

SHORT TITLE: Motor vehicles; requiring motor vehicle transporters and motor vehicle disposers to be licensed by Used Motor Vehicle and Parts Commission; specifying procedures; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 399

By: Campbell

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 591.2, as amended by Section 4, Chapter 332, O.S.L. 1996, 591.3, 591.5, as amended by Section 2, Chapter 242, O.S.L. 1992, 591.6, 591.7, 591.8, 591.11, as last amended by Section 6, Chapter 332, O.S.L. 1996 and 591.14 (47 O.S. Supp. 1996, Sections 591.2, 591.5 and 591.11), which relate to the Automotive Dismantlers and Parts Recycler Act; defining terms; deleting definition; prohibiting person, firm or corporation from being engaged in business as motor vehicle transporter or motor vehicle disposer without being licensed; specifying license fees and expiration dates; requiring certain register to be kept by motor vehicle disposer and specifying requirements related thereto; requiring certain inspections and reports to Oklahoma Tax Commission; specifying requirements for vehicles or incomplete vehicles in possession of motor vehicle transporter or motor vehicle disposer on effective date of act; requiring junked title to be obtained for certain vehicles; restricting sales at salvage pool or salvage disposal sale to certain persons; specifying procedures if person, firm or corporation engaged in business as motor vehicle

transporter or motor vehicle disposer without being licensed; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 591.2, as amended by Section 4, Chapter 332, O.S.L. 1996 (47 O.S. Supp. 1996, Section 591.2), is amended to read as follows:

Section 591.2 As used in Section 591.1 et seq. of this title:

1. "Automotive dismantler and parts recycler" means a person, firm or corporation engaged in the business of purchasing, dismantling, or disassembling used motor vehicles for the purpose of selling the parts thereof, but shall not include a person who is primarily engaged in the business of rebuilding repairable motor vehicles;

2. "Motor vehicle transporter" means a person, firm or corporation engaged in the business of towing or otherwise transporting used motor vehicles or parts thereof to an automotive dismantler and parts recycler or a motor vehicle disposer;

3. "Motor vehicle disposer" means a person, firm or corporation engaged in the business of compacting, crushing, compressing or otherwise preparing used motor vehicles or parts thereof for disposal;

4. "Motor vehicle" means every automobile, motorcycle, mobile trailer, semitrailer, truck, truck-tractor, trailer and other device which is self-propelled or drawn, in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except such as is moved by animal power or used exclusively upon stationary rails or tracks, or an implement of husbandry;

~~3.~~ 5. "Place of business" means the place owned or leased and regularly occupied by a person, firm or corporation engaged in the business of an automotive dismantler and parts recycler, a motor vehicle transporter or a motor vehicle disposer, where the products for sale are displayed and offered for sale, and where the books and records required for the conduct of the business are maintained and kept;

~~4.~~ 6. "Salvage pool" means any person or business which regularly conducts a salvage disposal sale;

~~5.~~ 7. "Salvage disposal sale" means a scheduled sale at auction or by private bid of wrecked or repairable motor vehicles by insurance underwriters, or insurance companies, used motor vehicle dealers or automotive dismantlers and parts recyclers, either retail or wholesale; and

~~6.~~ 8. "Commission" means the Oklahoma Used Motor Vehicle and Parts Commission; ~~and~~

~~7.~~ ~~"License" means the license issued pursuant to Section 591.1 et seq. of this title to operate an automotive dismantler and parts recycler business.~~

SECTION 2. AMENDATORY 47 O.S. 1991, Section 591.3, is amended to read as follows:

Section 591.3 A. No person, firm or corporation in this state, unless licensed pursuant to the Automotive Dismantlers and Parts Recycler Act, shall be engaged in the business of an automotive dismantler and parts recycler, a motor vehicle transporter or a motor vehicle disposer.

B. The Oklahoma Used Motor Vehicle and Parts Commission is hereby vested with the powers and duties necessary and proper to enable it to fully and effectively carry out the provisions and objectives of Section 591.1 et seq. of this act title, and is hereby authorized and empowered to make and enforce all reasonable rules ~~and regulations~~ and to adopt and prescribe all forms necessary to

accomplish ~~said~~ this purpose; provided this authority shall in no manner restrict or alter compliance by the Commission with the Oklahoma Central Purchasing Act. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage or limit any others necessary to the attainment thereof. A copy of all rules ~~and regulations~~ adopted by the Commission shall be filed and recorded in the office of the Secretary of State and the State Librarian and Archivist, and same may be amended, modified or repealed from time to time.

