

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1083

By: Brogdon

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Sections 591.6, 591.8 and 1105, as last amended
9 by Section 3, Chapter 297, O.S.L. 2008 (47 O.S. Supp.
10 2008, Section 1105), which relate to used motor
11 vehicle parts and dealers and certificates of title;
12 requiring automotive dismantler and parts recycler to
13 keep certain documentation; modifying types of
14 documentation required for use by automotive
15 dismantler and parts recycler; deleting exception
16 from requirement to obtain a junked title under
17 specified circumstances; deleting authorization for,
18 and procedures relating to, cancellation of title
19 under specified circumstances; deleting authorization
20 to transfer vehicle upon certificate of ownership and
21 procedures relating thereto; and providing an
22 effective date.

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

24 SECTION 1. AMENDATORY 47 O.S. 2001, Section 591.6, is
amended to read as follows:

Section 591.6 Every automotive dismantler and parts recycler
shall keep a register of all purchases and sales of motor vehicles
for three (3) years from the date of purchase or sale, showing the
make, model, year, style, vehicle identification number,

1 documentation regarding the certificate of title and name and
2 address of the purchaser or seller of the motor vehicle. Such
3 registers shall be made available for inspection by properly
4 identified employees or agents of the Oklahoma Used Motor Vehicle
5 and Parts Commission or identified law enforcement officers of the
6 state, county and municipality where the business of the automotive
7 dismantler and parts recycler is located, during reasonable business
8 hours on business days. The inspection authority shall include the
9 right to inspect any motor vehicle or parts thereof owned by or
10 stored at the automotive dismantler and parts recycler's place of
11 business.

12 SECTION 2. AMENDATORY 47 O.S. 2001, Section 591.8, is
13 amended to read as follows:

14 Section 591.8 A. An automotive dismantler and parts recycler,
15 duly licensed by ~~this act~~ the Automotive Dismantlers and Parts
16 Recycler Act, shall have the authority to transfer the certificate
17 of title to a motor vehicle as a dealer. Prior to the sale of any
18 motor vehicles at salvage pools or salvage disposal sales, a salvage
19 title or junked title shall be issued for any salvage or junked
20 vehicle as defined in Section 1105 of this title.

21 B. Any and all certificates of title, whether original,
22 salvage, rebuilt, or junked titles, ~~salvage certificates, other~~
23 ~~certificates of ownership, or ownership records,~~ as approved by the
24 Oklahoma Tax Commission, to vehicles owned by a licensed automotive

1 dismantler and parts recycler, which vehicles have been dismantled,
2 destroyed, or otherwise processed so that the vehicles are no longer
3 capable of being used as motor vehicles, shall be inspected by
4 properly identified employees or agents of the Oklahoma Used Motor
5 Vehicle and Parts Commission, at least annually, at the place of
6 business of the licensed automotive dismantler and parts recycler.
7 Upon verification that the vehicle is no longer capable of being
8 used as a motor vehicle, the employee or agent of the Commission
9 shall remove the license plate and the certificate of title, ~~salvage~~
10 ~~certificate, other certificate of ownership or ownership record~~ from
11 the licensed automotive dismantler and parts recycler. The
12 Commission shall destroy the license plate and deliver the
13 certificates and ownership records to the ~~Oklahoma~~ Tax Commission.

14 C. Each licensed automotive dismantler and parts recycler that
15 dismantles, destroys, or otherwise processes vehicles so that the
16 vehicles are no longer capable of being used as motor vehicles, each
17 month, shall report the vehicle identification numbers of the
18 vehicles to the ~~Oklahoma~~ Tax Commission, upon forms prescribed by
19 the ~~Oklahoma~~ Tax Commission. The report shall include any vehicle
20 which is a hull, junked, abandoned or not a complete,
21 self-propelling vehicle, if there is a vehicle identification number
22 for the incomplete vehicle. The ~~Oklahoma~~ Tax Commission shall
23 cancel said certificates of title. The vehicle identification
24 numbers on the certificates of titles, or salvage titles, ~~other~~

1 ~~certificates of ownership or ownership records~~ to motor vehicles no
2 longer capable of being used as motor vehicles shall be preserved in
3 the computer files of the ~~Oklahoma~~ Tax Commission for at least five
4 (5) years from the date the certificates of title are delivered by
5 the Commission to the ~~Oklahoma~~ Tax Commission.

