

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1617

By: Herbert

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 583, which relates to licensing of used motor vehicle dealers; providing exception; establishing new fees and directing deposit of fees; limiting requirement to procure and file bond to specified license applicants; creating Oklahoma Used Motor Vehicle Education and Recovery Commission; providing for appointment of members; providing for length of terms and appointment if vacancy occurs; requiring oath of office; providing for payment and reimbursement of members; requiring the Commission to appoint Executive Director; providing for term; requiring Commission to fix salary and duties; authorizing Commission to hire employees and incur expenses; providing Commission with rulemaking authority; establishing Commission powers and duties; requiring reports to be filed; limiting liability of the Oklahoma Used Motor Vehicle Education and Recovery Fund; establishing Oklahoma Used Motor Vehicle Education and Recovery Fund; establishing source of monies into the fund; authorizing certain investments; directing deposit of interest or dividends; authorizing expenditures; providing for use of funds to reimburse specified individuals; establishing authority of Commission; requiring notification under certain circumstances; providing Commission with certain powers; providing parties certain rights; requiring notification of Oklahoma Used Motor Vehicle and Parts Commission under certain circumstances; providing for appeal under Administrative Procedures Act; authorizing Oklahoma Used Motor Vehicle Education and Recovery Commission to order compensation from fund; providing for appeal from decision; establishing limit on amount of payment which can be requested from the fund; providing for assignment of rights to judgment for purposes of subrogation; establishing claimant priority over fund under certain circumstances; placing limit on amount of certain claims; providing for payment of claims when monies in fund are insufficient; authorizing hearing for revocation of license under certain circumstances; establishing funds as excess funds; authorizing expenditure of excess funds under specified circumstances; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 589 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Used Motor Vehicle Education and Recovery Commission, to be composed of nine (9) members who shall be selected as follows:

1. One member shall be the Chair of the Oklahoma Used Motor Vehicle and Parts Commission, who shall serve as chair of the Oklahoma Used Motor Vehicle Education and Recovery Commission;

2. One member shall be the vice-chair of the Oklahoma Used Motor Vehicle and Parts Commission, who shall serve as vice-chair of the Oklahoma Used Motor Vehicle Education and Recovery Commission;

3. One member shall be the chair of the Oklahoma Motor Vehicle Commission or the chair's designee;

4. One member shall be the Insurance Commissioner of the State of Oklahoma who shall serve as an ex officio member, or the Commissioner's designee;

5. One member shall be the State Treasurer of the State of Oklahoma, who shall serve as an ex officio member, or the Treasurer's designee; and

6. Three members shall be appointed by the Governor, by and with the advice and consent of the Senate, and of those:

a. one shall have been licensed as a dealer of used motor vehicles for the ten-year period immediately preceding appointment,

b. two shall have been employed by or licensed as a dealer for the purpose of auction of used motor vehicles for the ten-year period immediately preceding appointment, and

c. one shall have been licensed as a wholesale used motor vehicle dealer.

B. Members appointed by the Governor shall serve for terms of six (6) years; provided, of those members initially appointed to the Commission with terms beginning November 1, 2003, one shall be appointed for a two-year term, one shall be appointed for a four-year term, and one shall be appointed for a six-year term, as designated by the Governor.

C. In the event of any vacancy on the Commission, the vacancy shall be filled by appointment in the same manner as provided for the original appointment for the unexpired portion of the term. Thereafter, the vacancy shall be filled by appointment of a qualified successor for a term of six (6) years. Members shall serve until a successor is appointed and qualified.

D. The chair and each member of the Commission shall take and subscribe to the oath of office required of public officers.

E. The chair and members of the Commission shall receive Thirty Dollars (\$30.00) for each and every day actually and necessarily spent in attending the meetings of the Commission, and shall be reimbursed for subsistence and traveling expenses incurred in the performance of their duties hereunder as provided by the State Travel Reimbursement Act; provided that such meeting payments shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum to any one person.

