

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3398

By: Cargill

4
5 AS INTRODUCED

6 An Act relating to the Oklahoma Used Motor Vehicle
7 and Parts Commission; abolishing the Oklahoma Used
8 Motor Vehicle and Parts Commission; providing for
9 interpretation of certain statutory references;
10 transferring the licensing and regulation of used
11 motor vehicle and parts dealers to the Oklahoma Motor
12 Vehicle Commission; transferring the licensing and
13 regulation of automotive dismantler and parts
14 recyclers to the Oklahoma Motor Vehicle Commission;
15 transferring certain personnel, funds, records,
16 encumbrances, equipment, and other items to the
17 Oklahoma Motor Vehicle Commission; providing
18 requirements pertaining to transfer of employees;
19 providing for transition coordinators and a
20 transition team; providing duties of the transition
21 team; amending 47 O.S. 2001, Sections 563, 581, as
22 last amended by Section 1, Chapter 298, O.S.L. 2005,
23 582, as last amended by Section 1, Chapter 305,
24 O.S.L. 2006, 583, as last amended by Section 3,
Chapter 213, O.S.L. 2006, 584, as amended by Section
4, Chapter 298, O.S.L. 2005, 585, as amended by
Section 5, Chapter 298, O.S.L. 2005, 586, 587, 591.2,
591.3, 591.4, as amended by Section 26, Chapter 519,
O.S.L. 2004, 591.5, as last amended by Section 4,
Chapter 213, O.S.L. 2006, 591.6, 591.8, 591.9, as
last amended by Section 5, Chapter 213, O.S.L. 2006,
591.11, as last amended by Section 1, Chapter 56,
O.S.L. 2007, 591.13, as amended by Section 2, Chapter
56, O.S.L. 2007, 591.14, 1102, as last amended by
Section 1, Chapter 177, O.S.L. 2007, 1105.4 and 1107,
as amended by Section 5, Chapter 381, O.S.L. 2005 (47
O.S. Supp. 2007, Sections 581, 582, 583, 584, 585,
591.4, 591.5, 591.9, 591.11, 591.13, 1102 and 1107),
which relate to the Oklahoma Used Motor Vehicle and
Parts Commission; modifying the laws dealing with
used motor vehicle and parts dealers to reflect the

1 transfer of administration and enforcement from the
2 Oklahoma Used Motor Vehicle and Parts Commission to
3 the Oklahoma Motor Vehicle Commission; modifying the
4 laws dealing with automotive dismantler and parts
5 recyclers to reflect the transfer of administration
6 and enforcement from the Oklahoma Used Motor Vehicle
7 and Parts Commission to the Oklahoma Motor Vehicle
8 Commission; amending 68 O.S. 2001, Section 2101, as
9 amended by Section 8, Chapter 284, O.S.L. 2005 (68
10 O.S. Supp. 2007, Section 2101), which relates to
11 excise tax on motor vehicles; modifying definition to
12 reflect consolidation of certain agencies; amending
13 Section 1, Chapter 17, O.S.L. 2002, as last amended
14 by Section 1, Chapter 208, O.S.L. 2007 (74 O.S. Supp.
15 2007, Section 3601.1), which relates to full-time
16 employees; transferring certain employees to reflect
17 consolidation; providing for codification; providing
18 for noncodification; providing effective dates; and
19 declaring an emergency.

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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 2-102b of Title 63, unless there
is created a duplication in numbering, reads as follows:

A. The Oklahoma Used Motor Vehicle and Parts Commission is
hereby abolished. Any reference in the Oklahoma Statutes to the
Oklahoma Used Motor Vehicle and Parts Commission shall be deemed to
be a reference to the Oklahoma Motor Vehicle Commission. Any
reference in the Oklahoma Statutes to the Director of the Oklahoma
Used Motor Vehicle and Parts Commission shall be deemed to be a
reference to the Director of the Oklahoma Motor Vehicle Commission.

1 B. All assets, funds, liabilities, allotments, purchase orders,
2 outstanding financial obligations, encumbrances, records, vehicles,
3 equipment, and other property of the Oklahoma Used Motor Vehicle and
4 Parts Commission is hereby transferred to the Oklahoma Motor Vehicle
5 Commission.

6 C. Personnel employed by the Oklahoma Used Motor Vehicle and
7 Parts Commission on January 1, 2009, shall be transferred to the
8 Oklahoma Motor Vehicle Commission pursuant to a transition plan
9 implemented by the Director of the Oklahoma Motor Vehicle Commission
10 as required by Section 2 of this act.

11 D. The classified and unclassified employees who are
12 transferred pursuant to this section shall be subject to the
13 following provisions:

14 1. Classified employees shall remain subject to the provisions
15 of the Merit System of Personnel Administration, as provided in the
16 Oklahoma Personnel Act;

17 2. Unclassified employees shall remain in the unclassified
18 service and shall serve at the pleasure of the Director of the
19 Oklahoma Motor Vehicle Commission;

20 3. All employees who are transferred to the Oklahoma Motor
21 Vehicle Commission shall retain leave, sick and annual time earned
22 and any retirement and longevity benefits which have accrued during
23 their employment with the state. The salaries of employees who are
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1 transferred shall not be reduced as a direct and immediate result of
2 the transfer;

3 4. If the Oklahoma Motor Vehicle Commission should implement a
4 reduction in force, all employees transferred from the Oklahoma Used
5 Motor Vehicle and Parts Commission shall be credited for the time
6 they were employed by the Oklahoma Used Motor Vehicle and Parts
7 Commission; and

8 5. The transfer of personnel shall be coordinated with the
9 Office of Personnel Management.

10 SECTION 2. NEW LAW A new section of law not to be
11 codified in the Oklahoma Statutes reads as follows:

12 A. Effective July 1, 2008, the Director of the Oklahoma Motor
13 Vehicle Commission and the Director of the Oklahoma Used Motor
14 Vehicle and Parts Commission shall serve as transition coordinators
15 and shall establish a transition team to coordinate the orderly
16 transfer of duties, personnel, property, funds, and encumbrances
17 from the Oklahoma Used Motor Vehicle and Parts Commission to the
18 Oklahoma Motor Vehicle Commission. Each Director may assign
19 personnel to the transition team from the respective agency of the
20 Director as deemed necessary.

21 B. The transition team shall:

22 1. In conjunction with the Department of Central Services, the
23 Office of State Finance and the Office of Personnel Management,
24 oversee and administer the orderly transfer of responsibilities,

1 liabilities, property, records, personnel and any outstanding
2 financial obligations or encumbrances to the Oklahoma Motor Vehicle
3 Commission from the Oklahoma Used Motor Vehicle and Parts
4 Commission;

5 2. Review functions currently assigned to or managed by the
6 Oklahoma Used Motor Vehicle and Parts Commission;

7 3. Devise a proposal for an organizational framework within the
8 Oklahoma Motor Vehicle Commission for licensing and regulation of
9 used motor vehicle and parts dealers and automotive dismantler and
10 parts recyclers which shall include a proposal for reduction of
11 full-time-equivalent employees by five percent (5%);

12 4. Establish a plan for the transfer of employees from the
13 Oklahoma Used Motor Vehicle and Parts Commission to the Oklahoma
14 Motor Vehicle Commission. The plan shall include a list of
15 positions to be transferred. The plan also shall include a
16 reduction-in-force plan and a severance benefits plan that conform
17 with the requirements of the State Government Reduction-in-Force and
18 Severance Benefits Act; and

19 5. Take such other action as may be reasonably necessary and
20 appropriate to effectuate the orderly transition of functions as
21 provided by this act.

22 SECTION 3. AMENDATORY 47 O.S. 2001, Section 563, is
23 amended to read as follows:

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1 Section 563. A. There is hereby created the Oklahoma Motor
2 Vehicle Commission, to be composed of nine (9) members. Seven of
3 the members shall have been engaged in the manufacture, distribution
4 or sale of new motor vehicles and two members shall be lay members,
5 all to be appointed by the Governor of the State of Oklahoma, with
6 the advice and consent of the State Senate. Such appointments shall
7 be made within thirty (30) days after the effective date of this
8 section. Each of the Commissioners thus appointed shall, at the
9 time of the appointment, be a resident in good faith of the State of
10 Oklahoma, shall be of good moral character, and each of the industry
11 related Commissioners shall have been actually engaged in the
12 manufacture, distribution or sale of such new motor vehicles for not
13 less than ten (10) years next preceding such appointment. The
14 members of the Commission shall serve at the pleasure of the
15 Governor.

16 B. 1. The Commissioners shall elect a Chairman from amongst
17 them whose term shall be for one (1) year with the right to succeed
18 him or herself.

19 2. There shall be three at large members of the Commission.
20 Six members of the Commission shall be appointed from the following
21 geographical areas with at least one member from each area:

22 a. four areas of the state shall be the northwest,
23 northeast, southwest and southeast sections designated
24 by Interstate 35 dividing the state east and west and

1 Interstate 40 dividing the state north and south,
2 excluding Oklahoma County and Tulsa County, and

3 b. two additional areas shall be Oklahoma County and
4 Tulsa County.

5 There shall not be more than two members of the Commission from any
6 one area.

7 C. The terms of office of the members first appointed to the
8 Commission shall be as follows:

9 1. The members appointed from the northwest, northeast and
10 southwest areas shall serve until June 30, 1987;

11 2. The members appointed from the southeast area and Oklahoma
12 County and Tulsa County shall serve until June 30, 1989; and

13 3. The members appointed at large shall serve until June 30,
14 1991.

15 Each member shall serve until a successor is appointed and
16 qualifies. Thereafter, the term of office of each member of the
17 Commission shall be for six (6) years. The term of office of any
18 member will automatically expire if the member moves out of the
19 geographical area from which the member was appointed. In event of
20 death, resignation, removal, or term automatically expiring, of any
21 person serving on the Commission, the vacancy shall be filled by
22 appointment as provided for the unexpired portion of the term. The
23 Commission shall meet at Oklahoma City and complete its organization
24 immediately after the membership thereof has been appointed and has

1 qualified. The Chairman and each member of the Commission shall
2 take and subscribe to the oath of office required of public
3 officers.

4 D. The members of the Commission shall receive reimbursement
5 for subsistence and traveling expenses necessarily incurred in the
6 performance of their duties as provided by the State Travel
7 Reimbursement Act.

8 E. The Commission shall appoint a qualified person to serve as
9 Executive Director thereof, which person shall have had not less
10 than ten (10) years of experience in the motor vehicle industry.
11 The Executive Director shall be appointed for a term of six (6)
12 years, and shall not be subject to dismissal or removal without
13 cause. The Commission shall fix the salary and prescribe the duties
14 of the Executive Director. The Executive Director shall devote such
15 time as necessary to fulfill the duties thereof, and before entering
16 upon such duties shall take and subscribe to the oath of office.
17 The Executive Director may employ such clerical, technical and other
18 help and legal services and incur such expenses as may be necessary
19 for the proper discharge of the duties of the Executive Director
20 under this act. The Commission shall maintain its office and
21 transact its business in Oklahoma City, and it is authorized to
22 adopt and use a seal. The Executive Director is hereby authorized
23 to hire, retain or otherwise acquire the services of an attorney to
24 represent the Commission in any and all state and federal courts,

1 and assist the Commission in any and all business or legal matters
2 that may come before it. The attorney so representing the
3 Commission shall discharge the duties under the direction of the
4 Executive Director.

5 F. The Commission is hereby vested with the powers necessary to
6 enable it to fully and effectively carry out the provisions and
7 objects of Sections 561 through 595 of this act title, and is hereby
8 authorized and empowered to make and enforce all reasonable rules
9 and to adopt and prescribe all forms necessary to accomplish such
10 purpose. All forms used by a new motor vehicle dealer to facilitate
11 the delivery of a vehicle pending approval of financing shall be
12 approved by the Commission.