6 D. Each vehicle or incomplete vehicle required to be reported
7 to the ~~Oklahoma~~ Tax Commission by this section shall be reported on
8 or before the fifteenth day of the next succeeding month after the
9 month in which the vehicle or incomplete vehicle was received by the
10 licensed automotive dismantler and parts recycler. Each vehicle or
11 incomplete vehicle, which is incapable of operation or use on the
12 public roads or has no resale value except as a source of parts,
13 scrap or junk or has an eighty percent (80%) loss in fair market
14 value, possessed by a licensed automotive dismantler and parts
15 recycler on the effective date of this act shall be reported to the
16 ~~Oklahoma~~ Tax Commission within ninety (90) days. The vehicle
17 identification numbers on all reported vehicles shall be preserved
18 in the computer of the ~~Oklahoma~~ Tax Commission for at least five (5)
19 years, even if the ownership records may have been previously
20 destroyed or surrendered to the ~~Oklahoma~~ Tax Commission.

21 E. If the vehicle identification number for a vehicle, which is
22 incapable of operation or use on the public roads and has no resale
23 value except as a source of parts, scrap or junk or has an eighty
24 percent (80%) loss in fair market value, is not reported to the

1 ~~Oklahoma~~ Tax Commission, the licensed automotive dismantler and
2 parts recycler shall be required to obtain a junked title for ~~said~~
3 the vehicle. ~~An Oklahoma licensed automotive dismantler and parts~~
4 ~~recycler shall not be required to obtain a junked title for a junked~~
5 ~~vehicle or any other vehicle which is dismantled, destroyed or~~
6 ~~otherwise processed so that the vehicle is no longer capable of~~
7 ~~being operated or used on the public roads, if the vehicle is~~
8 ~~reported to the Oklahoma Tax Commission.~~

9 SECTION 3. AMENDATORY 47 O.S. 2001, Section 1105, as
10 last amended by Section 3, Chapter 297, O.S.L. 2008 (47 O.S. Supp.
11 2008, Section 1105), is amended to read as follows:

12 Section 1105. A. As used in the Oklahoma Vehicle License and
13 Registration Act:

14 1. "Salvage vehicle" means any vehicle which is within the last
15 ten (10) model years and which has been damaged by collision or
16 other occurrence to the extent that the cost of repairing the
17 vehicle for safe operation on the highway exceeds sixty percent
18 (60%) of its fair market value, as defined by Section 1111 of this
19 title, immediately prior to the damage. For purposes of this
20 section, actual repair costs shall only include labor and parts for
21 actual damage to the suspension, motor, transmission, frame or
22 unibody and designated structural components;

23 2. "Rebuilt vehicle" means any salvage vehicle which has been
24 rebuilt and inspected for the purpose of registration and title;

1 3. "Flood-damaged vehicle" means a salvage or rebuilt vehicle
2 which was damaged by flooding or a vehicle which was submerged at a
3 level to or above the dashboard of the vehicle and on which an
4 amount of loss was paid by the insurer;

5 4. "Unrecovered-theft vehicle" means a vehicle which has been
6 stolen and not yet recovered;

7 5. "Recovered-theft vehicle" means a vehicle, including a
8 salvage or rebuilt vehicle, which was recovered from a theft; and

9 6. "Junked vehicle" means any vehicle which is incapable of
10 operation or use on the highway, has no resale value except as a
11 source of parts or scrap and has an eighty percent (80%) loss in
12 fair market value.

13 B. The owner of every vehicle in this state shall possess a
14 certificate of title as proof of ownership of such vehicle, except
15 those vehicles registered pursuant to Section 1120 of this title and
16 trailers registered pursuant to Section 1133 of this title,
17 previously titled by anyone in another state and engaged in
18 interstate commerce, and except as provided in subsection M of this
19 section. Except for owners that possess an agricultural exemption
20 permit pursuant to Section 1358.1 of Title 68 of the Oklahoma
21 Statutes, the owner of an all-terrain vehicle or a motorcycle used
22 exclusively off roads or highways in this state which is purchased
23 or the ownership of which is transferred on or after July 1, 2005,
24 and the owner of a utility vehicle used exclusively off roads and