- F. 1. a. The Commission shall appoint a qualified person to serve as Executive Director who shall have ten (10) years' experience in the automotive industry and have had sufficient management and organizational experience to direct the functions of the Commission.
- b. The Executive Director shall be appointed for a term of six (6) years, and shall not be subject to dismissal or removal without cause.
- c. The Commission shall fix the salary and define and prescribe the duties of the Executive Director.

d. The Executive Director shall be in charge of the Commission's office, shall devote such time as necessary to fulfill the duties thereof, and, before entering upon these duties, shall take and subscribe to the oath of office.

2. The Commission may employ such clerical, technical, legal and other help and incur such expenses as may be necessary for the proper discharge of its duties under this section and Sections 3, 4, 5 and 6 of this act.

G. 1. The 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 this section and Sections 3 through 5 of this act, and is hereby authorized and empowered, pursuant to the Administrative Procedures Act, to make and enforce all reasonable rules and to adopt and prescribe all forms necessary to accomplish said purpose.

2. The Commission's powers and duties shall include the following:

- a. to administer the Oklahoma Used Motor Vehicle Education and Recovery Fund, and
- b. to investigate complaints, develop criteria for eligibility, determine eligibility and after November 1, 2005, order compensation to reimburse any person, excluding any financial institution or party extending floor plans or financing for the dealer's inventory, who has suffered any loss or damage by reason of issuance of a certificate of title by a used motor vehicle dealer, used motor vehicle salesperson, used motor vehicle dealer conducting an auction or wholesale used motor vehicle dealer.

3. At the close of each fiscal year, the Commission shall file with the Governor and the State Auditor and Inspector a true and

correct report of all fees and charges collected and received by it during the preceding fiscal year.

4. All expenses incurred by the Commission in carrying out the provisions of this section and Sections 3 through 5 of this act including, but not limited to, per diem, wages, salaries, rent, postage, advertising, supplies, bond premiums, travel and subsistence for the Commissioners, the Executive Director, employees, and legal counsel, and printing and utilities, shall be a proper charge against the fund; provided, that in no event shall liability ever accrue hereunder against the state in any sum whatsoever, or against the Oklahoma Used Motor Vehicle Education and Recovery Fund, in excess of the ninety percent (90%) of the fees and charges deposited therein.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 589.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Used Motor Vehicle Education and Recovery Commission to be designated "Oklahoma Motor Vehicle Education and Recovery Fund". The fund shall consist of monies received by the Oklahoma Used Motor Vehicle Education and Recovery Commission as fees assessed for the Oklahoma Used Motor Vehicle Education and Recovery Fund under the provisions of this act. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the administrative direction of the Oklahoma Used Motor Vehicle Education and Recovery Commission. The Oklahoma Used Motor Vehicle Education and Recovery Commission may invest all or part of the monies of the fund in securities offered through the "Oklahoma State Treasurer's Cash Management Program". Any interest or dividends accruing from the securities and any monies generated at the time of redemption of the securities shall be deposited in the Oklahoma Used Motor Vehicle Education and Recovery Fund. All

monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Used Motor Vehicle Education and Recovery Commission for the purposes specified in this act. Expenditures from said fund shall be made pursuant to the laws of this state and the statutes relating to the Commission, and without legislative appropriation. Warrants for expenditures from said fund shall be drawn by the State Treasurer, based on claims signed by an authorized employee or employees of the Commission and approved for payment by the Director of State Finance.

B. After November 1, 2005, monies in the fund shall be used to reimburse any person who has been awarded compensation by the Oklahoma Used Motor Vehicle Education and Recovery Commission pursuant to Section 4 of this act, for having suffered any loss or damage by any person by reason of issuance of a certificate of title by a used motor vehicle dealer, used motor vehicle salesperson, used motor vehicle auction or wholesale used motor vehicle dealer.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 589.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Used Motor Vehicle Education and Recovery Commission shall investigate, develop criteria for eligibility, determine eligibility for, and order compensation from the Oklahoma Used Motor Vehicle Education and Recovery Fund in accordance with the provisions of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes. If the licensee against whom the complaint is made is a used motor vehicle salesperson, the Commission shall in like manner also notify the person, firm, association, corporation or trust with whom associated. The Commission shall have the power to compel the production of records and papers bearing upon the complaints. The Commission shall have the power to subpoena and bring before it any person in this state, or take testimony of any such person by deposition, with the same