13 G. All fees, charges and fines collected under the provisions
14 of Sections 561 through 595 of this act title shall be deposited by
15 the Executive Director in the State Treasury in accordance with the
16 depository laws of this state in a special fund to be known as the
17 "Oklahoma Motor Vehicle Commission Fund", which is hereby created,
18 and except as hereinafter provided the monies in the fund shall be
19 used by the Commission for the purpose of carrying out and enforcing
20 the provisions of Sections 561 through 595 of this act title.
21 Expenditures from the fund shall be made upon vouchers approved by
22 the Commission or its authorized officers.

23 At the close of each fiscal year, the Commission shall file with
24 the Governor and the State Auditor and Inspector a true and correct

1 report of all fees, fines and charges collected and received by it
2 during the preceding fiscal year and shall at the same time pay into
3 the General Revenue Fund of the state a sum equal to ten percent
4 (10%) of the fees, fines and charges so collected and received.

5 All expenses incurred by the Commission in carrying out the
6 provisions of Sections 561 through 595 of this ~~act~~ title, including
7 but not limited to per diem, wages, salaries, rent, postage,
8 advertising, supplies, bond premiums, travel and subsistence for the
9 Commissioners, the Executive Director, employees, and legal counsel,
10 and printing and utilities, shall be a proper charge against such
11 fund, exclusive of the portion thereof to be paid into the General
12 Revenue Fund as above set out. In no event shall liability ever
13 accrue hereunder against this state in any sum whatsoever, or
14 against the Oklahoma Motor Vehicle Commission Fund, in excess of the
15 ninety percent (90%) of the fees, fines and charges deposited
16 therein.

17 SECTION 4. AMENDATORY 47 O.S. 2001, Section 581, as last
18 amended by Section 1, Chapter 298, O.S.L. 2005 (47 O.S. Supp. 2007,
19 Section 581), is amended to read as follows:

20 Section 581. As used in ~~Section~~ Sections 581 et seq. through
21 588 of this title:

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

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

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

8 4. "Factory" means a manufacturer, distributor, factory branch,
9 distributor branch, factory representative or distributor
10 representative, which manufactures or distributes vehicle products;

11 5. "Manufactured home" means a residential dwelling in one or
12 more sections built in accordance with the National Manufactured
13 Housing Construction and Safety Standards Act of 1974, 42 U.S.C.,
14 Section 5401, et seq. and rules promulgated pursuant thereto;

15 6. a. "Manufactured home dealer" means any person who, for a
16 commission or with intent to make a profit or gain of
17 money or other thing of value, sells, offers to sell,
18 or attempts to negotiate a sale or exchange of
19 interest in, new or used manufactured homes, or that
20 is engaged wholly or in part in the business of
21 selling any new and unused, or used, or both new and
22 used manufactured homes. A valid franchise letter as
23 proof of authorization to sell any new manufactured
24 home product line or lines shall be attached to the

1 application for a dealer license to sell manufactured
2 homes. "Manufactured home dealer" shall include a
3 manufactured home auction. A manufactured home
4 auction shall mean any person selling more than
5 twenty-five manufactured homes in an auction or
6 liquidation format. Only licensed manufactured home
7 dealers shall be authorized to purchase manufactured
8 homes at such auctions.

9 b. "Manufactured home dealer" shall not include any
10 person who sells or contracts for the sale of a
11 personally titled manufactured home or homes, or any
12 person acting as an auctioneer who has been engaged by
13 a seller to direct, conduct, control, or be
14 responsible for the sale of manufactured homes as a
15 part of an auction or liquidation of an estate, or any
16 Oklahoma licensed real estate broker or sales
17 associate when buying or selling used mobile homes as
18 a part of a real estate business. No person shall be
19 considered a manufactured home dealer as to any
20 manufactured home purchased or acquired by the person
21 for purposes other than resale; provided, that the
22 restriction set forth in this sentence shall not
23 prevent an otherwise qualified person from utilizing a
24 single manufactured home as a sales office; or

1 c. A holder of a lien on a manufactured home may sell,
2 exchange, or transfer by lease-purchase the
3 repossessed manufactured home and shall not be
4 required to be licensed pursuant to this chapter. If
5 the lienholder contracts with a person or company to
6 sell the repossessed manufactured home and the person
7 or company is not an employee, officer or principal of
8 the lienholder, such person or company shall be
9 licensed pursuant to this chapter;

10 7. "Manufactured home salesperson" means any person who has
11 been engaged by a manufactured home dealer to buy, sell, exchange,
12 negotiate, or act as an agent for the purchase, sale, or exchange of
13 an interest in a manufactured home. A person may not act as a
14 salesperson nor may a manufactured home dealer employ the
15 salesperson without applying for a salesperson's license within
16 thirty (30) days of employment by the manufactured home dealer;

17 8. "Manufactured home installer" means a person who is engaged
18 in the business of installing or setting up manufactured homes
19 and/or mobile homes as defined herein;

20 9. "Manufactured home manufacturer" means a person who
21 manufactures, assembles, and sells new manufactured homes to new
22 manufactured home retailers for resale in this state;

23 10. "Mobile home" means a residential dwelling fabricated in an
24 off-site manufacturing facility, designed to be a permanent

1 residence, but which is still transportable, that was built prior to
2 the enacting of the National Manufactured Housing Construction and
3 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.;

4 11. "Person" means an individual, business, corporation,
5 partnership, association, limited liability corporation, trust,
6 firm, or company or legal entity, but does not include any political
7 subdivision;

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

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

16 14. "Used motor vehicle" means any motor vehicle, as that term
17 is defined in the Oklahoma Vehicle License and Registration Act,
18 which has been sold, bargained, exchanged, given away or the title
19 thereto transferred from the person who first took title from the
20 manufacturer, importer, or dealer or agent of the manufacturer or
21 importer, or so used as to have become what is commonly known as a
22 "secondhand motor vehicle". In the event of transfer, on the
23 statement of origin, from the original franchised dealer to any
24 other dealer or individual other than a franchised dealer of the

1 same make of vehicle, the vehicle shall be considered a used motor
2 vehicle and must be titled in the new owner's name;

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

8 16. a. "Used motor vehicle dealer" means any person who, for
9 a commission or with intent to make a profit or gain
10 of money or other thing of value, sells, brokers,
11 exchanges, rents with option to purchase, or offers or
12 attempts to negotiate a sale or exchange of an
13 interest in used motor vehicles, or who is engaged
14 wholly or in part in the business of selling used
15 motor vehicles, whether or not such motor vehicles are
16 owned by the person.

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

18 (1) receivers, trustees, administrators, executors,
19 guardians, or other persons appointed by or
20 acting pursuant to the judgment or order of any
21 court,

22 (2) public officers while performing their official
23 duties,

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- 1 (3) employees of persons enumerated in the definition
2 of "used motor vehicle dealer" when engaged in
3 the specific performance of their duties as such
4 employees,
- 5 (4) mortgagees or secured parties as to sales of
6 motor vehicles constituting collateral on a
7 mortgage or security agreement, if the mortgagees
8 or secured parties shall not realize for their
9 own account from such sales any monies in excess
10 of the outstanding balance secured by such
11 mortgage or security agreement, plus the costs of
12 collection,
- 13 (5) any person acting as an auctioneer who has been
14 engaged by a seller to direct, conduct, control,
15 or be responsible for the sale of used motor
16 vehicles as part of an estate auction or
17 liquidation,
- 18 (6) any person, firm, corporation, or other legal
19 entity who sells, or contracts for the sale of,
20 the vehicles of the person, firm, corporation, or
21 other legal entity when such vehicles are sold in
22 liquidation, and any person, firm, corporation,
23 or other legal entity who serves as an agent in
24 such sale. The exclusion provided in this

1 paragraph shall not extend to any person, firm,
2 corporation, or other legal entity whose business
3 is the purchase, sale, or rental with option to
4 purchase, of motor vehicles, or to a location
5 used for such purposes, or

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

16 17. "Used motor vehicle salesperson" means a person employed by
17 a licensed used motor vehicle dealer to sell, broker, exchange, or
18 negotiate a purchase, sale, or rental with option to purchase, used
19 motor vehicles or an interest in used motor vehicles. The term
20 "used motor vehicle salesperson" shall not include any person who:

- 21 a. uses the person's own funds for such transactions,
- 22 b. operates independently as a used motor vehicle dealer
23 using a licensed used motor vehicle dealer's license
24 number, or

1 c. is licensed by the Oklahoma Motor Vehicle Commission
2 to sell new or unused motor vehicles who also sells
3 used motor vehicles for the dealer at the motor
4 vehicle dealer's licensed franchise location;
5 provided, such a person shall only be authorized to
6 sell used motor vehicles for the dealer at the motor
7 vehicle dealer's licensed franchise location and to
8 represent the motor vehicle dealer at used motor
9 vehicle auctions without obtaining a separate used
10 motor vehicle salesperson's license; and

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

19 SECTION 5. AMENDATORY 47 O.S. 2001, Section 582, as last
20 amended by Section 1, Chapter 305, O.S.L. 2006 (47 O.S. Supp. 2007,
21 Section 582), is amended to read as follows:

22 Section 582. A. ~~There is hereby created the~~ The Oklahoma Used
23 Motor Vehicle and Parts Commission, ~~to be composed of ten (10)~~
24 ~~members who shall be selected as follows:~~

1 ~~1. One member shall be appointed from each congressional~~
2 ~~district and any remaining members, including the chair, shall be~~
3 ~~appointed from the state at large. However, when congressional~~
4 ~~districts are redrawn, each member appointed prior to July 1 of the~~
5 ~~year in which such modification becomes effective shall complete the~~
6 ~~current term of office and appointments made after July 1 of the~~
7 ~~year in which such modification becomes effective shall be based on~~
8 ~~the redrawn districts. Appointments made after July 1 of the year~~
9 ~~in which such modification becomes effective shall be from any~~
10 ~~redrawn districts which are not represented by a board member until~~
11 ~~such time as each of the modified congressional districts are~~
12 ~~represented by a board member; provided, the chair shall be~~
13 ~~appointed at large without regard to congressional district~~
14 ~~representation on the board;~~

15 ~~2. All members shall be appointed by the Governor, by and with~~
16 ~~the advice and consent of the Senate;~~

17 ~~3. a. each of the members appointed from a congressional~~
18 ~~district shall, at the time of appointment, be a~~
19 ~~resident in good faith of the congressional district~~
20 ~~from which appointed, and~~

21 ~~b. each of the members appointed from the state at large~~
22 ~~shall, at the time of appointment and during the~~
23 ~~period of service, be residents in good faith of the~~
24 ~~state;~~

1 4. ~~Each member shall be of good moral character and, for the~~
2 ~~ten year period immediately preceding appointment, each of the used~~
3 ~~motor vehicle dealer representatives shall have been licensed for~~
4 ~~and actually engaged in the distribution or sale of used motor~~
5 ~~vehicles; each of the dismantler representatives shall have actually~~
6 ~~been licensed for and engaged in the principal business of~~
7 ~~dismantling or disassembling motor vehicles for the purpose of~~
8 ~~selling the parts thereof; and the manufactured housing~~
9 ~~representative shall have been licensed for and actually engaged in~~
10 ~~the principal business of selling manufactured homes; and~~