1 highways in this state which is purchased or the ownership of which
2 is transferred on or after July 1, 2008, shall possess a certificate
3 of title as proof of ownership. Any person possessing an
4 agricultural exemption permit and owning an all-terrain vehicle or a
5 motorcycle used exclusively off roads or highways in this state
6 which is purchased or the ownership of which is transferred on or
7 after July 1, 2008, shall possess a certificate of title as proof of
8 ownership. Upon receipt of proper application information by such
9 owner, the Oklahoma Tax Commission shall issue an original or
10 transfer certificate of title. Until July 1, 2008, any security
11 interest in an all-terrain vehicle that attached and was perfected
12 before July 1, 2005, and that has not otherwise terminated shall
13 remain perfected, and shall take priority over any subsequently
14 perfected security interest in the same all-terrain vehicle,
15 notwithstanding that a certificate of title may have been issued
16 with respect to the same all-terrain vehicle on or after July 1,
17 2005, and that a lien may have been recorded on said certificate of
18 title. There shall be seven types of certificates of title:

19 1. Original title for any motor vehicle which is not a
20 remanufactured, salvage, unrecovered-theft, rebuilt or junked
21 vehicle;

22 2. Salvage title for any motor vehicle which is a salvage
23 vehicle or is specified as a salvage vehicle or the equivalent
24 thereof on a certificate of title from another state;

1 3. Rebuilt title for any motor vehicle which is a rebuilt
2 vehicle;

3 4. Junked title for any motor vehicle which is a junked vehicle
4 or is specified as a junked vehicle or the equivalent thereof on a
5 certificate of title from another state;

6 5. Classic title for any motor vehicle, except a junked
7 vehicle, which is twenty-five (25) model years or older;

8 6. Remanufactured title for any vehicle which is a
9 remanufactured vehicle; and

10 7. Unrecovered-theft title for any motor vehicle which has been
11 stolen and not recovered.

12 Application for a certificate of title, whether the initial
13 certificate of title or a duplicate, may be made to the Tax
14 Commission or any motor license agent. When application is made
15 with a motor license agent, the application information shall be
16 transmitted either electronically or by mail to the Tax Commission
17 by the motor license agent. If the application information is
18 transmitted electronically, the motor license agent shall forward
19 the required application along with evidence of ownership, where
20 required, by mail. Where the transmission of application
21 information cannot be performed electronically, the Tax Commission
22 is authorized to provide postage paid envelopes to motor license
23 agents for the purpose of mailing the application along with
24 evidence of ownership, where required. The Tax Commission shall

1 upon receipt of proper application information issue an Oklahoma
2 certificate of title. The certificates may be mailed to the
3 applicant. Upon issuance of a certificate of title, the Tax
4 Commission shall provide the appropriate motor license agent with
5 confirmation of such issuance.

6 C. 1. The application for certificate of title shall be upon a
7 blank form furnished by the Tax Commission, containing:

- 8 a. a full description of the vehicle,
- 9 b. the manufacturer's serial or other identification
10 number,
- 11 c. the motor number and the date on which first sold by
12 the manufacturer or dealer to the owner,
- 13 d. any distinguishing marks,
- 14 e. a statement of the applicant's source of title,
- 15 f. any security interest upon the vehicle, and
- 16 g. such other information as the Tax Commission may
17 require.

18 2. The application for a certificate of title for a vehicle
19 which is within the last seven (7) model years shall require a
20 declaration as to whether the vehicle has been damaged by collision
21 or other occurrence and whether the vehicle has been recovered from
22 theft and the extent of the damage to the vehicle. The declaration
23 shall be made by the owner of a vehicle if:

- 24 a. the vehicle has been damaged or stolen,

- 1 b. the owner did or did not receive any payment for the
2 loss from an insurer, or
- 3 c. the vehicle is titled or registered in a state that
4 does not classify the vehicle or brand the title
5 because of damage to or loss of the vehicle similar to
6 the classifications or brands utilized by this state.

7 The declaration shall be based upon the best information and
8 knowledge of the owner and shall be in addition to the requirements
9 specified in paragraph 1 of this subsection. The Tax Commission
10 shall not issue a certificate of title for a vehicle which is
11 subject to the provisions of this paragraph without the required
12 declaration, completed and signed by the owner of the vehicle. Upon
13 receipt of an application without the properly completed
14 declaration, the Tax Commission shall return the application to the
15 applicant with notice that the title may not be issued without the
16 required declaration. Nothing in this paragraph shall prohibit the
17 Tax Commission from recognizing the type of or brand on a title or
18 other ownership document issued by another state or the inspection
19 conducted in another state and issuing the appropriate certificate
20 of title for the vehicle.