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. 1996, Section 591.5), is amended to read as follows:

Section 591.5 An application for a license as an automotive dismantler and parts recycler, a motor vehicle transporter or a motor vehicle disposer shall be accompanied by the following fees:

1. Two Hundred Dollars (\$200.00) for an initial license for an applicant's established place of business, One Hundred Dollars (\$100.00) for a renewal license for an applicant's established place of business and Fifty ~~dollars~~ Dollars (\$50.00) for each additional place of business, if any, to which the application pertains. 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 for a license as an automotive dismantler and parts recycler shall be One Hundred Dollars (\$100.00) and the renewal fee for a license as an automotive dismantler and parts recycler shall be Seventy-five Dollars (\$75.00). If an applicant is applying simultaneously for a license as an automotive dismantler and parts recycler 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). Provided further, a holder of a license as an automotive dismantler and parts recycler

may be licensed as a motor vehicle transporter or a motor vehicle disposer without payment of an additional license fee pursuant to this section. License fees shall be returnable only in the event that the application is denied by the Oklahoma Used Motor Vehicle and Parts 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 form as the Commission may prescribe by rule ~~or regulation~~, accompanied by an amendatory fee of Two Dollars (\$2.00) plus Five Dollars (\$5.00) for each additional place of business, if any. If an amendatory 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 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 591.6, is amended to read as follows:

Section 591.6 Every automotive dismantler and parts recycler and every motor vehicle disposer shall keep a register of all purchases and sales of motor vehicles for three (3) years from the date of purchase or sale, showing the make, model, year, style, vehicle identification number, and name and address of the purchaser or seller of the motor vehicle. Such registers shall be made available for inspection by properly identified employees or agents of the Oklahoma Used Motor Vehicle and Parts Commission or identified law enforcement officers of the state, county and municipality where the business of the automotive dismantler and parts recycler or motor vehicle disposer is located, during reasonable business hours on business days. The inspection authority shall include the right to inspect any motor vehicle or

parts thereof owned by or stored at the automotive dismantler and parts recycler's or motor vehicle disposer's place of business.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 591.7, is amended to read as follows:

Section 591.7 An automotive dismantler and parts recycler may, as an end result of the conduct of his or her principal business, accumulate nonrecyclable hulks and parts and may scrap such nonrecyclable hulks and parts without first obtaining a separate license as a scrap processor or as a junk dealer; provided, an automotive dismantler and parts recycler who is also a motor vehicle disposer shall be required to obtain a license as a motor vehicle disposer pursuant to the provisions of Section 591.5 of this title. A licensed automotive dismantler and parts recycler shall not be required to obtain a separate license as an automobile dealer, an automobile accessory dealer, an automobile garage or shop, or a storage garage or yard, to engage in the business of an automotive dismantler and parts recycler as set forth herein.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 591.8, is amended to read as follows:

Section 591.8 A. An automotive dismantler and parts recycler, duly licensed by Section 591.1 et seq. of this act title, shall have the authority to transfer the certificate of title to a motor vehicle as a dealer. Prior to the sale of any motor vehicles at salvage pools or salvage disposal sales, a salvage title or junked title shall be issued for any salvage or junked vehicle as defined in Section 1105 of this title.

B. Any and all certificates of title, whether original, salvage, rebuilt, or junked titles, salvage certificates, other certificates of ownership, or ownership records, as approved by the Oklahoma Tax Commission, to vehicles owned by a licensed automotive dismantler and parts recycler, a motor vehicle transporter or a motor vehicle disposer, which vehicles have been dismantled,

destroyed, or otherwise processed so that the vehicles are no longer capable of being used as motor vehicles, shall be inspected by properly identified employees or agents of the Oklahoma Used Motor Vehicle and Parts Commission, at least annually, at the place of business of the licensed automotive dismantler and parts recycler, motor vehicle transporter or motor vehicle disposer. Upon verification that the vehicle is no longer capable of being used as a motor vehicle, the employee or agent of the Commission shall remove the license plate and the certificate of title, salvage certificate, other certificate of ownership or ownership record from the licensed automotive dismantler and parts recycler, motor vehicle transporter or motor vehicle disposer. The Commission shall destroy the license plate and deliver the certificates and ownership records to the Oklahoma Tax Commission.

C. Each licensed automotive dismantler and parts recycler, motor vehicle transporter or motor vehicle disposer that dismantles, destroys, or otherwise processes vehicles so that the vehicles are no longer capable of being used as motor vehicles, each month, shall report the vehicle identification numbers of the vehicles to the Oklahoma Tax Commission, upon forms prescribed by the Oklahoma Tax Commission. The report shall include any vehicle which is a hull, junked, abandoned or not a complete, self-propelling vehicle, if there is a vehicle identification number for the incomplete vehicle. The Oklahoma Tax Commission shall cancel said certificates of title. The vehicle identification numbers on the certificates of titles, salvage titles, other certificates of ownership or ownership records to motor vehicles no longer capable of being used as motor vehicles shall be preserved in the computer files of the Oklahoma Tax Commission for at least five (5) years from the date the certificates of title are delivered by the Commission to the Oklahoma Tax Commission.