11 5. ~~Eight members plus the chair shall be engaged in the used~~
12 ~~motor vehicle industry or the automotive dismantler industry. There~~
13 ~~shall not be fewer than five members engaged in the principal~~
14 ~~business of the sale of used motor vehicles and there shall not be~~
15 ~~fewer than two members engaged in the principal business of~~
16 ~~dismantling or disassembling motor vehicles for the purpose of~~
17 ~~selling the parts thereof. One of the at-large members shall be~~
18 ~~engaged in the principal business of selling manufactured homes as a~~
19 ~~licensed manufactured home dealer. Being engaged in one or more of~~
20 ~~such pursuits shall not disqualify a person otherwise qualified from~~
21 ~~serving on the Commission.~~

22 B. 1. ~~The term of the chair shall be coterminous with that of~~
23 ~~the Governor making the appointment, and until a successor is~~
24 ~~appointed and is qualified.~~

1 ~~2. The terms of office of each member of the Commission shall~~
2 ~~be subject to the following:~~

3 ~~a. the Commission shall determine and certify the trade~~
4 ~~associations of manufactured home dealers that~~
5 ~~represent ten percent (10%) or more of the number of~~
6 ~~licensed manufactured home dealers in the state and~~
7 ~~shall certify each such association to the Governor.~~
8 ~~The Governor shall request a minimum of ten names from~~
9 ~~each such association and shall select one member from~~
10 ~~the manufactured home industry from the names~~
11 ~~provided,~~

12 ~~b. each member actively serving July 1, 2000, who was~~
13 ~~appointed on or before June 30, 2000, shall remain and~~
14 ~~fulfill the term of his or her membership as set forth~~
15 ~~at the appointment,~~

16 ~~c. except for the chair, the term of office of each~~
17 ~~member of the Commission shall be for six (6) years,~~

18 ~~d. except for the chair and the at large members, the~~
19 ~~term of office of any member will automatically expire~~
20 ~~if the member moves out of the congressional district~~
21 ~~from which appointed; however, if the congressional~~
22 ~~districts are modified each member shall complete the~~
23 ~~current term of office as provided in this section,~~

1 e. ~~in event of death, resignation, or removal of any~~
2 ~~person serving on the Commission, the vacancy shall be~~
3 ~~filled by appointment as aforesaid for the unexpired~~
4 ~~portion of the term,~~

5 f. ~~except for the chair, when the term of a member~~
6 ~~automatically expires, the vacancy shall be filled by~~
7 ~~appointment of a qualified successor for a term of six~~
8 ~~(6) years as aforesaid, except that the member shall~~
9 ~~serve until a successor is appointed and qualified.~~

10 3. ~~The chair and each member of the Commission shall take and~~
11 ~~subscribe to the oath of office required of public officers.~~

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

20 D. 1. a. ~~The Commission shall appoint a qualified person to~~
21 ~~serve as Executive Director who shall have had~~
22 ~~sufficient management and organizational experience in~~
23 ~~the automotive industry to direct the functions of the~~
24 ~~Commission.~~

1 ~~b. The Executive Director shall be appointed for a term~~
2 ~~of six (6) years, and shall not be subject to~~
3 ~~dismissal or removal without cause.~~

4 ~~e. The Commission shall fix the salary and define and~~
5 ~~prescribe the duties of the Executive Director.~~

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

11 ~~2. The Commission may employ such clerical, technical, legal~~
12 ~~and other help and incur such expenses as may be necessary for the~~
13 ~~proper discharge of its duties under Section 581 et seq. of this~~
14 ~~title.~~

15 ~~3. The Commission shall maintain its office and transact its~~
16 ~~business in Oklahoma City, and is authorized to adopt and use a~~
17 ~~seal.~~

18 ~~E. 1. a. The Commission is hereby vested with the powers and~~
19 ~~duties necessary and proper to enable it to fully and~~
20 ~~effectively carry out the provisions and objectives of~~
21 ~~Section 581 et seq. of this title, and is hereby~~
22 ~~authorized and empowered, pursuant to the~~
23 ~~Administrative Procedures Act, to make and enforce all~~
24

1 ~~reasonable rules and to adopt and prescribe all forms~~
2 ~~necessary to accomplish said purpose.~~

3 ~~b. The Commission shall promulgate rules for the~~
4 ~~licensing of manufactured home installers and the~~
5 ~~installation, which is the blocking, anchoring and~~
6 ~~leveling of mobile and manufactured homes that meet~~
7 ~~the standards of the manufacturer's manual or the~~
8 ~~Commission.~~

9 ~~e. The Commission shall promulgate rules to prescribe the~~
10 ~~contents of manufactured home sales agreements and to~~
11 ~~require that each manufactured home manufacturer issue~~
12 ~~with each new manufactured home a warranty comparable~~
13 ~~to warranties generally in use in the industry~~
14 ~~warranting the manufactured home to be free from~~
15 ~~material defects.~~

16 ~~d. The enumeration of any power or authority herein shall~~
17 ~~not be construed to deny, impair, disparage or limit~~
18 ~~any others necessary to the attainment thereof.~~

19 ~~e. A copy of all rules adopted by the Commission shall be~~
20 ~~filed and recorded in the office of the Secretary of~~
21 ~~State and the State Librarian and Archivist, and same~~
22 ~~may be amended, modified or repealed from time to~~
23 ~~time.~~

1 ~~2. The Commission's powers and duties shall include, but not be~~
2 ~~limited to, the following:~~

3 ~~a. to license used motor vehicle dealers, used motor~~
4 ~~vehicle salespersons, wholesale used motor vehicle~~
5 ~~dealers, dismantlers, manufactured home dealers,~~
6 ~~manufactured home manufacturers, and manufactured home~~
7 ~~installers,~~

8 ~~b. to inspect used motor vehicle dealer, dismantler and~~
9 ~~manufactured home dealer locations, and manufactured~~
10 ~~home manufacturers' factories or assembly sites to~~
11 ~~ensure that they are in an approved location, meet~~
12 ~~local zoning or other municipal requirements, and have~~
13 ~~sufficient facilities which shall include, but not be~~
14 ~~limited to, for retail businesses, a business sign, a~~
15 ~~listed and usable telephone number, a restroom, and a~~
16 ~~sales office,~~

17 ~~c. to inspect wholesale used motor vehicle dealer~~
18 ~~locations to ensure that they are in an approved~~
19 ~~location, meet local zoning or other municipal~~
20 ~~requirements, and have sufficient facilities which~~
21 ~~shall include, but not be limited to, a listed and~~
22 ~~usable telephone number in the dealer's name and a~~
23 ~~business office where records of the business are~~
24 ~~kept,~~

- 1 ~~d. to require all dealer sales to have a condition of~~
2 ~~sale such as a warranty disclaimer, implied or written~~
3 ~~warranty or a service contract approved by the~~
4 ~~Commission,~~
- 5 ~~e. to work with consumers and dealers to hear complaints~~
6 ~~on used vehicles and manufactured homes, including~~
7 ~~installation, and~~
- 8 ~~f. to serve as a dispute resolution panel for binding~~
9 ~~arbitration in accordance with Section 801 et seq. of~~
10 ~~Title 15 of the Oklahoma Statutes in contract~~
11 ~~controversies between licensed used motor vehicle~~
12 ~~dealers, dismantlers and manufactured housing dealers,~~
13 ~~manufactured home dealers, installers, and~~
14 ~~manufacturers and their consumers when, by mutual~~
15 ~~written agreement executed after the dispute between~~
16 ~~the parties has arisen, both parties have agreed to~~
17 ~~use the Commission as their arbitration panel for~~
18 ~~contract disputes.~~

19 ~~F. 1. All fees and charges collected under the provisions of~~
20 ~~Section 581 et seq. of this title shall be deposited by the~~
21 ~~Executive Director in the State Treasury in accordance with the~~
22 ~~depository laws of this state in a special fund to be known as the~~
23 ~~"Oklahoma Used Motor Vehicle and Parts Commission Fund", which fund~~
24 ~~is hereby created. Except as hereinafter provided, the monies in~~

1 ~~the fund shall be used by the Commission for the purpose of carrying~~
2 ~~out and enforcing the provisions of Section 581 et seq. of this~~
3 ~~title. Expenditures from the fund shall be warrants issued by the~~
4 ~~State Treasurer against claims submitted by the Commission to the~~
5 ~~Director of State Finance for approval.~~

6 ~~2. At the close of each fiscal year, the Commission shall file~~
7 ~~with the Governor and the State Auditor and Inspector a true and~~
8 ~~correct report of all fees and charges collected and received by it~~
9 ~~during the preceding fiscal year and shall at the same time pay into~~
10 ~~the General Revenue Fund of the state a sum equal to ten percent~~
11 ~~(10%) of the gross fees and charges so collected and received.~~

12 ~~3. All expenses incurred by the Commission in carrying out the~~
13 ~~provisions of Section 581 et seq. of this title including, but not~~
14 ~~limited to, per diem, wages, salaries, rent, postage, advertising,~~
15 ~~supplies, bond premiums, travel and subsistence for the~~
16 ~~Commissioners, the Executive Director, employees, and legal counsel,~~
17 ~~and printing and utilities, shall be a proper charge against the~~
18 ~~fund, exclusive of the portion thereof to be paid into the General~~
19 ~~Revenue Fund as above set out; provided, that in no event shall~~
20 ~~liability ever accrue hereunder against the state in any sum~~
21 ~~whatsoever, or against the Oklahoma Used Motor Vehicle and Parts~~
22 ~~Commission Fund, in excess of the ninety percent (90%) of the fees~~
23 ~~and charges deposited therein is hereby abolished.~~

1 SECTION 6. AMENDATORY 47 O.S. 2001, Section 583, as last
2 amended by Section 3, Chapter 213, O.S.L. 2006 (47 O.S. Supp. 2007,
3 Section 583), is amended to read as follows:

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

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

22 b. A used motor vehicle dealer's license shall authorize
23 one person to sell without a salesperson's license in
24 the event such person shall be the owner of a

1 proprietorship, or the person designated as principal
2 in the dealer's franchise or the managing officer or
3 one partner if no principal person is named in the
4 franchise.

5 c. If after a hearing in accordance with the provisions
6 of Section 585 of this title, the Oklahoma ~~Used~~ Motor
7 Vehicle ~~and Parts~~ Commission shall find any person
8 installing a mobile or manufactured home to be in
9 violation of any of the provisions of this act, such
10 person may be subject to an administrative fine of not
11 more than Five Hundred Dollars (\$500.00) for each
12 violation. Each day a person is in violation of this
13 act may constitute a separate violation. The maximum
14 fine shall not exceed One Thousand Dollars
15 (\$1,000.00). All administrative fines collected
16 pursuant to the provisions of this subparagraph shall
17 be deposited in the fund established in Section ~~582~~
18 563 of this title. Administrative fines imposed
19 pursuant to this subparagraph may be enforceable in
20 the district courts of this state.

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

23 3. Any person except persons penalized by administrative fine
24 violating the provisions of this section shall, upon conviction, be

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

7 B. 1. Applications for licenses required to be obtained under
8 provisions of this act, ~~Section~~ Sections 581 ~~et seq.~~ through 588 of
9 this title, ~~which creates the Oklahoma Used Motor Vehicle and Parts~~
10 ~~Commission~~ shall be verified by the oath or affirmation of the
11 applicant and shall be on forms prescribed by the Commission and
12 furnished to the applicants, and shall contain such information as
13 the Commission deems necessary to enable it to fully determine the
14 qualifications and eligibility of the several applicants to receive
15 the license or licenses applied for. The Commission shall require
16 in the application, or otherwise, information relating to:

- 17 a. the applicant's financial standing,
- 18 b. the applicant's business integrity,
- 19 c. whether the applicant has an established place of
20 business and is engaged in the pursuit, avocation, or
21 business for which a license, or licenses, is applied
22 for,

23
24

1 d. whether the applicant is able to properly conduct the
2 business for which a license, or licenses, is applied
3 for, and

4 e. such other pertinent information consistent with the
5 safeguarding of the public interest and the public
6 welfare.

