

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 299

By: Bingman of the Senate
and
Thompson of the House

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8 (motor vehicles - penalties - effective date -
9 emergency)

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12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

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14 "An Act relating to motor vehicles; amending 47 O.S.
2001, Section 1115.1, as amended by Section 14,
15 Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2008,
Section 1115.1), which relates to penalties;
16 transferring authority to sell certain seized
vehicles from Corporation Commission to Department
17 of Central Services; providing an effective date;
and declaring an emergency.

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

21 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1115.1, as
22 amended by Section 14, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2008,
23 Section 1115.1) is amended to read as follows:

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1 Section 1115.1 In addition to the penalties provided in the
2 Oklahoma Vehicle License and Registration Act, after ninety (90)
3 days from the expiration date for annual registration of a vehicle,
4 the Corporation Commission, Department of Public Safety, county
5 sheriffs, and all other duly authorized peace officers of this state
6 may seize and take into custody every vehicle owned within this
7 state not bearing or displaying a proper license plate required by
8 the Oklahoma Vehicle License and Registration Act. The vehicle
9 shall not be released to the owner until it is duly registered and
10 the license, registration, or title fee and penalties due are paid
11 in full, proof of security or an affidavit that the vehicle will not
12 be used on public highways or public streets, as required pursuant
13 to Section 7-600 et seq. of this title, is furnished, and the cost
14 of seizure, including the reasonable cost of taking the vehicle into
15 custody and storing the vehicle, have been paid. In the event the
16 owner of any vehicle seized fails to pay such fees and penalties
17 due, together with cost of seizure and storage, and fails to provide
18 proof of security or an affidavit that the vehicle will not be used
19 on public highways or public streets, the ~~Corporation Commission~~
20 Department of Central Services shall proceed to sell the vehicle by
21 posting not fewer than five notices of sale in five different public
22 places in the county where the vehicle is located, one of such
23 notices to be posted at the place where the vehicle is stored. A
24 copy of the notice shall also be sent by certified mail, restricted

1 delivery, with return receipt requested, to the last-known address
2 of the registered owner of the vehicle. The vehicle shall be sold
3 at such sale subject to the following terms and conditions:

4 1. In the event the sale price is equal to, or greater than,
5 the total costs of sale, seizure and the fee and penalty, the
6 purchaser shall be issued a certificate of purchase, license plate,
7 manufactured home registration receipt and decal and registration
8 certificate;

9 2. In the event the sale price is less than the total costs of
10 sale, seizure, and the fee and penalty, the vehicle shall be sold as
11 junk to the highest bidder, whereupon the bidder shall receive a
12 certificate of purchase; and if the vehicle be dismantled, the
13 record to the junked vehicle shall be canceled. If not dismantled,
14 the vehicle shall be immediately registered; and

15 3. Any residual amount remaining unclaimed by the delinquent
16 owner shall be administered in accordance with the Uniform Unclaimed
17 Property Act.

18 SECTION 2. This act shall become effective July 1, 2009.

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

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1 Passed the House of Representatives the 14th day of April, 2009.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2009.

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9 Presiding Officer of the Senate
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