

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1868

By: Crain

AS INTRODUCED

An Act relating to professions and occupations; amending 47 O.S. 2001, Sections 591.2, 591.6 and 591.10, as amended by Section 28, Chapter 519, O.S.L. 2004 (47 O.S. Supp. 2005, Section 591.10), which relate to the Automotive Dismantlers and Parts Recycler Act; modifying and adding definitions; clarifying who shall keep registers of certain purchases and sales; clarifying language; providing for appearance of certain applicants at certain hearings; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, 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" 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. "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, 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. "Salvage pool" means any person or business which regularly conducts a salvage disposal sale;

5. "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. "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 in this state;

8. "Buyer's Identification Card" or "B.I.D. Card" means a card issued pursuant to Section 591.1 et seq. of this title permitting the holder to participate in a salvage disposal sale; and

9. "Foreign buyer" means any person, firm or corporation, and any agent or employee thereof, that engages in the business of automotive dismantling and parts recycling, and whose principal place of business is outside the United States.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 591.6, is amended to read as follows:

Section 591.6 Every automotive dismantler and parts recycler operating a facility in this state 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 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 place of business.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 591.10, as amended by Section 28, Chapter 519, O.S.L. 2004 (47 O.S. Supp. 2005, Section 591.10), is amended to read as follows:

Section 591.10 A. Any person, firm or corporation who is refused a license or whose license or ~~B.I.D. card~~ Buyer's Identification Card is canceled or revoked shall be notified in person or by mail with return receipt requested to the address given on the application of the applicant or licensee and, upon written request within fifteen (15) days of receipt of such notice, shall be given a hearing upon the proposed action. The hearing may be conducted by the Commission and shall be held no more than thirty (30) days from receipt of the written request for a hearing. The hearing may be informal and the rules of evidence of the courts of Oklahoma shall not be required. The applicant may appear in person or through an attorney or agent. Appeals from the decision of the Commission shall be governed by the Administrative Procedures Act.

B. In addition to the cancellation, revocation or refusal to issue or renew a license or buyer's identification or the imposition of any other penalty by the Commission, the Commission is hereby authorized to impose administrative fines for violations of the Automotive Dismantlers and Parts Recycler Act in the amounts not to exceed Five Hundred Dollars (\$500.00) for a first violation, One Thousand Dollars (\$1,000.00) for a second violation and Five Thousand Dollars (\$5,000.00) for a third violation.

SECTION 4. This act shall become effective November 1, 2006.

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