

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 848

By: Branam of the Senate
and
Nelson of the House

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8 (motor vehicles - Oklahoma Used Motor Vehicle and
9 Parts Commission -
10 effective date)

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13 AUTHORS: Add the following House Coauthors: Shelton and Wright
(John)

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

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17 "An Act relating to motor vehicles; amending 47 O.S.
18 2001, Section 585, as amended by Section 5, Chapter
19 298, O.S.L. 2005 (47 O.S. Supp. 2008, Section 585),
20 which relates to the Oklahoma Used Motor Vehicle and
Parts Commission; adding certain actions by a used
motor vehicle dealer for which the Commission may
assess a fine; and providing an effective date.

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22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 585, as
2 amended by Section 5, Chapter 298, O.S.L. 2005 (47 O.S. Supp. 2008,
3 Section 585), is amended to read as follows:

4 Section 585. A. The Commission may deny any application for
5 license, or suspend or revoke a license issued, or impose a fine, in
6 accordance with the provisions of the Administrative Procedures Act,
7 Section 250 et seq. of Title 75 of the Oklahoma Statutes. If the
8 applicant or licensee is a used motor vehicle salesperson, the
9 Commission shall in like manner also notify the person, firm,
10 association, corporation or trust with whom associated, or in whose
11 association the applicant or licensee is about to enter. The
12 Commission shall have the power to compel the production of records
13 and papers bearing upon the complaints. The Commission shall have
14 the power to subpoena and bring before it any person in this state,
15 or take testimony of any such person by deposition, with the same
16 fees and mileage and in the same manner as prescribed by law in
17 judicial procedure before courts of the state in civil cases. Any
18 party to the hearing shall have the right to the attendance of
19 witnesses in his behalf upon designating to the Commission the
20 person or persons sought to be subpoenaed. If the Commission shall
21 determine that any licensee is guilty of violation of any of the
22 provisions of this act, the license of the licensee shall be
23 suspended or revoked, or a fine imposed as authorized by this act.

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

3 1. Willfully fails to deliver certificates of title to
4 purchasers of used motor vehicles within thirty (30) days of the
5 sale of the vehicles;

6 2. Fails to properly reassign the certificate of title to a
7 used motor vehicle as required by law upon the sale or transfer of
8 ownership of the used motor vehicle; ~~or~~

9 3. Sells an extended insurance warranty to a purchaser, but
10 fails to provide a copy of the warranty to the purchaser or fails to
11 disclose who the third party insurer will be; or

12 4. Delivers a used motor vehicle to a potential purchaser with
13 the intent to sell the vehicle, but does not complete the
14 transaction within fifteen (15) calendar days of the delivery of the
15 used motor vehicle.

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

20 D. Any applicant or licensee who knowingly or willfully makes
21 or causes to be made any false statement of a fact required under
22 the provisions of Section 581 et seq. of this title shall be subject
23 to an administrative fine not to exceed One Thousand Dollars
24 (\$1,000.00).

