

SB 409

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THE STATE SENATE  
Tuesday, February 17, 2009

Senate Bill No. 409  
As Amended

SENATE BILL NO. 409 - By: Johnson (Mike) of the Senate and Jackson of the House.

[ motor vehicles - licenses - effective date ]

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 564, is amended to read as follows:

Section 564. A. It shall be unlawful for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, or act as a motor vehicle dealer, or motor vehicle salesperson, or manufacturer or distributor of new motor vehicles, or factory branch, distributor branch or factory representative or distributor representative, as such, in this state without first obtaining a license therefor as provided for by law. Any person, firm, association, corporation or trust engaging in more than one of such capacities or having more than one place where such business is carried on or conducted shall be required to obtain and hold a current license for each thereof. Provided that, a new motor vehicle dealer's license shall authorize one person to sell without a salesperson's license in the event such person shall be the owner of a proprietorship, or the person designated as principal in the

1 dealer's franchise or the managing officer or one partner if no  
2 principal person is named in the franchise.

3 B. Applications for licenses required to be obtained under  
4 provisions of Section 561 et seq. of this title shall be verified by  
5 the oath or affirmation of the applicant and shall be on forms  
6 prescribed by the Oklahoma Motor Vehicle Commission and furnished to  
7 such applicants, and shall contain such information as the  
8 Commission deems necessary to enable it to fully determine the  
9 qualifications and eligibility of the several applicants to receive  
10 the license or licenses applied for. The Commission shall require  
11 in such application, or otherwise, information relating to the  
12 applicant's financial standing, the applicant's business integrity,  
13 whether the applicant has an established place of business and is  
14 primarily engaged in the pursuit, avocation or business for which a  
15 license, or licenses, are applied for, and whether the applicant is  
16 able to properly conduct the business for which a license, or  
17 licenses, are applied for, and such other pertinent information  
18 consistent with the safeguarding of the public interest and the  
19 public welfare. All such applications for license or licenses shall  
20 be accompanied by the appropriate fee or fees therefor in accordance  
21 with the schedule thereof hereinafter set out. In the event any  
22 such application is denied and the license applied for is not  
23 issued, the entire license fee shall be returned to the applicant.

1 All licenses issued under the provisions of Section 561 et seq. of  
2 this title shall expire on June 30, following the date of issue and  
3 shall be nontransferable. All applications for renewal of a license  
4 for a new motor vehicle dealer, salesperson, manufacturer,  
5 distributor or manufacturer's or distributor's representative shall  
6 be submitted by June 1 of each year, and such license or licenses  
7 will be issued by July 1. If applications have not been made for  
8 renewal of licenses at the times described in this subsection, it  
9 shall be illegal for any person to represent himself or herself and  
10 act as a dealer, salesperson, manufacturer, distributor or  
11 manufacturer's or distributor's representative. Motor license  
12 agents will be notified not to accept such dealers' titles until  
13 such time as licenses have been issued by the Commission.

14 Dealers' payrolls and other evidence will be checked to  
15 ascertain that all salespersons for such dealers are licensed.

16 C. The schedule of license fees to be charged and received by  
17 the Commission for the licenses issued hereunder shall be as  
18 follows:

19 1. For each factory branch or distributor branch, ~~Two Hundred~~  
20 ~~Dollars (\$200.00)~~ Four Hundred Dollars (\$400.00) initial fee with  
21 annual renewal fee of ~~One Hundred Dollars (\$100.00)~~ Two Hundred  
22 Dollars (\$200.00);

1           2. For each manufacturer or distributor of new motor vehicles,  
2 ~~Two Hundred Dollars (\$200.00)~~ Four Hundred Dollars (\$400.00) initial  
3 fee with annual renewal fee of ~~One Hundred Dollars (\$100.00)~~ Two  
4 Hundred Dollars (200.00);

5           3. For each factory representative or distributor  
6 representative, ~~Sixty Dollars (\$60.00)~~ One Hundred Dollars (\$100.00)  
7 annually;

8           4. For each new motor vehicle dealer, initial fee of ~~Two~~  
9 ~~Hundred Dollars (\$200.00)~~ Four Hundred Dollars (\$400.00) per  
10 franchise sold at each location licensed, with an annual renewal fee  
11 of ~~Sixty Dollars (\$60.00)~~ One Hundred Dollars (\$100.00) per  
12 franchise sold at each location per year; and

13           5. For each salesperson, ~~Ten Dollars (\$10.00)~~ Twenty-five  
14 Dollars (\$25.00) renewed annually.

15           D. The licenses issued to each new motor vehicle dealer,  
16 manufacturer, distributor, factory branch, distributor branch or  
17 representative, if a corporation, shall specify the location of the  
18 factory, office or branch thereof. In case such location is  
19 changed, the Commission may endorse the change of location on the  
20 license without charge unless the change of address triggers a  
21 relocation of a new motor vehicle dealer pursuant to the provisions  
22 of Section 578.1 of this title. The license of each dealer shall be

1 posted in a conspicuous place in the dealer's place or places of  
2 business.

3 Every motor vehicle salesperson, factory representative or  
4 distributor representative if an individual shall physically possess  
5 the license when engaged in business, and shall display same upon  
6 request. The name of the employer of such salesperson, factory  
7 representative or distributor representative shall be stated on the  
8 license and, in case of a change of employer, the holder of such  
9 license shall immediately mail same to the Commission for its  
10 endorsement of such change thereon. The Commission shall endorse  
11 each such change of employer on licenses without charge.

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

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-09 - DO  
14 PASS, As Amended and Coauthored.