fees and mileage and in the same manner as prescribed by law in judicial procedure before courts of the state in civil cases. Any party to the hearing shall have the right to the attendance of witnesses in his behalf upon designating to the Commission the person or persons sought to be subpoenaed. If the Commission shall determine that any licensee is guilty of violation of any of the provisions of this act, notification shall be provided to the Oklahoma Used Motor Vehicle and Parts Commission and the license of the licensee may be suspended or revoked, pursuant to a hearing by the Oklahoma Used Motor Vehicle and Parts Commission as authorized in this title.

B. An appeal from any decision of the Oklahoma Used Motor Vehicle Education and Recovery Commission shall be taken in accordance with Article II of the Administrative Procedures Act, Section 308a et seq. of Title 75 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 589.3 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Used Motor Vehicle Education and Recovery Commission may order compensation from the Oklahoma Used Motor Vehicle Education and Recovery Fund in accordance with its authority under Sections 1 and 3 of this act.

B. An appeal from the decision of the Commission to order compensation shall be taken in accordance with Article II of the Administrative Procedures Act, Section 308a et seq. of Title 75 of the Oklahoma Statutes.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 589.4 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Any person who meets all of the conditions prescribed by the Used Motor Vehicle Education and Recovery Commission pursuant to its authority under Sections 1 and 3 of this act, may apply to the

Commission for payment from the Oklahoma Used Motor Vehicle Education and Recovery Fund, in an amount equal to actual or compensatory damages, or Fifteen Thousand Dollars (\$15,000.00), whichever is less. For purposes of this subsection, attorney fees and costs shall not be considered as or included in actual or compensatory damages.

B. Upon receipt by the claimant of the payment from the Oklahoma Used Motor Vehicle Education and Recovery Fund, the claimant shall assign the claimant's right, title and interest in that portion of the judgment to the Commission which shall thereupon be subrogated up to the amount actually paid by the fund to the claimant. Upon suit to collect upon a judgment, the claimant shall have priority over the fund. Any amount subsequently recovered on a judgment by the Commission, to the extent of the Commission's right, title and interest therein, shall be used to reimburse the Oklahoma Used Motor Vehicle Education and Recovery Fund.

C. Payments for claims arising out of the same transaction which constitutes a person's cause of action based upon a violation under Sections 584 and 585 of Title 47 of the Oklahoma Statutes shall be limited in the aggregate of Fifty Thousand Dollars (\$50,000.00) irrespective of the number of claimants or used motor vehicles involved in the transaction.

D. Payments for claims based upon judgments against any one licensee shall not exceed in the aggregate Fifty Thousand Dollars (\$50,000.00).

E. If at any time the monies in the Oklahoma Used Motor Vehicle Education and Recovery Fund are insufficient to satisfy any valid claim, or portion thereof, the Commission shall satisfy such unpaid claim or portion thereof as soon as a sufficient amount of money has been deposited in the fund by collecting a special levy from the members of such fund in an amount not to exceed Ten Dollars (\$10.00) each fiscal year. If the additional levy is not sufficient to pay

all outstanding claims against the fund, then such claims shall be paid as the money becomes available. Where there is more than one such claim outstanding, such claims shall be paid in the order that they were made.

