

1 STATE OF OKLAHOMA

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

3 SUBCOMMITTEE RECOMMENDATION  
4 FOR ENGROSSED

5 SENATE BILL NO. 299

6 By: Bingman of the Senate

7 and

8 Thompson of the House

9 SUBCOMMITTEE RECOMMENDATION

10 An Act relating to motor vehicles; amending 47 O.S.  
11 2001, Section 1115.1, as amended by Section 14,  
12 Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2008, Section  
13 1115.1), which relates to penalties; transferring  
14 authority to sell certain seized vehicles from  
15 Corporation Commission to Department of Central  
16 Services; providing an effective date; and declaring  
17 an emergency.

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

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

22 Section 1115.1 In addition to the penalties provided in the  
23 Oklahoma Vehicle License and Registration Act, after ninety (90)  
24 days from the expiration date for annual registration of a vehicle,  
the Corporation Commission, Department of Public Safety, county  
sheriffs, and all other duly authorized peace officers of this state

1 may seize and take into custody every vehicle owned within this  
2 state not bearing or displaying a proper license plate required by  
3 the Oklahoma Vehicle License and Registration Act. The vehicle  
4 shall not be released to the owner until it is duly registered and  
5 the license, registration, or title fee and penalties due are paid  
6 in full, proof of security or an affidavit that the vehicle will not  
7 be used on public highways or public streets, as required pursuant  
8 to Section 7-600 et seq. of this title, is furnished, and the cost  
9 of seizure, including the reasonable cost of taking the vehicle into  
10 custody and storing the vehicle, have been paid. In the event the  
11 owner of any vehicle seized fails to pay such fees and penalties  
12 due, together with cost of seizure and storage, and fails to provide  
13 proof of security or an affidavit that the vehicle will not be used  
14 on public highways or public streets, the ~~Corporation Commission~~  
15 Department of Central Services shall proceed to sell the vehicle by  
16 posting not fewer than five notices of sale in five different public  
17 places in the county where the vehicle is located, one of such  
18 notices to be posted at the place where the vehicle is stored. A  
19 copy of the notice shall also be sent by certified mail, restricted  
20 delivery, with return receipt requested, to the last-known address  
21 of the registered owner of the vehicle. The vehicle shall be sold  
22 at such sale subject to the following terms and conditions:

23 1. In the event the sale price is equal to, or greater than,  
24 the total costs of sale, seizure and the fee and penalty, the

1 purchaser shall be issued a certificate of purchase, license plate,  
2 manufactured home registration receipt and decal and registration  
3 certificate;

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

10 3. Any residual amount remaining unclaimed by the delinquent  
11 owner shall be administered in accordance with the Uniform Unclaimed  
12 Property Act.

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

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

18

19 52-1-7527 CJB 03/30/09

20

21

22

23

24