

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 848

By: Branam of the Senate

and

Nelson of the House

6
7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to motor vehicles; amending 47 O.S.
11 2001, Section 585, as amended by Section 5, Chapter
12 298, O.S.L. 2005 (47 O.S. Supp. 2008, Section 585),
13 which relates to the Oklahoma Used Motor Vehicle and
14 Parts Commission; adding certain actions by a used
15 motor vehicle dealer for which the Commission may
16 assess a fine; and providing an effective date.

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

18 SECTION 1. AMENDATORY 47 O.S. 2001, Section 585, as
19 amended by Section 5, Chapter 298, O.S.L. 2005 (47 O.S. Supp. 2008,
20 Section 585), is amended to read as follows:

21 Section 585. A. The Commission may deny any application for
22 license, or suspend or revoke a license issued, or impose a fine, in
23 accordance with the provisions of the Administrative Procedures Act,
24 Section 250 et seq. of Title 75 of the Oklahoma Statutes. If the
applicant or licensee is a used motor vehicle salesperson, the

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

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

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

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

24

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

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

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

12 D. Any applicant or licensee who knowingly or willfully makes
13 or causes to be made any false statement of a fact required under
14 the provisions of Section 581 et seq. of this title shall be subject
15 to an administrative fine not to exceed One Thousand Dollars
16 (\$1,000.00).

17 SECTION 2. This act shall become effective November 1, 2009.

18
19 52-1-7608 MAH 04/01/09
20
21
22
23
24