

SB 2057

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THE STATE SENATE  
Monday, February 25, 2008

Senate Bill No. 2057  
As Amended

SENATE BILL NO. 2057 - By: CORN of the Senate and DeWITT of the House.

[ motor vehicles - authorizing the Oklahoma Tax Commission to approve certain locations of motor license agencies - effective date ]

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 1140, as last amended by Section 77, Chapter 1, O.S.L. 2005 (47 O.S. Supp. 2007, Section 1140), is amended to read as follows:

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

- 1. Necessary job skills and experience;
- 2. Minimum office hours;

- 1           3. Provision for sufficient staffing, equipment, office space  
2 and parking to provide maximum efficiency and maximum convenience to  
3 the public;
- 4           4. Obtainment of a faithful performance surety bond as provided  
5 for by law;
- 6           5. A requirement that operation of a motor license agency be  
7 the primary source of income for said agent;
- 8           6. That the applicant has not been convicted of a felony and  
9 that no felony charges are pending against the applicant;
- 10          7. That a complete financial statement be submitted by the  
11 applicant on forms provided by the Tax Commission;
- 12          8. That a report of the applicant's credit history be obtained  
13 through the appropriate credit bureau; and
- 14          9. That the location specified in the application for  
15 appointment as a motor license agent not be owned by a member of the  
16 Oklahoma Legislature or any person related to a member of the  
17 Oklahoma Legislature within the third degree by consanguinity or  
18 affinity and that the location not be within a three-mile radius of  
19 an existing motor license agency unless the applicant is assuming  
20 the location of an operating agency. The Tax Commission may, at its  
21 own discretion, approve the location of a new agency within a three-  
22 mile radius of an existing agency if geographical features within

1 that radius cause the locations to be separated by not less than  
2 four (4) miles of roadway by the most direct route.

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

7 The qualifications and requirements specified in this subsection  
8 shall apply only to persons making application to be appointed as  
9 motor license agents on or after June 25, 1987.

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

15 Upon application by a person to serve as a motor license agent,  
16 in such counties, the Tax Commission shall make a determination  
17 whether such person and such location meets the qualifications and  
18 requirements prescribed herein and, if such be the case, shall  
19 appoint such person to serve as a motor license agent.

20 A motor license agent, appointed pursuant to this subsection  
21 shall be permitted to operate a motor license agency at a single  
22 location and shall be prohibited from operating subagencies or

1 branch agencies, unless such subagencies or branch agencies were  
2 established prior to June 1, 1985.

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

7 B. In all other counties of this state and in municipalities  
8 having a population of less than eight thousand five hundred (8,500)  
9 located in a county having a population in excess of one hundred  
10 thirty thousand (130,000), according to the latest Federal Decennial  
11 Census, the Tax Commission shall appoint as many motor license  
12 agents as it deems necessary to carry out the provisions of the  
13 Motor Vehicle License and Registration Act. Provided, that in  
14 counties with a population in excess of twenty-five thousand  
15 (25,000) persons, according to the latest Federal Decennial Census,  
16 having only one motor license agent serving the county, the Tax  
17 Commission shall establish at least one additional agency to serve  
18 the county.

19 Such agents shall be self-employed independent contractors, and  
20 all agents shall be under the supervision of the Tax Commission;  
21 provided, any agent authorized to issue registrations pursuant to  
22 the International Registration Plan shall also be under the  
23 supervision of the Corporation Commission, subject to rules

1 promulgated by the Corporation Commission pursuant to the provisions  
2 of subsection E of Section ~~2~~ 1166 of this ~~act~~ title. Any such  
3 agent, upon being appointed, shall furnish and file with the Tax  
4 Commission a bond in such amount as may be fixed by the Tax  
5 Commission. Such agent shall be removable at the will of the Tax  
6 Commission. Such agent shall perform all duties and do such things  
7 in the administration of the laws of this state as shall be enjoined  
8 upon and required by the Tax Commission or the Corporation  
9 Commission. Provided, the Tax Commission may operate a motor  
10 license agency in any county where a vacancy occurs.

11 C. In the event of a vacancy existing by reason of resignation,  
12 removal, death or otherwise, in the position of any motor license  
13 agent, the Tax Commission is hereby empowered and authorized to take  
14 any and all actions it deems appropriate in order to provide for the  
15 orderly transition and for the maintenance of operations of the  
16 motor license agency including but not limited to the designation of  
17 one of its regular employees to serve as "acting agent" without  
18 bond, and to receive and expend all fees or charges authorized or  
19 provided by law and exercise the same powers and authority as a  
20 regularly appointed motor license agent. An acting agent may be  
21 authorized by the Tax Commission equally as the preceding agent to  
22 make disbursements from any balances in the preceding motor license  
23 agent's operating account and the agent's operating funds for the

1 payment of expenses of operations and salaries and other overhead.  
2 If such funds are insufficient, the Tax Commission is authorized to  
3 expend from funds appropriated for the operation of the Tax  
4 Commission such amounts as are necessary to maintain and continue  
5 the operation of any such motor license agency until a successor  
6 agent is appointed and qualified. The Tax Commission may require a  
7 blanket fiduciary bond of the agency employees.

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

18 E. When an application for registration is made with the Tax  
19 Commission, Corporation Commission or a motor license agent, a  
20 registration fee of One Dollar and seventy-five cents (\$1.75) shall  
21 be collected for each license plate or decal issued. Such fees  
22 shall be in addition to the registration fees on motor vehicles and  
23 when an application for registration is made to the motor license

1 agent such motor license agent shall retain a fee as provided in  
2 Section 1141.1 of this title. When the fee is paid by a person  
3 making application directly with the Tax Commission or Corporation  
4 Commission, as applicable, the registration fees shall be in the  
5 same amount as provided for motor license agents and the fee  
6 provided by Section 1141.1 of this title shall be deposited in the  
7 Oklahoma Tax Commission Revolving Fund or as provided in Section 3  
8 of this act, as applicable. The Tax Commission shall prepare  
9 schedules of registration fees and charges for titles which shall  
10 include the fees for such agents and all fees and charges paid by a  
11 person shall be listed separately on the application and  
12 registration and totaled on the application and registration. The  
13 motor license agents shall charge only such fees as are specifically  
14 provided for by law, and all such authorized fees shall be posted in  
15 such a manner that any person shall have notice of all fees that are  
16 imposed by law.

17 F. No person shall be appointed as a motor license agent unless  
18 the person has attested under oath that the person is not related by  
19 affinity or consanguinity within the third degree to:

20 1. Any member of the Oklahoma Legislature;

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

1           3. Any employee of the Tax Commission.

2           G. Any motor license agent appointed under the provisions of  
3 this title shall be responsible for all costs incurred by the Tax  
4 Commission when relocating an existing motor license agency. The  
5 Tax Commission may waive payment of such costs in case of unforeseen  
6 business or emergency conditions beyond the control of the agent.

7           SECTION 2. This act shall become effective November 1, 2008.

8           COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 2-19-08 - DO PASS,  
9 As Amended and Coauthored.