F. The license of said licensee, upon the payment of any amount from the Oklahoma Used Motor Vehicle Education and Recovery Fund for satisfaction of a claim against a licensee, may be revoked pursuant to a hearing by the Oklahoma Used Motor Vehicle and Parts Commission as authorized in this title. The license shall not be considered for reinstatement until such person has repaid in full, plus interest at the rate of seven percent (7%) a year, the amount paid from the Oklahoma Used Motor Vehicle Education and Recovery Fund for satisfaction of the claim against the person.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 589.5 of Title 47, unless there is created a duplication in numbering, reads as follows:

At any time when the total amount of monies deposited in the Oklahoma Used Motor Vehicle Education and Recovery Fund exceeds Five Hundred Thousand Dollars (\$500,000.00), the Oklahoma Used Motor Vehicle Education and Recovery Commission in its discretion may expend such excess funds in excess of Five Hundred Thousand Dollars (\$500,000.00) each fiscal year for the following purposes:

1. To promote the advancement of education in the field of used motor vehicle sales for the benefit of the general public and those licensed by the Oklahoma Used Motor Vehicle and Parts Commission, but such promotion shall not be construed to allow advertising of this profession; and

2. To underwrite educational seminars and other forms of educational projects for the benefit of used motor vehicle and parts licensees.

SECTION 7. AMENDATORY 47 O.S. 2001, Section 583, is amended to read as follows:

Section 583. A. 1. It shall be unlawful and constitute a misdemeanor for any person to engage in business as, or serve in the capacity of, or act as a used motor vehicle dealer, used motor vehicle salesperson, wholesale used motor vehicle dealer, manufactured home dealer, manufactured home installer, or manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state without first obtaining a license or following other requirements therefor as provided in this section.

2. a. Any person engaging, acting, or serving in the capacity of a used motor vehicle dealer and/or a used motor vehicle salesperson, a manufactured home dealer, a manufactured home installer, or a manufactured home manufacturer, or having more than one place where any such business, or combination of businesses, is carried on or conducted shall be required to obtain and hold a current license for each such business, in which engaged.

b. A used motor vehicle dealer's license shall authorize one person to sell without a salesperson's license in the event such person shall be the owner of a proprietorship, or the person designated as principal in the dealer's franchise or the managing officer or one partner if no principal person is named in the franchise.

c. If after a hearing in accordance with the provisions of Section 585 of this title, the Oklahoma Used Motor Vehicle and Parts Commission shall find any person installing a mobile or manufactured home to be in violation of any of the provisions of this act, such person may be subject to an administrative fine of not more than Five Hundred Dollars (\$500.00) for each

violation. Each day a person is in violation of this act may constitute a separate violation. The maximum fine shall not exceed One Thousand Dollars (\$1,000.00). All administrative fines collected pursuant to the provisions of this subparagraph shall be deposited in the fund established in Section 582 of this title. Administrative fines imposed pursuant to this subparagraph may be enforceable in the district courts of this state.

- d. A salesperson's license may not be issued under a wholesale used motor vehicle dealer's license.

3. Any person except persons penalized by administrative fine violating the provisions of this section shall, upon conviction, be fined not to exceed Five Hundred Dollars (\$500.00). A second or subsequent conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00); provided that each day such unlicensed person violates this section shall constitute a separate offense, and any vehicle involved in a violation of this subsection shall be considered a separate offense.

B. 1. Applications for licenses required to be obtained under provisions of this act, Section 581 et seq. of this title, which creates the Oklahoma Used Motor Vehicle and Parts Commission shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to the applicants, and shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for. The Commission shall require in the application, or otherwise, information relating to:

- a. the applicant's financial standing,
- b. the applicant's business integrity,

- c. whether the applicant has an established place of business and is engaged in the pursuit, avocation, or business for which a license, or licenses, is applied for,
- d. whether the applicant is able to properly conduct the business for which a license, or licenses, is applied for, and
- e. such other pertinent information consistent with the safeguarding of the public interest and the public welfare.

2. All applications for license or licenses shall be accompanied by the appropriate fee or fees in accordance with the schedule hereinafter provided. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant.

3. All bonds and licenses issued under the provisions of this act shall expire on December 31, following the date of issue and shall be nontransferable. All applications for renewal of licenses should be submitted by November 1 of each year, and licenses shall be issued by January 10. If applications have not been made for renewal of licenses, such licenses shall expire on December 31 and it shall be illegal for any person to represent himself or herself and act as a dealer thereafter. Tag agents shall be notified not to accept dealers' titles until such time as licenses have been issued.

