

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1969

By: Bass

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Sections 591.11 and 591.13, as last amended by  
9 Sections 1 and 2, Chapter 56, O.S.L. 2007 (47 O.S.  
10 Supp. 2007, Sections 591.11 and 591.13), which relate  
11 to the Automotive Dismantlers and Parts Recycler Act;  
12 modifying eligibility to participate in salvage pool  
13 sales; requiring a buyer's identification card;  
14 eliminating salvage vehicle transaction fee and  
15 register of all sales of salvage vehicles; modifying  
16 penalties; allowing certain dealers from other states  
17 to buy at a salvage pool or salvage disposal sale  
18 under certain condition; providing for codification;  
19 and providing an effective date.

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

21 SECTION 1. AMENDATORY 47 O.S. 2001, Section 591.11, as  
22 last amended by Section 1, Chapter 56, O.S.L. 2007 (47 O.S. Supp.  
23 2007, Section 591.11), is amended to read as follows:

24 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~~ possessing an  
automobile dismantler's license or rebuilder certificate issued by

1 the Oklahoma Used Motor Vehicle and Parts Commission who has a  
2 buyer's identification card;

3 2. ~~A company representative of a business that is based in this~~  
4 ~~state; or~~

5 3. ~~A person who may legally purchase salvage vehicles in his or~~  
6 ~~her home state or country~~ from another state who has a buyer's  
7 identification card; or

8 3. A foreign buyer who has a buyer's identification card.

9 B. A buyer's identification card to bid or buy at salvage pools  
10 or salvage disposal sales shall be issued by the Commission on a  
11 form prescribed by it and shall include, but not be limited to, the  
12 name, address, physical description and signature of the applicant;  
13 and the name and address of the employer of the applicant. The  
14 Commission may exact a fee not to exceed Twenty Dollars (\$20.00) for  
15 the issuance or renewal of a buyer's identification card for a  
16 resident of this state and a fee not to exceed Two Hundred Ten  
17 Dollars (\$210.00) for the issuance or renewal of a buyer's  
18 identification card for an out-of-state buyer and a fee not to  
19 exceed Four Hundred Dollars (\$400.00) for the issuance or renewal of  
20 a buyer's identification card for foreign buyers. There shall be no  
21 more than three B.I.D. cards per business, as defined in the  
22 Automotive Dismantlers and Parts Recycler Act. A buyer's  
23 identification card fee shall be returnable only in the event that  
24

1 the permit application is denied by the Commission as allowed  
2 pursuant to the Automotive Dismantlers and Parts Recycler Act.

3 C. It shall be the duty of the owner, manager or person in  
4 charge of any salvage pool or salvage disposal sale to prohibit the  
5 bidding by any person who ~~is not qualified to purchase salvage~~  
6 ~~vehicles as provided in subsection A of this section~~ does not  
7 display the buyer's identification card number for such person and,  
8 further, to refuse to sell to any person any wrecked or repairable  
9 motor vehicle if such person ~~is~~ does not ~~qualified to purchase~~  
10 ~~salvage vehicles as provided in subsection A of this section~~ display  
11 a valid buyer's identification card.

12 ~~C.~~ D. A buyer's identification card issued to a person, firm or  
13 corporation may be refused, canceled or revoked due to the refusal,  
14 cancellation or revocation of their automotive dismantler's license  
15 or rebuilder certificate issued by the Oklahoma Used Motor Vehicle  
16 and Parts Commission. Any person whose buyer's identification card  
17 is refused, canceled or revoked shall enjoy the same review and  
18 appeal procedures provided in Section 591.10 of this title.

19 E. Any salvage pool or salvage disposal sale that is  
20 facilitating in the sale of a motor vehicle for an insurance company  
21 must provide on its web site the full seventeen-digit vehicle  
22 identification number (VIN) and the name of the insurance company  
23 that is selling the motor vehicle.