D. Each vehicle or incomplete vehicle required to be reported to the Oklahoma Tax Commission by this section shall be reported on or before the fifteenth day of the next succeeding month after the month in which the vehicle or incomplete vehicle was received by the licensed automotive dismantler and parts recycler, motor vehicle transporter or motor vehicle disposer. ~~Each vehicle or incomplete vehicle, which is incapable of operation or use on the public roads or has no resale value except as a source of parts, scrap or junk or has an eighty percent (80%) loss in fair market value, possessed by a licensed automotive dismantler and parts recycler on the effective date of this act shall be reported to the Oklahoma Tax Commission within ninety (90) days.~~ Each vehicle or incomplete vehicle, which is incapable of operation or use on the public roads or has no resale value except as a source of parts, scrap or junk or has an eighty percent (80%) loss in fair market value, possessed by a motor vehicle transporter or motor vehicle disposer on the effective date of this act shall be reported to the Oklahoma Tax Commission within ninety (90) days of such date. The vehicle identification numbers on all reported vehicles shall be preserved in the computer of the Oklahoma Tax Commission for at least five (5) years, even if the ownership records may have been previously destroyed or surrendered to the Oklahoma Tax Commission.

E. If the vehicle identification number for a vehicle, which is incapable of operation or use on the public roads and has no resale value except as a source of parts, scrap or junk or has an eighty percent (80%) loss in fair market value, is not reported to the Oklahoma Tax Commission, the licensed automotive dismantler and parts recycler, licensed motor vehicle transporter or licensed motor vehicle disposer shall be required to obtain a junked title for said vehicle. An Oklahoma licensed automotive dismantler and parts recycler, motor vehicle transporter or motor vehicle disposer shall not be required to obtain a junked title for a junked vehicle or any

other vehicle which is dismantled, destroyed or otherwise processed so that the vehicle is no longer capable of being operated or used on the public roads, if the vehicle is reported to the Oklahoma Tax Commission.

SECTION 7. AMENDATORY 47 O.S. 1991, Section 591.11, as last amended by Section 6, Chapter 332, O.S.L. 1996 (47 O.S. Supp. 1996, Section 591.11), is amended to read as follows:

Section 591.11 A. Sales at a salvage pool or salvage disposal sale shall be opened only to persons possessing a license as an automotive dismantler and parts recycler or a buyer's identification number to buy at a salvage pool or salvage disposal sale.

~~1.~~ B. License and identification numbers to bid or buy at salvage pools or salvage disposal sales shall be issued by the Commission on a form prescribed by it and shall include, but not be limited to, the name, address, driver's license number, physical description and signature of the applicant; and the name and address of the employer of the applicant. The Commission may exact a fee not to exceed Ten Dollars (\$10.00) for the issuance or renewal of a buyer's identification card for a resident of this state and a fee not to exceed Two Hundred Ten Dollars (\$210.00) for the issuance or renewal of a buyer's identification card for a resident of another state. There shall be no more than three (3) B.I.D. cards per business, as defined in Section 501.1 et seq. of this act title.

~~2.~~ C. It shall be the duty of the owner, manager or person in charge of any salvage pool or salvage disposal sale to prohibit the bidding by any person who does not display the buyer's identification card number for such person and, further, to refuse to sell to any person any wrecked or repairable motor vehicle if such person does not display a valid buyer's identification card.

~~3.~~ D. The buyer's identification card may be refused, canceled or revoked for the same reasons a license under Section 501.1 et seq. of this act title may be refused, canceled or revoked. Any

person whose buyer's identification card is refused, canceled or revoked shall enjoy the same review and appeal procedures as a person whose license is refused, canceled or revoked.

SECTION 8. AMENDATORY 47 O.S. 1991, Section 591.14, is amended to read as follows:

Section 591.14 When any person, firm or corporation is engaged in the business of an automotive dismantler and parts recycler, motor vehicle transporter or motor vehicle disposer without being licensed as required by Section 591.4 of ~~Title 47 of the Oklahoma Statutes~~ this title, the Oklahoma Used Motor Vehicle and Parts Commission may institute, in the name of the State of Oklahoma ex rel. Oklahoma Used Motor Vehicle and Parts Commission, any necessary action to enjoin such person, firm or corporation from continuing in the business of an automotive dismantler and parts recycler, motor vehicle transporter or motor vehicle disposer until a license has been issued to such person, firm or corporation by the Oklahoma Used Motor Vehicle and Parts Commission. Upon proper evidence, a temporary restraining order shall be issued. An injunction shall issue without requirement of a bond of any kind from the state. The venue of any action authorized by this section shall be in the county wherein the business activity complained of is conducted.

SECTION 9. This act shall become effective November 1, 1997.

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