

ENROLLED SENATE
BILL NO. 848

By: Branan of the Senate

and

Nelson, Shelton and Wright
(John) of the House

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 585, as amended by Section 5, Chapter 298, O.S.L. 2005 (47 O.S. Supp. 2008, Section 585), 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.

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

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

Section 585. A. The Commission may deny any application for license, or suspend or revoke a license issued, or impose a fine, in accordance with the provisions of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes. If the applicant or licensee is a used motor vehicle salesperson, the Commission shall in like manner also notify the person, firm, association, corporation or trust with whom associated, or in whose association the applicant or licensee is about to enter. The Commission shall have the power to compel the production of records and papers bearing upon the complaints. The Commission shall have the power to subpoena and bring before it any person in this state, or take testimony of any such person by deposition, with the same

fees and mileage and in the same manner as prescribed by law in judicial procedure before courts of the state in civil cases. Any party to the hearing shall have the right to the attendance of witnesses in his behalf upon designating to the Commission the person or persons sought to be subpoenaed. If the Commission shall determine that any licensee is guilty of violation of any of the provisions of this act, the license of the licensee shall be suspended or revoked, or a fine imposed as authorized by this act.

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

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

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

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

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

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

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

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

Passed the Senate the 21st day of May, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2009.

Presiding Officer of the House
of Representatives