4. A used motor vehicle salesperson's license shall permit the licensee to engage in the activities of a used motor vehicle salesperson. Salespersons shall not be allowed to sell vehicles unless applications, bonds, and fees are on file with the Commission and the motor vehicle salesperson's or temporary salesperson's license issued. A temporary salesperson's license, salesperson's renewal or reissue of salesperson's license shall be deemed to have

been issued when the appropriate application, bond, and fee have been properly addressed and mailed to the Commission.

Dealers' payrolls and other evidence will be checked to ascertain that all salespersons for such dealers are licensed.

C. The schedule of license fees to be charged and received by the Commission for the licenses issued hereunder shall be as follows:

1. For each used motor vehicle dealer's license and each wholesale used motor vehicle dealer's license, Two Hundred Dollars (\$200.00). If a used motor vehicle dealer or a wholesale used motor vehicle dealer has once been licensed by the Commission in the classification for which he or she applies for a renewal of the license, the fee for each subsequent renewal shall be One Hundred Dollars (\$100.00); provided, if an applicant holds a license to conduct business as an automotive dismantler and parts recycler issued pursuant to Section 591.1 et seq. of this title, the initial fee shall be One Hundred Dollars (\$100.00) and the renewal fee shall be Seventy-five Dollars (\$75.00). If an applicant is applying simultaneously for a license under this paragraph and a license under paragraph 1 of Section 591.5 of this title, the initial application fee shall be One Hundred Fifty Dollars (\$150.00);

2. For a used motor vehicle dealer's license, for each place of business in addition to the principal place of business, Fifty Dollars (\$50.00);

3. For each used motor vehicle salesperson's license, Ten Dollars (\$10.00);

4. For each holder who possesses a valid new motor vehicle dealer's license from the Oklahoma Motor Vehicle Commission, One Hundred Dollars (\$100.00) shall be the initial fee for a used motor vehicle license and the fee for each subsequent renewal shall be One Hundred Dollars (\$100.00);

5. a. For each manufactured home dealer's license, and for each place of business in addition to the principal place of business, Two Hundred Dollars (\$200.00).
- b. For each renewal of a manufactured home dealer's license, and renewal for each place of business in addition to the principal place of business, One Hundred Dollars (\$100.00);
6. a. For each manufactured home installer's license, Two Hundred Dollars (\$200.00).
- b. For each renewal of a manufactured home installer's license, Two Hundred Dollars (\$200.00); and
7. a. For each manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state, Seven Hundred Fifty Dollars (\$750.00).
- b. For each renewal of a manufactured home manufacturer's license, Seven Hundred Fifty Dollars (\$750.00).

D. 1. The license issued to each used motor vehicle dealer, each wholesale used motor vehicle dealer, each manufactured home dealer, each manufactured home installer, and each manufactured home manufacturer shall specify the location of the place of business. If the business location is changed, the Oklahoma Used Motor Vehicle and Parts Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license without charge. The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

2. Every used motor vehicle salesperson shall have the license upon his or her person when engaged in business, and shall display same upon request. The name of the employer of the salesperson shall be stated on the license and if there is a change of employer, the license holder shall immediately mail the license to the Commission for its endorsement of the change thereon. There shall

be no charge for endorsement of change of employer on the license or penalty for not having a license upon his or her person.

3. Every manufactured home installer shall have the license available for inspection at the primary place of business of the licensee. This license shall be valid for the licensee and all of the employees of the licensee. Any person who is not an employee of the licensee must obtain a separate manufactured home installer license regardless of whether such person is acting in the capacity of a contractor or subcontractor.

E. 1. Except as provided in subsection F of this section, each applicant for a license under this subsection shall procure and file a bond as provided herein.

