license agents within thirty (30) days from the receipt of notice for the issuance of the appropriate title based on the amount of loss.

The Tax Commission shall reissue the appropriate title with the words "Flood Damaged" on the face of the title in the case of a flood-damaged vehicle.—~~Provided; provided,~~ no insurance company shall pay a claim for less than the amount to which the holder of the certificate of title is rightfully entitled in order to avoid compliance with this section.

M. Except as provided for in subsection N of this section, any person, firm, ~~or~~ corporation, or other legal entity convicted of violating any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than Three Hundred Dollars (\$300.00) or by incarceration in the county jail for not more than six (6) months, or by both the fine ~~or~~ and incarceration.

N. Any owner of a titled vehicle who has knowledge that the title is not the proper type for the vehicle, ~~and,~~ with intent to misrepresent the vehicle, fails to make the appropriate title changes, shall be guilty of a misdemeanor. Any person who has knowledge that the title is not the proper type for the vehicle, and with intent to misrepresent the vehicle, buys or receives any vehicle for which the appropriate title changes have not been made as required by this act shall be guilty of a misdemeanor. Any person found guilty in accordance with the provisions of this subsection shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) for the first offense or Five Thousand Dollars (\$5,000.00) for the second or subsequent offense, or by imprisonment in the county jail for a term not exceeding six (6) months, or by both such fine and imprisonment.

O. ~~Upon the effective date of this act, the Oklahoma Tax Commission shall notify any insurance companies, and the Oklahoma Used Motor Vehicle and Parts Commission shall notify any salvage pools, salvage dealers and others, who may be holders of titles of salvage vehicles as defined in Section 1105 of this title of the requirements of this act. Any owner of a vehicle with an Oklahoma certificate of title which is no longer an appropriate certificate of title, before October 2, 1989, may submit the certificate of title to the Oklahoma Tax Commission for issuance of the~~

~~appropriate type of title without any cost or fee.~~ Any owner of a salvage or junked vehicle shall submit the certificate of title to the Oklahoma Tax Commission or motor license agent for issuance of an appropriate title. Any holder of a certificate of title issued by this state, to a vehicle which no longer exists, shall surrender the certificate of title to the Oklahoma Tax Commission for cancellation. The vehicle identification number on the canceled certificate of title shall be preserved in the computer of the Oklahoma Tax Commission for at least five (5) years.

~~Any person who fails to make the title changes or to surrender the title as required herein on or before June 1, 1990, shall be assessed a penalty by the Oklahoma Tax Commission in an amount not to exceed Fifty Dollars (\$50.00), which shall be apportioned in the same manner as the fees and taxes levied by the Oklahoma Vehicle License and Registration Act.~~ Nothing in this section shall be construed to prevent the transfer of ownership of a vehicle by assignment of the title to a used car dealer, wholesale used car dealer, or a licensed automotive dismantler or parts recycler.

SECTION 5. 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.

46-2-3198

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