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

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

21 4. A used motor vehicle salesperson's license shall permit the
22 licensee to engage in the activities of a used motor vehicle
23 salesperson. Salespersons shall not be allowed to sell vehicles
24 unless applications, bonds, and fees are on file with the Commission

1 and the motor vehicle salesperson's or temporary salesperson's
2 license issued. A temporary salesperson's license, salesperson's
3 renewal or reissue of salesperson's license shall be deemed to have
4 been issued when the appropriate application, bond, and fee have
5 been properly addressed and mailed to the Commission.

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

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

11 1. For each used motor vehicle dealer's license and each
12 wholesale used motor vehicle dealer's license, Three Hundred Dollars
13 (\$300.00). If a used motor vehicle dealer or a wholesale used motor
14 vehicle dealer has once been licensed by the Commission in the
15 classification for which he or she applies for a renewal of the
16 license, the fee for each subsequent renewal shall be One Hundred
17 Fifty Dollars (\$150.00); provided, if an applicant holds a license
18 to conduct business as an automotive dismantler and parts recycler
19 issued pursuant to ~~Section~~ Sections 591.1 ~~et seq.~~ through 595 of
20 this title, the initial fee shall be One Hundred Dollars (\$100.00)
21 and the renewal fee shall be One Hundred Dollars (\$100.00). If an
22 applicant is applying simultaneously for a license under this
23 paragraph and a license under paragraph 1 of Section 591.5 of this
24 title, the initial application fee shall be Two Hundred Dollars

1 (\$200.00). For the reinstatement of a used motor vehicle dealer's
2 license after revocation for cancellation or expiration of insurance
3 pursuant to subsection F of this section, the fee shall be One
4 Hundred Dollars (\$100.00);

5 2. For a used motor vehicle dealer's license, for each place of
6 business in addition to the principal place of business, One Hundred
7 Dollars (\$100.00);

8 3. For each used motor vehicle salesperson's license and
9 renewal, Twenty-five Dollars (\$25.00), and for a transfer, Twenty-
10 five Dollars (\$25.00);

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

16 5. a. For each manufactured home dealer's license, Three
17 Hundred Dollars (\$300.00), and for each place of
18 business in addition to the principal place of
19 business, Two Hundred Dollars (\$200.00).

20 b. For each renewal of a manufactured home dealer's
21 license, and renewal for each place of business in
22 addition to the principal place of business, One
23 Hundred Fifty Dollars (\$150.00);

24

- 1 6. a. For each manufactured home installer's license, Two
2 Hundred Dollars (\$200.00).
- 3 b. For each renewal of a manufactured home installer's
4 license, Two Hundred Dollars (\$200.00);
- 5 7. a. For each manufactured home manufacturer selling
6 directly to a licensed manufactured home dealer in
7 this state, Seven Hundred Fifty Dollars (\$750.00).
- 8 b. For each renewal of a manufactured home manufacturer's
9 license, Seven Hundred Fifty Dollars (\$750.00); and
- 10 8. For each manufactured home salesperson's license or renewal
11 thereof, Twenty-five Dollars (\$25.00), and for each transfer,
12 Twenty-five Dollars (\$25.00).

13 D. 1. The license issued to each used motor vehicle dealer,
14 each wholesale used motor vehicle dealer and each manufactured home
15 dealer shall specify the location of the place of business. If the
16 business location is changed, the ~~Oklahoma Used Motor Vehicle and~~
17 ~~Parts~~ Commission shall be notified immediately of the change and the
18 Commission may endorse the change of location on the license. The
19 fee for a change of location shall be One Hundred Dollars (\$100.00),
20 and the fee for a change of name, Twenty-five Dollars (\$25.00). The
21 license of each licensee shall be posted in a conspicuous place in
22 the place or places of business of the licensee.

23 2. The license issued to each manufactured home installer, and
24 each manufactured home manufacturer shall specify the location of

1 the place of business. If the business location is changed, the
2 ~~Oklahoma Used Motor Vehicle and Parts~~ Commission shall be notified
3 immediately of the change and the Commission may endorse the change
4 of location on the license without charge. The license of each
5 licensee shall be posted in a conspicuous place in the place or
6 places of business of the licensee.

7 3. Every used motor vehicle salesperson shall have the license
8 upon his or her person when engaged in business, and shall display
9 same upon request. The name of the employer of the salesperson
10 shall be stated on the license and if there is a change of employer,
11 the license holder shall immediately mail the license to the
12 Commission for its endorsement of the change thereon. There shall
13 be no charge for endorsement of change of employer on the license or
14 penalty for not having a license upon his or her person.

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

22 E. 1. a. Each applicant for a used motor vehicle dealer's
23 license shall procure and file with the Commission a
24 good and sufficient bond in the amount of Fifteen

1 Thousand Dollars (\$15,000.00). Each new applicant for
2 a used motor vehicle dealer's license for the purpose
3 of conducting a used motor vehicle auction shall
4 procure and file with the Commission a good and
5 sufficient bond in the amount of Fifty Thousand
6 Dollars (\$50,000.00). An applicant who intends to
7 conduct a used motor vehicle auction who provides
8 proof that the applicant has check and title insurance
9 in an amount not less than Fifty Thousand Dollars
10 (\$50,000.00) shall only be required to have a bond in
11 the amount of Twenty-five Thousand Dollars
12 (\$25,000.00).

13 b. Each new applicant for a used motor vehicle dealer
14 license for the purpose of conducting a used motor
15 vehicle business which will consist primarily of non-
16 auction consignment sales which are projected to equal
17 Five Hundred Thousand Dollars (\$500,000.00) or more in
18 gross annual sales shall procure and file with the
19 Commission a good and sufficient bond in the amount of
20 Fifty Thousand Dollars (\$50,000.00). The Commission
21 shall prescribe by rule the method of operation of the
22 non-auction consignment dealer in order to properly
23 protect the interests of all parties to the
24

1 transaction and to provide sanctions against dealers
2 who fail to comply with the rules.

3 c. Each applicant for a wholesale used motor vehicle
4 dealer's license shall procure and file with the
5 Commission a good and sufficient bond in the amount of
6 Twenty-five Thousand Dollars (\$25,000.00).

7 d. Any used motor vehicle dealer who, for the purpose of
8 being a rebuilder, applies for a rebuilder
9 certificate, as provided in Section 591.5 of this
10 title, whether as a new application or renewal, shall
11 procure and file with the Commission a good and
12 sufficient bond in the amount of Fifteen Thousand
13 Dollars (\$15,000.00), in addition to any other bonds
14 required.

15 e. Each applicant for a manufactured home dealer's
16 license shall procure and file with the Commission a
17 good and sufficient bond in the amount of Thirty
18 Thousand Dollars (\$30,000.00).

19 f. Each manufactured home manufacturing facility
20 selling directly to a licensed manufactured home
21 dealer in this state shall procure and file with the
22 Commission a good and sufficient bond in the amount
23 of Thirty Thousand Dollars (\$30,000.00). In
24 addition to all other conditions and requirements

1 set forth herein, the bond shall require the
2 availability of prompt and full warranty service by
3 the manufacturer to comply with all warranties
4 expressed or implied in connection with each
5 manufactured home which is manufactured for resale
6 in this state.

7 g. The bond shall be approved as to form by the Attorney
8 General and conditioned that the applicant shall not
9 practice fraud, make any fraudulent representation, or
10 violate any of the provisions of this act in the
11 conduct of the business for which the applicant is
12 licensed. One of the purposes of the bond is to
13 provide reimbursement for any loss or damage suffered
14 by any person by reason of issuance of a certificate
15 of title by a used motor vehicle dealer, a wholesale
16 used motor vehicle dealer, or a manufactured home
17 dealer.

18 2. If a motor vehicle dealer has a valid license issued by the
19 ~~Oklahoma Motor Vehicle Commission~~ pursuant to Sections 561 through
20 580.2 of this title, then the bond as required by this subsection
21 shall be waived.

22 3. Each applicant for a used motor vehicle salesperson's
23 license shall procure and file with the Commission a good and
24 sufficient bond in the amount of One Thousand Dollars (\$1,000.00).

1 The bond shall be approved as to form by the Attorney General and
2 conditioned that the applicant shall perform duties as a used motor
3 vehicle salesperson without fraud or fraudulent representation and
4 without violating any provisions of this act.

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

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

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

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

24

1 SECTION 7. AMENDATORY 47 O.S. 2001, Section 584, as
2 amended by Section 4, Chapter 298, O.S.L. 2005 (47 O.S. Supp. 2007,
3 Section 584), is amended to read as follows:

4 Section 584. A. The Oklahoma ~~Used Motor Vehicle and Parts~~
5 Commission may deny an application for a license, impose a fine not
6 to exceed One Thousand Dollars (\$1,000.00) per occurrence and/or
7 revoke or suspend a license after it has been granted, when any
8 provision of Sections 581 through 585 of this title is violated or
9 for any of the following reasons:

10 1. On satisfactory proof of unfitness of the applicant or the
11 licensee, as the case may be, under the standards established by
12 ~~Section~~ Sections 581 et seq. through 588 of this title;

13 2. For fraud practices or any material misstatement made by an
14 applicant in any application for license under the provisions of
15 ~~Section~~ Sections 581 et seq. through 588 of this title;

16 3. For any willful failure to comply with any provision of
17 ~~Section~~ Sections 581 et seq. through 588 of this title or with any
18 rule promulgated by the Commission under authority vested in it by
19 ~~Section~~ Sections 581 et seq. through 588 of this title;

20 4. Change of condition after license is granted resulting in
21 failure to maintain the qualifications for license;

22 5. Continued or flagrant violation of any of the rules of the
23 Commission;

24

1 6. Being a used motor vehicle dealer, used motor vehicle
2 salesperson, a wholesale used motor vehicle dealer, or a
3 manufactured home dealer, a manufactured home installer,
4 manufactured home manufacturer, or manufactured home salesperson
5 who:

6 a. resorts to or uses any false or misleading advertising
7 in connection with business as a used motor vehicle
8 dealer or salesperson, wholesale used motor vehicle
9 dealer or manufactured home dealer, installer or
10 manufacturer,

11 b. has committed any unlawful act which resulted in the
12 revocation of any similar license in another state,

13 c. has been convicted of a crime involving moral
14 turpitude,

15 d. has committed a fraudulent act in selling, purchasing
16 or otherwise dealing in motor vehicles or manufactured
17 homes or has misrepresented the terms and conditions
18 of a sale, purchase or contract for sale or purchase
19 of a motor vehicle or manufactured home or any
20 interest therein including an option to purchase such
21 motor vehicles or manufactured homes,

22 e. has engaged in business under a past or present
23 license issued pursuant to ~~Section~~ Sections 581 et
24 ~~seq.~~ through 588 of this title, in such a manner as to

1 cause injury to the public or to those with whom the
2 licensee is dealing,

3 f. has failed to meet or maintain the conditions and
4 requirements necessary to qualify for the issuance of
5 a license,

6 g. has failed or refused to furnish and keep in force any
7 bond required under ~~Section~~ Sections 581 ~~et seq.~~
8 through 588 of this title,

9 h. has installed or attempted to install a manufactured
10 home in an unworkmanlike manner, or

11 i. employs unlicensed salesperson or other unlicensed
12 persons in connection with the sale of manufactured
13 homes;

14 7. Being a used motor vehicle dealer who:

15 a. does not have an established place of business,

16 b. employs unlicensed salespersons or other unlicensed
17 persons in connection with the sale of used vehicles,

18 c. fails or refuses to furnish or keep in force single
19 limit liability insurance on any vehicle offered for
20 sale and otherwise required under the financial
21 responsibility laws of this state, or

22 d. is not operating from the address shown on the license
23 if this change has not been reported to the
24 Commission; or

1 8. Being a manufactured home dealer who:

2 a. does not have an established place of business,

3 b. fails or refuses to furnish or keep in force garage
4 liability and completed operations insurance, or

5 c. is not operating from the address shown on the license
6 if this change has not been reported to the
7 Commission.