1        ~~D. F.~~ The salvage pool or salvage disposal sale shall show the  
2 buyer's identification number of the winning bidder on any sale that  
3 takes place on the Internet or by on-line bidding for all salvage  
4 motor vehicles being sold for an insurance company.

5        ~~E.~~ It shall be the duty of the owner, manager or person in  
6 charge of any salvage pool or salvage disposal sale to remit  
7 payments to the Oklahoma Used Motor Vehicle and Parts Commission.  
8 Such payments shall be calculated by multiplying the total number of  
9 salvage vehicle sales transactions during a certain period times Two  
10 Dollars (\$2.00). The first payment shall not be calculated on any  
11 sales transactions prior to November 1, 2007. The payments shall  
12 not be made more often than one payment each month. The payments  
13 shall be transmitted to the Oklahoma Used Motor Vehicle and Parts  
14 Commission at any time during the thirty (30) days immediately  
15 following the period for which the payment was calculated.

16        ~~F.~~ Every salvage pool shall keep a register of all sales of  
17 salvage vehicles showing the make, model, year, style, vehicle  
18 identification number, and names and addresses of the purchaser and  
19 seller of the motor vehicle. Such registers shall be submitted to  
20 the Oklahoma Used Motor Vehicle and Parts Commission on a regular  
21 basis.

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

3 SECTION 2. AMENDATORY 47 O.S. 2001, Section 591.13, as  
4 amended by Section 2, Chapter 56, O.S.L. 2007 (47 O.S. Supp. 2007,  
5 Section 591.13), is amended to read as follows:

6 Section 591.13 Any person violating any provision of the  
7 Automotive Dismantlers and Parts Recycler Act ~~or operating as a~~  
8 ~~rebuilder as used in Section 581 et seq. of this title without a~~  
9 ~~rebuilder certificate~~ shall be guilty of a misdemeanor and, upon the  
10 ~~first~~ conviction thereof ~~shall~~ may be punished by a fine of not less  
11 than ~~Five Hundred Dollars (\$500.00) with impoundment of the vehicle~~  
12 ~~until all taxes and fees are paid and upon the second conviction~~  
13 ~~thereof shall be punished by a fine of not less than One Thousand~~  
14 ~~Dollars (\$1,000.00) with impoundment of the vehicle until all taxes~~  
15 ~~and fees are paid and upon the third or subsequent conviction~~  
16 ~~thereof shall be punished by a fine of not less than One Thousand~~  
17 ~~Five Hundred Dollars (\$1,500.00) with impoundment of the vehicle~~  
18 ~~until all taxes and fees are paid~~ Three Hundred Dollars (\$300.00) or  
19 by imprisonment in the county jail for not more than ~~one (1) year~~  
20 six months, or by both such fine and imprisonment. ~~If a vehicle is~~  
21 ~~impounded pursuant to the provisions of this section, the vehicle~~  
22 ~~shall not be released to the owner until the owner provides proof of~~  
23 ~~security or an affidavit that the vehicle will not be used on public~~  
24 ~~highways or public streets, as required pursuant to Section 7-600 et~~

1 ~~seq. of this title. Each vehicle involved in a violation of this~~  
2 ~~section shall be considered a separate offense. The penalties~~  
3 ~~collected from the payment of the fines shall, after deduction of~~  
4 ~~court costs, be paid to the Oklahoma Used Motor Vehicle and Parts~~  
5 ~~Commission Fund as created by Section 582 of this title.~~

6 SECTION 3. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 591.12A of Title 47, unless  
8 there is created a duplication in numbering, reads as follows:

9 Nothing herein shall prohibit salvage dealers licensed in other  
10 states from buying at a salvage pool or salvage disposal sale,  
11 provided that the state in which they are licensed reciprocates in  
12 the same manner to salvage dealers licensed under this law and  
13 provided that they obtain a buyer's identification permit and number  
14 as required in Section 591.11 of Title 47 of the Oklahoma Statutes.

15 SECTION 4. This act shall become effective November 1, 2008.

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