2. a. Each applicant for a used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Fifteen Thousand Dollars (\$15,000.00). Each new applicant for a used motor vehicle dealer's license for the purpose of conducting a used motor vehicle auction shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000.00). An applicant who intends to conduct a used motor vehicle auction who provides proof that the applicant has check and title insurance in an amount not less than Fifty Thousand Dollars (\$50,000.00) shall only be required to have a bond in the amount of Twenty-five Thousand Dollars (\$25,000.00).

b. Each new applicant for a used motor vehicle dealer license for the purpose of conducting a used motor vehicle business which will consist primarily of non-auction consignment sales which are projected to equal Five Hundred Thousand Dollars (\$500,000.00) or more in

gross annual sales shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000.00). The Commission shall prescribe by rule the method of operation of the non-auction consignment dealer in order to properly protect the interests of all parties to the transaction and to provide sanctions against dealers who fail to comply with the rules.

- c. Each applicant for a wholesale used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars (\$25,000.00).
- d. Each applicant for a manufactured home dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars (\$30,000.00).
- e. Each manufactured home manufacturing facility selling directly to a licensed manufactured home dealer in this state shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars (\$30,000.00). In addition to all other conditions and requirements set forth herein, the bond shall require the availability of prompt and full warranty service by the manufacturer to comply with all warranties expressed or implied in connection with each manufactured home which is manufactured for resale in this state.
- f. The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall not practice fraud, make any fraudulent representation, or violate any of the provisions of this act in the conduct of the business for which the applicant is

licensed. One of the purposes of the bond is to provide reimbursement for any loss or damage suffered by any person by reason of issuance of a certificate of title by a used motor vehicle dealer, a wholesale used motor vehicle dealer, or a manufactured home dealer.

~~2.~~ 3. If a motor vehicle dealer has a valid license issued by the Oklahoma Motor Vehicle Commission, then the bond as required by this subsection shall be waived.

~~3.~~ 4. Each applicant for a used motor vehicle salesperson's license shall procure and file with the Commission a good and sufficient bond in the amount of One Thousand Dollars (\$1,000.00). The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall perform duties as a used motor vehicle salesperson without fraud or fraudulent representation and without violating any provisions of this act.

~~4.~~ 5. The bonds as required by this section shall be maintained throughout the period of licensure. Should the bond be canceled for any reason, the license shall be revoked as of the date of cancellation unless a new bond is furnished prior to such date.

F. 1. After November 1, 2002, each applicant for a license shall pay the following additional, nonrefundable fees, to be deposited in the Oklahoma Used Motor Vehicle Education and Recovery Fund:

- a. Two Hundred Dollars (\$200.00) for a used motor vehicle dealer's license,
- b. One Hundred Dollars (\$100.00) for a used motor vehicle salesperson's license,
- c. Three Hundred Dollars (\$300.00) for a wholesale used motor vehicle dealer's license, and

d. Five Hundred Dollars (\$500.00) for a used motor vehicle dealer's license for the purpose of conducting an auction.

2. After November 1, 2005, excluding a used motor vehicle dealer utilizing a license for the purpose of conducting an auction, no applicant for a renewal license as a used motor vehicle dealer, used motor vehicle wholesale dealer or used motor vehicle salesperson, shall be required to procure and file a bond as provided in subsection E of this section. Each applicant for an original license pursuant to this subsection, shall be required to procure and file a bond as provided in subsection E of this section for each of the first three (3) consecutive years after the original license is obtained.

G. Any used motor vehicle dealer or wholesale used motor vehicle dealer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00) of single liability insurance coverage on all vehicles offered for sale or used in any other capacity in demonstrating or utilizing the streets and roadways in accordance with the financial responsibility laws of this state.

~~G.~~ H. Any manufactured home dealer is required to furnish and keep in force a minimum of One Hundred Thousand Dollars (\$100,000.00) of garage liability or general liability with products and completed operations insurance coverage.

~~H.~~ I. Any manufactured home installer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00) of general liability with products and completed operations insurance coverage.

SECTION 8. This act shall become effective July 1, 2002.

SECTION 9. 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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