8 B. The Commission shall deny an application for a license, or
9 revoke or suspend a license after it has been granted, if a
10 manufactured home dealer does not meet the following guidelines and
11 restrictions:

12 1. A display area for manufactured homes which is easily
13 accessible, with sufficient parking for the public;

14 2. An office for conducting business where the books, records,
15 and files are kept, with access to a restroom for the public;

16 3. Place of business which meets all zoning occupancy and other
17 requirements of the appropriate local government and regular
18 occupancy by a person, firm, or corporation engaged in the business
19 of selling manufactured homes; and

20 4. Place of business which is separate and apart from any other
21 dealer's location.

22 C. The Commission shall deny an application for a license, or
23 revoke or suspend a license after it has been granted, if a
24 manufactured home installer:

1 1. Installs or attempts to install a manufactured home in a
2 manner that is not in compliance with installation standards as set
3 by the Commission pursuant to rule; or

4 2. Violates or fails to comply with any applicable rule as
5 promulgated by the Commission concerning manufactured home
6 installers.

7 D. The Commission shall deny an application for a license, or
8 revoke or suspend a license after it has been granted, if a
9 manufactured home manufacturer violates or fails to comply with any
10 applicable rule as promulgated by the Commission concerning
11 manufactured home manufacturers.

12 E. The Commission shall deny an application for a license by a
13 motor vehicle manufacturer or factory if the application is for the
14 purpose of selling used motor vehicles to any retail consumer in the
15 state, other than through its retail franchised dealers, or acting
16 as a broker between a seller and a retail buyer. This subsection
17 does not prohibit a manufacturer from selling used motor vehicles
18 where the retail customer is a nonprofit organization or a federal,
19 state, or local government or agency. This subsection does not
20 prohibit a manufacturer from providing information to a consumer for
21 the purpose of marketing or facilitating the sale of used motor
22 vehicles or from establishing a program to sell or offer to sell
23 used motor vehicles through the manufacturer's retail franchised
24 dealers as provided for in ~~Section~~ Sections 561 ~~et seq.~~ through

1 580.2 of this title. This subsection shall not prevent a factory
2 from obtaining a wholesale used motor vehicle dealer's license or
3 the factory's financing subsidiary from obtaining a wholesale used
4 motor vehicle dealer's license.

5 F. Each of the aforementioned grounds for suspension,
6 revocation, or denial of issuance or renewal of license shall also
7 constitute a violation of ~~Section~~ Sections 581 ~~et seq.~~ through 588
8 of this title, unless the person involved has been tried and
9 acquitted of the offense constituting such grounds.

10 The suspension, revocation or refusal to issue or renew a
11 license or the imposition of any other penalty by the Commission
12 shall be in addition to any penalty which might be imposed upon any
13 licensee upon a conviction at law for any violation of ~~Section~~
14 Sections 581 ~~et seq.~~ through 588 of this title.

15 SECTION 8. AMENDATORY 47 O.S. 2001, Section 585, as
16 amended by Section 5, Chapter 298, O.S.L. 2005 (47 O.S. Supp. 2007,
17 Section 585), is amended to read as follows:

18 Section 585. A. The Commission may deny any application for
19 license, or suspend or revoke a license issued, or impose a fine, in
20 accordance with the provisions of the Administrative Procedures Act,
21 Section 250 et seq. of Title 75 of the Oklahoma Statutes. If the
22 applicant or licensee is a used motor vehicle salesperson, the
23 Commission shall in like manner also notify the person, firm,
24 association, corporation or trust with whom associated, or in whose

1 association the applicant or licensee is about to enter. The
2 Commission shall have the power to compel the production of records
3 and papers bearing upon the complaints. The Commission shall have
4 the power to subpoena and bring before it any person in this state,
5 or take testimony of any such person by deposition, with the same
6 fees and mileage and in the same manner as prescribed by law in
7 judicial procedure before courts of the state in civil cases. Any
8 party to the hearing shall have the right to the attendance of
9 witnesses in his behalf upon designating to the Commission the
10 person or persons sought to be subpoenaed. If the Commission shall
11 determine that any licensee is guilty of violation of any of the
12 provisions of this act, the license of the licensee shall be
13 suspended or revoked, or a fine imposed as authorized by this act.

14 B. The Commission may assess a fine not to exceed One Hundred
15 Dollars (\$100.00) against a used motor vehicle dealer who:

16 1. Willfully fails to deliver certificates of title to
17 purchasers of used motor vehicles within thirty (30) days of the
18 sale of the vehicles;

19 2. Fails to properly reassign the certificate of title to a
20 used motor vehicle as required by law upon the sale or transfer of
21 ownership of the used motor vehicle; or

22 3. Delivers a used motor vehicle to a potential purchaser with
23 the intent to sell the vehicle, but does not complete the
24

1 transaction within fifteen (15) calendar days of the delivery of the
2 used motor vehicle.

3 C. An appeal from the decision of the Commission to suspend or
4 revoke a license or to impose a fine shall be taken in accordance
5 with Article II of the Administrative Procedures Act, Section 308a
6 et seq. of Title 75 of the Oklahoma Statutes.

7 D. Any applicant or licensee who knowingly or willfully makes
8 or causes to be made any false statement of a fact required under
9 the provisions of ~~Section~~ Sections 581 et seq. through 588 of this
10 title shall be subject to an administrative fine not to exceed One
11 Thousand Dollars (\$1,000.00).

12 SECTION 9. AMENDATORY 47 O.S. 2001, Section 586, is
13 amended to read as follows:

14 Section 586. The Commission is hereby authorized, without cost
15 bond or deposit, to institute injunctive actions in courts of
16 competent jurisdiction, in the name of the state on the relation of
17 said Commission, to enforce the provisions of Sections ~~46~~ 581
18 through ~~20~~ 585 of this ~~act~~ title. Any licensee or other person who
19 violates or threatens to violate any provision of this act or rule
20 or regulation enacted thereunder may be enjoined from committing or
21 continuing the violation or engaging in the business for which a
22 license has been issued under ~~this act~~ Sections 581 through 585 of
23 this title, in an action brought by any person who will be or is
24 damaged or aggrieved by the violation or threatened violation.

1 SECTION 10. AMENDATORY 47 O.S. 2001, Section 587, is
2 amended to read as follows:

3 Section 587. A. There is hereby created a petty cash fund not
4 to exceed One Hundred Dollars (\$100.00) for the Oklahoma ~~Used~~ Motor
5 Vehicle ~~and Parts~~ Commission, which may be expended for small
6 authorized expenses of the Commission.

7 B. The Director of State Finance is authorized to prescribe
8 forms, systems and procedures for its administration. The petty
9 cash fund may be reimbursed from time to time by the filing of
10 proper claims, accompanied by valid receipts for expenditures made.

11 SECTION 11. AMENDATORY 47 O.S. 2001, Section 591.2, is
12 amended to read as follows:

13 Section 591.2 As used in ~~Section~~ Sections 591.1 ~~et seq.~~ through
14 595 of this title:

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

21 2. "Motor vehicle" means every automobile, motorcycle, mobile
22 trailer, semitrailer, truck, truck-tractor, trailer and other device
23 which is self-propelled or drawn, in, upon, or by which any person
24 or property is or may be transported or drawn upon a public highway,

1 except such as is moved by animal power or used exclusively upon
2 stationary rails or tracks, or an implement of husbandry;

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

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

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

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

18 7. "License" means the license issued pursuant to ~~Section~~
19 Sections 591.1 et seq. through 595 of this title to operate an
20 automotive dismantler and parts recycler business.

21 SECTION 12. AMENDATORY 47 O.S. 2001, Section 591.3, is
22 amended to read as follows:

23 Section 591.3 A. No person, firm or corporation in this state,
24 unless licensed pursuant to the Automotive Dismantlers and Parts

1 Recycler Act, shall be engaged in the business of an automotive
2 dismantler and parts recycler.

3 B. The Commission is hereby vested with the powers and duties
4 necessary and proper to enable it to fully and effectively carry out
5 the provisions and objectives of ~~this act~~ Sections 591.1 through 595
6 of this title, and is hereby authorized and empowered to make and
7 enforce all reasonable rules and regulations and to adopt and
8 prescribe all forms necessary to accomplish said purpose provided
9 this authority shall in no manner restrict or alter compliance by
10 the Commission with the Oklahoma Central Purchasing Act. The
11 enumeration of any power or authority herein shall not be construed
12 to deny, impair, disparage or limit any others necessary to the
13 attainment thereof. A copy of all rules and regulations adopted by
14 the Commission shall be filed and recorded in the office of the
15 Secretary of State and the State Librarian and Archivist, and same
16 may be amended, modified or repealed from time to time.

17 SECTION 13. AMENDATORY 47 O.S. 2001, Section 591.4, as
18 amended by Section 26, Chapter 519, O.S.L. 2004 (47 O.S. Supp. 2007,
19 Section 591.4), is amended to read as follows:

20 Section 591.4 A. Every person, firm or corporation desiring to
21 engage in the business of an automotive dismantler and parts
22 recycler shall apply in writing, on a form to be prescribed by the
23 Oklahoma Used Motor Vehicle ~~and Parts~~ Commission, which form shall
24 contain:

- 1 1. The name of the applicant;
- 2 2. The street address of the applicant's principal place of
3 business;
- 4 3. The type of business organization of the applicant;
- 5 4. The applicant's financial statement;
- 6 5. The legal description of the proposed place of business,
7 together with written verification from the appropriate local
8 authorities that the place of business meets the licensing and
9 zoning requirements of the municipality or county where located; and
- 10 6. Such additional information as may be required by the
11 Commission.

12 B. Notwithstanding subsection A of this section, the Commission
13 may decline to issue an original license or buyer's identification
14 card (B.I.D.) to any person, firm or corporation that does not, in
15 good faith, meet the requirements of the Automotive Dismantlers and
16 Parts Recycler Act; or whose proposed place of business does not
17 meet the applicable zoning requirements; or whose proposed use is
18 deemed inappropriate by the Commission due to surrounding property
19 uses or objections from the immediate surrounding neighbors, such
20 that the place of business would be deemed to be a private or public
21 nuisance; or whose place of business is not properly screened by
22 natural objects, plantings, opaque fences of a height not less than
23 six (6) nor more than eight (8) feet or other appropriate
24 sightproofing, so as to screen where possible vehicles and parts

1 stored outside of buildings from view from immediately adjacent
2 property.

3 SECTION 14. AMENDATORY 47 O.S. 2001, Section 591.5, as
4 last amended by Section 4, Chapter 213, O.S.L. 2006 (47 O.S. Supp.
5 2007, Section 591.5), is amended to read as follows:

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

8 1. Three Hundred Dollars (\$300.00) for an initial license for
9 an applicant's established principal place of business, One Hundred
10 Fifty Dollars (\$150.00) for a renewal license for an applicant's
11 established place of business and One Hundred Dollars (\$100.00) for
12 each additional place of business, if any, to which the application
13 pertains; provided, if an applicant holds a used motor vehicle
14 dealer's license issued pursuant to paragraph 1 of subsection C of
15 Section 583 of this title, for an applicant's established place of
16 business the initial license fee shall be One Hundred Dollars
17 (\$100.00) and the renewal fee shall be One Hundred Dollars
18 (\$100.00); provided further, if an applicant is applying
19 simultaneously for a license under this paragraph and under
20 paragraph 1 of subsection C of Section 583 of this title, the
21 initial application fee shall be Two Hundred Dollars (\$200.00). If
22 an applicant for or holder of a used motor vehicle dealer's license
23 also applies for a rebuilder certificate, the initial fee for the
24 certificate shall be Three Hundred Dollars (\$300.00) and the renewal

1 fee shall be One Hundred Fifty Dollars (\$150.00). The Oklahoma ~~Used~~
2 Motor Vehicle ~~and Parts~~ Commission shall issue a buyer's
3 identification card (B.I.D.) with each certificate issued. License
4 fees shall be returnable only in the event that the application is
5 denied by the Commission.

