

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2138

By: Nichols

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Section 1140, as last amended by Section 77,  
Chapter 1, O.S.L. 2005 (47 O.S. Supp. 2007, Section  
9 1140), which relates to motor license agents;  
clarifying language; and providing an effective date.

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

13 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1140, as  
14 last amended by Section 77, Chapter 1, O.S.L. 2005 (47 O.S. Supp.  
15 2007, Section 1140), is amended to read as follows:

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

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

23        After the necessary information has been forwarded to the Tax  
24 Commission, each applicant shall be interviewed by the Tax

1 Commission or its designees and each item of information shall be  
2 reviewed.

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

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

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

16 A motor license agent, appointed pursuant to this subsection  
17 shall be permitted to operate a motor license agency at a single  
18 location and shall be prohibited from operating subagencies or  
19 branch agencies, unless such subagencies or branch agencies were  
20 established prior to June 1, 1985.

21 Unless otherwise specifically provided, motor license agents  
22 appointed pursuant to this subsection shall be subject to all laws  
23 relating to motor license agents and shall be subject to removal at  
24 the will of the Tax Commission.

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

13        Such agents shall be self-employed independent contractors, and  
14 all agents shall be under the supervision of the Tax Commission;  
15 provided, any agent authorized to issue registrations pursuant to  
16 the International Registration Plan shall also be under the  
17 supervision of the Corporation Commission, subject to rules  
18 promulgated by the Corporation Commission pursuant to the provisions  
19 of subsection E of Section ~~2~~ 1166 of this ~~act~~ title. Any such  
20 agent, upon being appointed, shall furnish and file with the Tax  
21 Commission a bond in such amount as may be fixed by the Tax  
22 Commission. Such agent shall be removable at the will of the Tax  
23 Commission. Such agent shall perform all duties and do such things  
24 in the administration of the laws of this state as shall be enjoined

1 upon and required by the Tax Commission or the Corporation  
2 Commission. Provided, the Tax Commission may operate a motor  
3 license agency in any county where a vacancy occurs.

4 C. In the event of a vacancy existing by reason of resignation,  
5 removal, death or otherwise, in the position of any motor license  
6 agent, the Tax Commission is hereby empowered and authorized to take  
7 any and all actions it deems appropriate in order to provide for the  
8 orderly transition and for the maintenance of operations of the  
9 motor license agency including but not limited to the designation of  
10 one of its regular employees to serve as "acting agent" without  
11 bond, and to receive and expend all fees or charges authorized or  
12 provided by law and exercise the same powers and authority as a  
13 regularly appointed motor license agent. An acting agent may be  
14 authorized by the Tax Commission equally as the preceding agent to  
15 make disbursements from any balances in the preceding motor license  
16 agent's operating account and the agent's operating funds for the  
17 payment of expenses of operations and salaries and other overhead.  
18 If such funds are insufficient, the Tax Commission is authorized to  
19 expend from funds appropriated for the operation of the Tax  
20 Commission such amounts as are necessary to maintain and continue  
21 the operation of any such motor license agency until a successor  
22 agent is appointed and qualified. The Tax Commission may require a  
23 blanket fiduciary bond of the agency employees.

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1 D. Any motor license agency operated by a motor license agent  
2 who has been charged with a felony shall be closed immediately. The  
3 State Auditor and Inspector shall immediately conduct an audit of  
4 such motor license agency and forward the report of the audit to the  
5 Tax Commission for review. The Tax Commission shall determine  
6 whether the motor license agency shall be reopened and operated by  
7 the motor license agent or whether the agency shall be reopened and  
8 operated by the Tax Commission. The review of the audit and the Tax  
9 Commission determination shall be effected as soon as possible to  
10 prevent additional inconvenience to the public.

11 E. When an application for registration is made with the Tax  
12 Commission, Corporation Commission or a motor license agent, a  
13 registration fee of One Dollar and seventy-five cents (\$1.75) shall  
14 be collected for each license plate or decal issued. Such fees  
15 shall be in addition to the registration fees on motor vehicles and  
16 when an application for registration is made to the motor license  
17 agent such motor license agent shall retain a fee as provided in  
18 Section 1141.1 of this title. When the fee is paid by a person  
19 making application directly with the Tax Commission or Corporation  
20 Commission, as applicable, the registration fees shall be in the  
21 same amount as provided for motor license agents and the fee  
22 provided by Section 1141.1 of this title shall be deposited in the  
23 Oklahoma Tax Commission Revolving Fund or as provided in Section ~~3~~  
24 1167 of this ~~act~~ title, as applicable. The Tax Commission shall

1 prepare schedules of registration fees and charges for titles which  
2 shall include the fees for such agents and all fees and charges paid  
3 by a person shall be listed separately on the application and  
4 registration and totaled on the application and registration. The  
5 motor license agents shall charge only such fees as are specifically  
6 provided for by law, and all such authorized fees shall be posted in  
7 such a manner that any person shall have notice of all fees that are  
8 imposed by law.

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

12 1. Any member of the Oklahoma Legislature;

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

16 3. Any employee of the Tax Commission.

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

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

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