6 2. Any change which renders no longer accurate any information
7 contained in an application for a license filed with the Commission
8 shall be amended within thirty (30) days after the occurrence of the
9 change on a form prescribed by the Commission by rule, accompanied
10 by a fee of One Hundred Dollars (\$100.00), provided, the fee for a
11 change of name shall be Fifty Dollars (\$50.00).

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

15 SECTION 15. AMENDATORY 47 O.S. 2001, Section 591.6, is
16 amended to read as follows:

17 Section 591.6 Every automotive dismantler and parts recycler
18 shall keep a register of all purchases and sales of motor vehicles
19 for three (3) years from the date of purchase or sale, showing the
20 make, model, year, style, vehicle identification number, and name
21 and address of the purchaser or seller of the motor vehicle. Such
22 registers shall be made available for inspection by properly
23 identified employees or agents of the Oklahoma ~~Used~~ Motor Vehicle
24 ~~and Parts~~ Commission or identified law enforcement officers of the

1 state, county and municipality where the business of the automotive
2 dismantler and parts recycler is located, during reasonable business
3 hours on business days. The inspection authority shall include the
4 right to inspect any motor vehicle or parts thereof owned by or
5 stored at the automotive dismantler and parts recycler's place of
6 business.

7 SECTION 16. AMENDATORY 47 O.S. 2001, Section 591.8, is
8 amended to read as follows:

9 Section 591.8 A. An automotive dismantler and parts recycler,
10 duly licensed ~~by this act~~ pursuant to Sections 591.1 through 595 of
11 this title, shall have the authority to transfer the certificate of
12 title to a motor vehicle as a dealer. Prior to the sale of any
13 motor vehicles at salvage pools or salvage disposal sales, a salvage
14 title or junked title shall be issued for any salvage or junked
15 vehicle as defined in Section 1105 of this title.

16 B. Any and all certificates of title, whether original,
17 salvage, rebuilt, or junked titles, salvage certificates, other
18 certificates of ownership, or ownership records, as approved by the
19 Oklahoma Tax Commission, to vehicles owned by a licensed automotive
20 dismantler and parts recycler, which vehicles have been dismantled,
21 destroyed, or otherwise processed so that the vehicles are no longer
22 capable of being used as motor vehicles, shall be inspected by
23 properly identified employees or agents of the Oklahoma ~~Used Motor~~
24 Vehicle ~~and Parts~~ Commission, at least annually, at the place of

1 business of the licensed automotive dismantler and parts recycler.
2 Upon verification that the vehicle is no longer capable of being
3 used as a motor vehicle, the employee or agent of the Commission
4 shall remove the license plate and the certificate of title, salvage
5 certificate, other certificate of ownership or ownership record from
6 the licensed automotive dismantler and parts recycler. The
7 Commission shall destroy the license plate and deliver the
8 certificates and ownership records to the Oklahoma Tax Commission.

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

1 D. Each vehicle or incomplete vehicle required to be reported
2 to the Oklahoma Tax Commission by this section shall be reported on
3 or before the fifteenth day of the next succeeding month after the
4 month in which the vehicle or incomplete vehicle was received by the
5 licensed automotive dismantler and parts recycler. Each vehicle or
6 incomplete vehicle, which is incapable of operation or use on the
7 public roads or has no resale value except as a source of parts,
8 scrap or junk or has an eighty percent (80%) loss in fair market
9 value, possessed by a licensed automotive dismantler and parts
10 recycler on the effective date of ~~this act~~ Sections 591.1 through
11 595 of this title shall be reported to the Oklahoma Tax Commission
12 within ninety (90) days. The vehicle identification numbers on all
13 reported vehicles shall be preserved in the computer of the Oklahoma
14 Tax Commission for at least five (5) years, even if the ownership
15 records may have been previously destroyed or surrendered to the
16 Oklahoma Tax Commission.

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

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

5 SECTION 17. AMENDATORY 47 O.S. 2001, Section 591.9, as
6 last amended by Section 5, Chapter 213, O.S.L. 2006 (47 O.S. Supp.
7 2007, Section 591.9), is amended to read as follows:

8 Section 591.9 The Oklahoma ~~Used~~ Motor Vehicle ~~and Parts~~
9 Commission is authorized to refuse, cancel, suspend or revoke a
10 license or buyer's identification card (B.I.D.) to any person, firm
11 or corporation for the following reasons:

12 1. Failure to meet the requirements of the Automotive
13 Dismantlers and Parts Recycler Act;

14 2. Failure to continue to meet the requirements of this act or
15 of the rules promulgated by the Commission pursuant to the
16 provisions of the Automotive Dismantlers and Parts Recycler Act;

17 3. Upon satisfactory proof of unfitness of the applicant or the
18 licensee, as the case may be, under the standards established by the
19 Automotive Dismantlers and Parts Recycler Act;

20 4. For the felony conviction of a state or federal law by an
21 applicant, licensee, partner of an applicant or licensee, director,
22 officer, or stockholder in the case of a corporate applicant or
23 licensee, or an employee, manager, or any person having a pecuniary
24 interest in the business involving:

- a. theft,
- b. violation of the Oklahoma certificate of title law or similar laws of other states,
- c. alteration, obliteration, or removal of a vehicle identification number, or
- d. any other act directly relating to the ability of the applicant or licensee to conduct an automotive dismantler and parts recycling business;

5. Commission of any unlawful act which resulted in the revocation of any similar license in another state; or

6. Engaging in business under a past or present license issued pursuant to the Automotive Dismantlers and Parts Recycler Act in such a manner as to cause injury to the public or to those with whom the licensee has dealt.

SECTION 18. AMENDATORY 47 O.S. 2001, Section 591.11, as last amended by Section 1, Chapter 56, O.S.L. 2007 (47 O.S. Supp. 2007, 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:

1. A person who is a resident of this state;
2. A company representative of a business that is based in this state; or
3. A person who may legally purchase salvage vehicles in his or her home state or country.

1 B. It shall be the duty of the owner, manager or person in
2 charge of any salvage pool or salvage disposal sale to prohibit the
3 bidding by any person who is not qualified to purchase salvage
4 vehicles as provided in subsection A of this section and, further,
5 to refuse to sell to any person any wrecked or repairable motor
6 vehicle if such person is not qualified to purchase salvage vehicles
7 as provided in subsection A of this section.

8 C. Any salvage pool or salvage disposal sale that is
9 facilitating in the sale of a motor vehicle for an insurance company
10 must provide on its web site the full seventeen-digit vehicle
11 identification number (VIN) and the name of the insurance company
12 that is selling the motor vehicle.

13 D. The salvage pool or salvage disposal sale shall show the
14 buyer's identification number of the winning bidder on any sale that
15 takes place on the Internet or by on-line bidding for all salvage
16 motor vehicles being sold for an insurance company.

17 E. It shall be the duty of the owner, manager or person in
18 charge of any salvage pool or salvage disposal sale to remit
19 payments to the Oklahoma ~~Used~~ Motor Vehicle ~~and Parts~~ Commission.
20 Such payments shall be calculated by multiplying the total number of
21 salvage vehicle sales transactions during a certain period times Two
22 Dollars (\$2.00). The first payment shall not be calculated on any
23 sales transactions prior to November 1, 2007. The payments shall
24 not be made more often than one payment each month. The payments

1 shall be transmitted to the Oklahoma ~~Used Motor Vehicle and Parts~~
2 Commission at any time during the thirty (30) days immediately
3 following the period for which the payment was calculated.

4 F. Every salvage pool shall keep a register of all sales of
5 salvage vehicles showing the make, model, year, style, vehicle
6 identification number, and names and addresses of the purchaser and
7 seller of the motor vehicle. Such registers shall be submitted to
8 the Oklahoma ~~Used Motor Vehicle and Parts~~ Commission on a regular
9 basis.

10 G. The provisions of subsections E and F of this section shall
11 not apply to a regularly scheduled vehicle consignment auction
12 conducted by a used motor vehicle dealer which sells salvage
13 vehicles for someone other than an insurance company.

14 SECTION 19. AMENDATORY 47 O.S. 2001, Section 591.13, as
15 amended by Section 2, Chapter 56, O.S.L. 2007 (47 O.S. Supp. 2007,
16 Section 591.13), is amended to read as follows:

17 Section 591.13 Any person violating any provision of the
18 Automotive Dismantlers and Parts Recycler Act or operating as a
19 rebuilder as used in ~~Section~~ Sections 581 et seq. through 588 of
20 this title without a rebuilder certificate shall be guilty of a
21 misdemeanor and upon the first conviction thereof shall be punished
22 by a fine of not less than Five Hundred Dollars (\$500.00) with
23 impoundment of the vehicle until all taxes and fees are paid and
24 upon the second conviction thereof shall be punished by a fine of

1 not less than One Thousand Dollars (\$1,000.00) with impoundment of
2 the vehicle until all taxes and fees are paid and upon the third or
3 subsequent conviction thereof shall be punished by a fine of not
4 less than One Thousand Five Hundred Dollars (\$1,500.00) with
5 impoundment of the vehicle until all taxes and fees are paid or by
6 imprisonment in the county jail for not more than one (1) year, or
7 by both such fine and imprisonment. If a vehicle is impounded
8 pursuant to the provisions of this section, the vehicle shall not be
9 released to the owner until the owner provides proof of security or
10 an affidavit that the vehicle will not be used on public highways or
11 public streets, as required pursuant to ~~Section~~ Sections 7-600 ~~et~~
12 ~~seq.~~ through 7-700 of this title. Each vehicle involved in a
13 violation of this section shall be considered a separate offense.
14 The penalties collected from the payment of the fines shall, after
15 deduction of court costs, be paid to the Oklahoma ~~Used~~ Motor Vehicle
16 ~~and Parts~~ Commission Fund as created by Section ~~582~~ 563 of this
17 title.

18 SECTION 20. AMENDATORY 47 O.S. 2001, Section 591.14, is
19 amended to read as follows:

20 Section 591.14 When any person, firm or corporation is engaged
21 in the business of an automotive dismantler and parts recycler
22 without being licensed as required by Section 591.4 of ~~Title 47 of~~
23 ~~the Oklahoma Statutes~~ this title, the Oklahoma ~~Used~~ Motor Vehicle
24 ~~and Parts~~ Commission may institute, in the name of the State of

1 Oklahoma ex rel. Oklahoma ~~Used Motor Vehicle and Parts~~ Commission,
2 any necessary action to enjoin such person, firm or corporation from
3 continuing in the business of an automotive dismantler and parts
4 recycler until a license has been issued to such person, firm or
5 corporation by the Oklahoma ~~Used Motor Vehicle and Parts~~ Commission.
6 Upon proper evidence, a temporary restraining order shall be issued.
7 An injunction shall issue without requirement of a bond of any kind
8 from the state. The venue of any action authorized by this section
9 shall be in the county wherein the business activity complained of
10 is conducted.

11 SECTION 21. AMENDATORY 47 O.S. 2001, Section 1102, as
12 last amended by Section 1, Chapter 177, O.S.L. 2007 (47 O.S. Supp.
13 2007, Section 1102), is amended to read as follows:

14 Section 1102. As used in the Oklahoma Vehicle License and
15 Registration Act:

16 1. "All-terrain vehicle" means a motorized vehicle manufactured
17 and used exclusively for off-highway use which is forty-eight (48)
18 inches or less in width, with an unladen dry weight of eight hundred
19 (800) pounds or less, traveling on two or more low-pressure tires,
20 and having a seat designed to be straddled by the operator and
21 handlebars for steering;

22 2. "Carrying capacity" means the carrying capacity of a vehicle
23 as determined or declared in tons of cargo or payload by the owner;
24 provided, that such declared capacity shall not be less than the

1 minimum tonnage capacity fixed, listed or advertised by the
2 manufacturer of any vehicle;

3 3. "Certificate of title" means a document which is proof of
4 legal ownership of a motor vehicle as described and provided for in
5 Section 1105 of this title;

6 4. "Chips and oil" or the term "road oil and crushed rock"
7 means, with respect to materials authorized for use in the surfacing
8 of roads or highways in this title or in any equivalent statute
9 pertaining to road or highway surfacing in the State of Oklahoma,
10 any asphaltic materials. Wherever chips and oil or road oil and
11 crushed rock are authorized for use in the surfacing of roads or
12 highways in this state, whether by the Department of Transportation,
13 or by the county commissioners, or other road building authority
14 subject to the Oklahoma Vehicle License and Registration Act,
15 asphaltic materials are also authorized for use in such surfacing
16 and construction;

17 5. "Combined laden weight" means the weight of a truck or
18 station wagon and its cargo or payload transported thereon, or the
19 weight of a truck or truck-tractor plus the weight of any trailers
20 or semitrailers together with the cargo or payload transported
21 thereon;

22 6. "Commercial trailer" means any trailer, as defined in
23 Section 1-180 of this title, or semitrailer, as defined in Section
24

1 1-162 of this title, when such trailer or semitrailer is used
2 primarily for business or commercial purposes;

3 7. "Commercial trailer dealer" means any person, firm or
4 corporation engaged in the business of selling any new and unused,
5 or used, or both new and used commercial trailers;

6 8. "Commercial vehicle" means any vehicle over eight thousand
7 (8,000) pounds combined laden weight used primarily for business or
8 commercial purposes. Each motor vehicle being registered pursuant
9 to the provisions of this section shall have the name of the
10 commercial establishment or the words "Commercial Vehicle"
11 permanently and prominently displayed upon the outside of the
12 vehicle in letters not less than two (2) inches high. Such letters
13 shall be in sharp contrast to the background and shall be of
14 sufficient shape and color as to be readily legible during daylight
15 hours, from a distance of fifty (50) feet while the vehicle is not
16 in motion;

17 9. "Commission" or "Tax Commission" means the Oklahoma Tax
18 Commission;

19 10. "Dealer" means any person, firm, association, corporation
20 or trust who sells, solicits or advertises the sale of new and
21 unused motor vehicles and holds a bona fide contract or franchise in
22 effect with a manufacturer or distributor of a particular make of
23 new or unused motor vehicle or vehicles for the sale of same;

24

1 11. "Interstate commerce" means any commerce moving between any
2 place in a state and any place in another state or between places in
3 the same state through another state;

4 12. "Laden weight" means the combined weight of a vehicle when
5 fully equipped for use and the cargo or payload transported thereon;
6 provided that in no event shall the laden weight be less than the
7 unladen weight of the vehicle fully equipped for use, plus the
8 manufacturer's rated carrying capacity;

9 13. "Local authorities" means every county, municipality or
10 local board or body having authority to adopt police regulations
11 under the Constitution and laws of this state;

12 14. "Low-speed electrical vehicle" means any four-wheeled
13 electrical vehicle that is powered by an electric motor that draws
14 current from rechargeable storage batteries or other sources of
15 electrical current and whose top speed is greater than twenty (20)
16 miles per hour but not greater than twenty-five (25) miles per hour
17 and is manufactured in compliance with the National Highway Traffic
18 Safety Administration standards for low-speed vehicles in 49 C.F.R.
19 571.500;

20 15. "Manufactured home" means a residential dwelling built in
21 accordance with the National Manufactured Housing Construction and
22 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and
23 rules promulgated pursuant thereto and the rules promulgated by the
24

1 Oklahoma ~~Used~~ Motor Vehicle ~~and Parts~~ Commission pursuant to Section
2 582 of this title;

3 16. "Manufactured home dealer" means any person, firm or
4 corporation engaged in the business of selling any new and unused,
5 or used, or both new and used manufactured homes. Such information
6 and a valid franchise letter as proof of authorization to sell any
7 such new manufactured home product line or lines shall be attached
8 to said application for a dealer license to sell manufactured homes.

9 "Manufactured home dealer" shall not include any person, firm or
10 corporation who sells or contracts for the sale of the dealer's own
11 personally titled manufactured home or homes. No person, firm or
12 corporation shall be considered a manufactured home dealer as to any
13 manufactured home purchased or acquired by such person, firm or
14 corporation for purposes other than resale; provided, that the
15 restriction set forth in this sentence shall not prevent an
16 otherwise qualified person, firm or corporation from utilizing a
17 single manufactured home as a sales office;

18 17. "Motor license agent" means any person appointed,
19 designated or authorized by the Oklahoma Tax Commission to collect
20 the fees and to enforce the provisions provided for in the Oklahoma
21 Vehicle License and Registration Act;

22 18. "New vehicle" or "unused vehicle" means a vehicle which has
23 been in the possession of the manufacturer, distributor or
24

1 wholesaler or has been sold only by the manufacturer, distributor or
2 wholesaler to a dealer;

3 19. "Nonresident" means any person who is not a resident of
4 this state;

5 20. "Off-road motorcycle" means any motorcycle, as defined in
6 Section 1-135 of this title, when such motorcycle has been
7 manufactured for and used exclusively off roads, highways and any
8 other paved surfaces;

9 21. "Owner" means any person owning, operating or possessing
10 any vehicle herein defined;

11 22. "Person" means any individual, copartner, joint venture,
12 association, corporation, limited liability company, estate, trust,
13 business trust, syndicate, the State of Oklahoma, or any county,
14 city, municipality, school district or other political subdivision
15 thereof, or any group or combination acting as a unit, or any
16 receiver appointed by the state or federal court;

17 23. "Recreational vehicle" means every vehicle which is built
18 on or permanently attached to a self-propelled motor chassis or
19 chassis cab which becomes an integral part of the completed vehicle
20 and is capable of being operated on the highways. In order to
21 qualify as a recreational vehicle pursuant to this paragraph such
22 vehicle shall be permanently constructed and equipped for human
23 habitation, having its own sleeping and kitchen facilities,
24 including permanently affixed cooking facilities, water tanks and

1 holding tank with permanent toilet facilities. Recreational vehicle
2 shall not include manufactured homes or any vehicle with portable
3 sleeping, toilet and kitchen facilities which are designed to be
4 removed from such vehicle;

5 24. "Remanufactured vehicle" means a vehicle which has been
6 assembled by a vehicle remanufacturer using a new body and which may
7 include original, reconditioned, or remanufactured parts, and which
8 is not a salvage, rebuilt, or junked vehicle as defined by
9 paragraphs 1, 2, and 5, respectively, of subsection A of Section
10 1105 of this title;

11 25. "Rental trailer" means all small or utility trailers or
12 semitrailers constructed and suitable for towing by a passenger
13 automobile and designed only for carrying property, when said
14 trailers or semitrailers are owned by, or are in the possession of,
15 any person engaged in renting or leasing such trailers or
16 semitrailers for intrastate or interstate use or combined intrastate
17 and interstate use;

18 26. "Special mobilized machinery" means special purpose
19 machines or devices, either self-propelled or drawn as trailers or
20 semitrailers, which derive no revenue from the transportation of
21 persons or property, whose use of the highway is only incidental,
22 and whose useful revenue producing service is performed at
23 destinations in an area away from the traveled surface of an
24 established open highway;

1 27. "State" means the State of Oklahoma;

2 28. "Station wagon" means any passenger vehicle which does not
3 have a separate luggage compartment or trunk and which does not have
4 open beds, and has one or more rear seats readily lifted out or
5 folded, whether same is called a station wagon or ranch wagon;

6 29. "Travel trailer" means any vehicular portable structure
7 built on a chassis, used as a temporary dwelling for travel,
8 recreational or vacation use, and, when factory-equipped for the
9 road, it shall have a body width not exceeding eight (8) feet and an
10 overall length not exceeding forty (40) feet, including the hitch or
11 coupling;

12 30. "Travel trailer dealer" means any person, firm or
13 corporation engaged in the business of selling any new and unused,
14 or used, or both new and used travel trailers. Such information and
15 a valid franchise letter as proof of authorization to sell any such
16 new travel trailer product line or lines shall be attached to said
17 application for a dealer license to sell travel trailers. "Travel
18 trailer dealer" shall not include any person, firm or corporation
19 who sells or contracts for the sale of his or her own personally
20 titled travel trailer or trailers. No person, firm or corporation
21 shall be considered as a travel trailer dealer as to any travel
22 trailer purchased or acquired by such person, firm or corporation
23 for purposes other than resale;

1 31. "Used motor vehicle dealer" means "used motor vehicle
2 dealer" as defined in Section 581 of this title;

3 32. "Used vehicle" means any vehicle which has been sold,
4 bargained, exchanged or given away, or used to the extent that it
5 has become what is commonly known, and generally recognized, as a
6 "secondhand" vehicle. This shall also include any vehicle other
7 than a remanufactured vehicle, regardless of age, owned by any
8 person who is not a dealer;

9 33. "Vehicle" means any type of conveyance or device in, upon
10 or by which a person or property is or may be transported from one
11 location to another upon the avenues of public access within the
12 state. "Vehicle" does not include bicycles, trailers except travel
13 trailers and rental trailers, or implements of husbandry as defined
14 in Section 1-125 of this title. All implements of husbandry used as
15 conveyances shall be required to display the owner's driver's
16 license number or license plate number of any vehicle owned by the
17 owner of the implement of husbandry on the rear of the implement in
18 numbers not less than two (2) inches in height. The use of the
19 owner's social security number on the rear of the implement of
20 husbandry shall not be required; and

21 34. "Vehicle remanufacturer" means a commercial entity which
22 assembles remanufactured vehicles.

23 SECTION 22. AMENDATORY 47 O.S. 2001, Section 1105.4, is
24 amended to read as follows:

1 Section 1105.4 A. The Oklahoma Tax Commission shall provide
2 informational publications to the Oklahoma Motor Vehicle Commission,
3 ~~Oklahoma Used Motor Vehicle and Parts Commission~~, and every person
4 and business licensed by the Oklahoma Motor Vehicle Commission ~~or~~
5 ~~Oklahoma Used Motor Vehicle and Parts Commission~~ concerning any
6 amendment, repeal or addition in the Oklahoma Statutes or the rules
7 and regulations of such Commission relating to motor vehicle titles
8 or motor vehicle inspections within forty-five (45) days of the
9 effective date of any such amendment, repeal or addition.

10 B. The Oklahoma Tax Commission shall publish a booklet every
11 two (2) years concerning state laws and rules and regulations
12 concerning motor vehicle titles and motor vehicle inspections. This
13 publication shall be made available to any person upon request.

14 C. The Oklahoma Tax Commission shall provide informational
15 publications to financial institutions concerning any amendment,
16 repeal or addition in the Oklahoma Statutes relating to motor
17 vehicle titles within forty-five (45) days of the effective date of
18 any such amendment.

19 SECTION 23. AMENDATORY 47 O.S. 2001, Section 1107, as
20 amended by Section 5, Chapter 381, O.S.L. 2005 (47 O.S. Supp. 2007,
21 Section 1107), is amended to read as follows:

22 Section 1107. A. In the event of the sale or transfer of the
23 ownership of a vehicle for which a certificate of title has been
24 issued as provided by Section 1105 of this title, the holder of such

1 certificate shall endorse on the back of same a complete assignment
2 thereof with warranty of title in form printed thereon with a
3 statement of all liens or encumbrances on the vehicle, sworn to
4 before a notary public or some other person authorized by law to
5 take acknowledgments, and deliver same to the purchaser or
6 transferee at the time of delivery to the purchaser or transferee of
7 the vehicle. The purchaser or transferee, unless such person is a
8 bona fide used motor vehicle dealer licensed by this state, or a
9 charitable organization shall, within thirty (30) days from the time
10 of delivery to the purchaser or transferee of the vehicle, present
11 the assigned certificate of title and the insurance security
12 verification to the vehicle to the Oklahoma Tax Commission, or one
13 of its motor license agents, accompanied by a fee of Eleven Dollars
14 (\$11.00), together with any motor vehicle excise tax or license fee
15 that may be due, whereupon a new certificate of title, shall be
16 issued to the assignee. One Dollar (\$1.00) of each fee shall be
17 deposited in the Oklahoma Tax Commission Reimbursement Fund. Any
18 charitable organization utilizing the exemption authorized by this
19 subsection shall receive training as prescribed by the Oklahoma Used
20 Motor Vehicle ~~and Parts~~ Commission.

21 B. A licensed dealer or charitable organization shall, on
22 selling or otherwise disposing of a vehicle, execute and deliver to
23 the purchaser thereof the certificate of title properly and
24 completely reassigned. Thereupon, the purchaser of the vehicle

1 shall present the reassigned certificate to the Commission, or a
2 motor license agent, accompanied by a fee of Eleven Dollars
3 (\$11.00), and any motor vehicle excise tax or license fee that may
4 be due, whereupon a new certificate of title will be issued to the
5 purchaser. One Dollar (\$1.00) of each fee shall be deposited in the
6 Oklahoma Tax Commission Reimbursement Fund. The certificate, when
7 so assigned and returned to the Commission, together with any
8 subsequent assignment or reissue thereof, shall be appropriately
9 filed and indexed so that at all times it will be possible to trace
10 title to the vehicle designated therein. Provided, when the
11 ownership of any motor vehicle shall pass by operation of law, the
12 person owning the vehicle may, upon furnishing satisfactory proof to
13 the Commission of ownership, procure a title to the motor vehicle,
14 regardless of whether a certificate of title has ever been issued.
15 The dealer shall execute and deliver to the purchaser bills of sale
16 on forms prescribed by the Commission for all new vehicles sold by
17 the dealer. On presentation of a bill of sale executed on forms
18 prescribed by the Commission, by a manufacturer or dealer for a new
19 vehicle sold in this state, accompanied by remittance in the sum of
20 Eleven Dollars (\$11.00), together with any motor vehicle excise tax
21 or license fee that may be due, a certificate of title shall be
22 issued in accordance with the provisions of the Oklahoma Vehicle
23 License and Registration Act. One Dollar (\$1.00) of each fee shall
24 be deposited in the Oklahoma Tax Commission Reimbursement Fund. For

1 purposes of this subsection, "charitable organization" shall mean
2 any organization which is exempt from taxation pursuant to the
3 provisions of the Internal Revenue Code, 26 U.S.C., Section
4 501(c)(3) and which is registered as a charitable organization with
5 the Oklahoma Secretary of State and the Oklahoma Attorney General's
6 office.

7 C. Any person violating the provisions of this section shall be
8 guilty of a misdemeanor and upon the first conviction thereof shall
9 be punished by a fine not to exceed Five Hundred Dollars (\$500.00),
10 with impoundment of the vehicle until all taxes and fees are paid.
11 A second or subsequent conviction shall be punished by a fine not to
12 exceed One Thousand Dollars (\$1,000.00), with impoundment of the
13 vehicle until all taxes and fees are paid. If a vehicle is
14 impounded pursuant to the provisions of this section, the vehicle
15 shall not be released to the owner until the owner provides proof of
16 security or an affidavit that the vehicle will not be used on public
17 highways or public streets, as required pursuant to Section 7-600 et
18 seq. of this title. Each vehicle involved in a violation of this
19 section shall be considered a separate offense.

20 SECTION 24. AMENDATORY 68 O.S. 2001, Section 2101, as
21 amended by Section 8, Chapter 284, O.S.L. 2005 (68 O.S. Supp. 2007,
22 Section 2101), is amended to read as follows:

23 Section 2101. For the purpose of this article:
24

1 1. The term "motor vehicle" means and includes every
2 automobile, truck, truck-tractor, all-terrain vehicle, or any motor
3 bus or any self-propelled vehicle not operated or driven upon fixed
4 rails or tracks or in the air or on water;

5 2. The term "vehicle" means and includes every device in, upon,
6 or by which any person or property is, or may be, transported or
7 drawn, excepting devices moved by human or animal power, when not
8 used upon fixed rails or tracks, or in the air or on water;

9 3. The term "low-speed electrical vehicle" means and includes
10 any four-wheeled electrical vehicle that is powered by an electric
11 motor that draws current from rechargeable storage batteries or
12 other sources of electrical current and whose top speed is greater
13 than twenty (20) miles per hour but not greater than twenty-five
14 (25) miles per hour and is manufactured in compliance with the
15 National Highway Traffic Safety Administration standards for low-
16 speed vehicles in 49 C.F.R. 571.500;

17 4. The term "automobile" means and includes every motor vehicle
18 constructed and used solely for the transportation of persons for
19 purposes other than for hire or compensation;

20 5. The term "motorcycle" means and includes every motor vehicle
21 designed to travel on not more than three wheels other than an all-
22 terrain vehicle;

23 6. The term "truck" means and includes every motor vehicle
24 constructed or used for the transportation of property not falling

1 within the definition of truck-tractor, trailer or semitrailer, as
2 herein defined;

3 7. The term "truck-tractor" means and includes every motor
4 vehicle of the truck type designed to draw or support the front end
5 of a semitrailer;

6 8. The term "trailer" means and includes any vehicle designed
7 to be drawn by a truck, tractor or a truck-tractor, but supported
8 upon its own wheels;

9 9. The term "semitrailer" means and includes any vehicle
10 designed to be attached to, and having its front end supported by a
11 truck, tractor, or truck-tractor;

12 10. The term "motor bus" means and includes every motor vehicle
13 constructed so as to carry persons, and which is used or rented to
14 carry persons for compensation;

15 11. The term "manufactured home" means a residential dwelling
16 built in accordance with the National Manufactured Housing
17 Construction and Safety Standards Act of 1974, 42 U.S.C., Section
18 5401 et seq., and rules promulgated pursuant thereto and the rules
19 promulgated by the Oklahoma ~~Used Motor Vehicle and Parts~~ Commission
20 pursuant to Section 582 of Title 47 of the Oklahoma Statutes;

21 12. The term "farm tractor" means and includes any vehicle of
22 tractor type owned and operated by the purchaser and used
23 exclusively for agricultural purposes;

24

1 13. The term "all-terrain vehicle" means and includes every
2 vehicle defined as an all-terrain vehicle in Section 1102 of Title
3 47 of the Oklahoma Statutes;

4 14. The terms "legal ownership" and "legally owned" mean the
5 right to possession, whether acquired by purchase, barter, exchange,
6 assignment, gift, operation of law, or in any other manner;

7 15. The term "person" means and includes natural persons,
8 individuals, partnerships, firms, associations, limited liability
9 companies, corporations, estates, trustees, business trusts,
10 syndicates, this state, any county, city, municipality, school
11 district or other political subdivision of the state, or any
12 corporation or combination acting as a unit or any receiver
13 appointed by any state or federal court; and the use of the singular
14 number shall include the plural number; and

15 16. The term "Tax Commission" means the Oklahoma Tax
16 Commission.

17 SECTION 25. AMENDATORY Section 1, Chapter 17, O.S.L.
18 2002, as last amended by Section 1, Chapter 208, O.S.L. 2007 (74
19 O.S. Supp. 2007, Section 3601.1), is amended to read as follows:

20 Section 3601.1 A. For purposes of Sections 3601.1 through 3603
21 of this title, the term "employee" means a full-time employee or any
22 number of part-time employees whose combined weekly hours of
23 employment equal those of a full-time employee, but shall not
24

1 include temporary employees working on a seasonal basis between May
2 1 and October 31.

3 B. Beginning July 1, 2007, the maximum number of full-time-
4 equivalent employees for each of the following agencies, boards,
5 commissions, departments, or programs shall not exceed the numbers
6 specified in this section, except as may be authorized pursuant to
7 the provisions of Section 3603 of this title.

8	MAXIMUM NUMBER OF
9	FULL-TIME-EQUIVALENT
10	EMPLOYEES
11 Board of Managers of the State Insurance Fund	591
12 Oklahoma Employment Security Commission	1150
13 Oklahoma Accountancy Board	11
14 Board of Governors of the Licensed Architects, 15 Landscape Architects and Interior Designers of 16 Oklahoma	4
17 Board of Chiropractic Examiners	3
18 State Board of Cosmetology	16
19 Board of Dentistry	5
20 Oklahoma State Board of Embalmers and Funeral 21 Directors	5
22 State Board of Registration for Professional 23 Engineers and Land Surveyors	9
24	

1	State Board of Medical Licensure and Supervision/	
2	Board of Podiatric Medical Examiners/State	
3	Board of Examiners of Perfusionists	29
4	Commission on Marginally Producing Oil and Gas	
5	Wells	5
6	Oklahoma Motor Vehicle Commission	€ <u>18</u>
7	Oklahoma Board of Nursing	26
8	Oklahoma State Board of Examiners for Nursing	
9	Home Administrators	4
10	Board of Examiners in Optometry	3
11	State Board of Osteopathic Examiners	7
12	Oklahoma Peanut Commission	2
13	Oklahoma State Board of Pharmacy	9
14	State Board of Examiners of Psychologists	2
15	Oklahoma Real Estate Commission	26
16	Board of Examiners for Speech-Language Pathology	
17	and Audiology	2
18	Oklahoma Used Motor Vehicle and Parts Commission	12
19	State Board of Veterinary Medical Examiners	6
20	Oklahoma Wheat Utilization, Research and Market	
21	Development Commission	7
22	Oklahoma Firefighters Pension and Retirement	
23	System	13
24	Oklahoma Police Pension and Retirement System	12

1	Teachers' Retirement System of Oklahoma	52
2	Oklahoma Public Employees Retirement System	63
3	Oklahoma Student Loan Authority	85
4	Oklahoma Industrial Finance Authority/Oklahoma	
5	Development Finance Authority	10
6	State and Education Employees Group Insurance	
7	Board	178
8	Oklahoma Capital Investment Board	4
9	State Board of Licensed Social Workers	1
10	Oklahoma State Employees Benefits Council	38
11	Oklahoma State Banking Department	46
12	Liquefied Petroleum Gas Administration	10

13 C. The duties and compensation of employees, not otherwise
14 prescribed by law, necessary to perform the duties imposed upon the
15 Oklahoma Public Employees Retirement System Board of Trustees by law
16 shall be set by the Board of Trustees.

17 D. Temporary employees of the Oklahoma Used Motor Vehicle and
18 Parts Commission between the dates of November 1 and January 31
19 annually shall not be counted toward the maximum number of full-
20 time-equivalent employees provided for in this section.

21 SECTION 26. Sections 1 and 3 through 25 of this act shall
22 become effective January 1, 2009.

23 SECTION 27. Section 2 of this act shall become effective July
24 1, 2008.

1 SECTION 28. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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