21 3. The certificate of title shall have the following security
22 features:

- 23 a. intaglio printing or security thread, with or without
24 watermark,

- b. latent images,
- c. fluorescent inks,
- d. micro print,
- e. void background, and
- f. color coding.

4. Each title issued pursuant to the provisions of the Oklahoma Vehicle License and Registration Act shall be color coded as determined by the Tax Commission.

5. The certificate of title shall be of such size and design and color as the Tax Commission may direct pursuant to the provisions of this section. The title shall be on colored paper or other material as designated by the Tax Commission and be of such intensity or hue as will allow easy identification as to whether the title is an original title, a salvage title, a rebuilt title, remanufactured title, or a junked title. The type of title shall be identified on the front of the certificate of title. The original title, rebuilt title, remanufactured title, an unrecovered-theft title or classic title shall be identified by the word "Original", "Rebuilt", "Remanufactured", "Unrecovered Theft" or "Classic" printed in the upper right quadrant of the certificate of title, in the space which is currently captioned "type of title".

D. 1. To obtain an original certificate of title for a vehicle that is being registered for the first time in this state which has not been previously registered in any other state, the applicant

1 shall be required to deliver, as evidence of ownership, a
2 manufacturer's certificate of origin properly assigned by the
3 manufacturer, distributor, or dealer licensed in this or any other
4 state shown thereon to be the last transferee to the applicant upon
5 a form to be prescribed and approved by the Tax Commission. A
6 manufacturer's certificate of origin shall contain:

- 7 a. the manufacturer's serial or other identification
8 number,
- 9 b. date on which first sold by the manufacturer to the
10 dealer,
- 11 c. any distinguishing marks including model and the year
12 same was made,
- 13 d. a statement of any security interests upon the
14 vehicle, and
- 15 e. such other information as the Tax Commission may
16 require.

17 2. The manufacturer's certificate of origin shall have the
18 following security features:

- 19 a. intaglio printing or security thread, with or without
20 watermark,
- 21 b. latent images,
- 22 c. fluorescent inks,
- 23 d. micro print, and
- 24 e. void background.

1 E. In the absence of a dealer's or manufacturer's number, the
2 Tax Commission may assign such identifying number to the vehicle,
3 which shall be permanently stamped, burned or pressed or attached
4 into the vehicle, and a certificate of title shall be delivered to
5 the applicant upon payment of all fees and taxes, and the remaining
6 copies shall be permanently filed and indexed by the Tax Commission.
7 The Tax Commission shall assign an identifying number to any rebuilt
8 vehicle if the vehicle identification number displayed on the
9 rebuilt vehicle does not accurately describe the vehicle as rebuilt.
10 The motor license agent, at the time of inspection of the rebuilt
11 vehicle pursuant to Section 1111 of this title, shall identify the
12 make, model, and year for the body to accurately describe the
13 rebuilt vehicle. At the time of the inspection, an appropriate
14 identifying number shall be permanently stamped, burned, pressed, or
15 attached on the rebuilt vehicle. The assigned identifying number
16 shall be recorded on the certificate of title for the rebuilt
17 vehicle. The dealer's or manufacturer's vehicle identification
18 number on the rebuilt vehicle shall be preserved in the computer
19 files of the Tax Commission for at least five (5) years.

20 F. When registering for the first time in this state a vehicle
21 which was not originally manufactured for sale in the United States,
22 to obtain a certificate of title, the Tax Commission shall require
23 the applicant to deliver:

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1 1. As evidence of ownership, if the vehicle has not previously
2 been titled in the United States, the documents constituting valid
3 proof of ownership in the country in which the vehicle was
4 originally purchased, together with a notarized translation of any
5 such documents; and

6 2. As evidence of compliance with federal law, copies of the
7 bond release letters for the vehicle issued by the United States
8 Environmental Protection Agency and the United States Department of
9 Transportation, together with a receipt issued by the Internal
10 Revenue Service indicating that the applicable federal gas guzzler
11 tax has been paid.

12 The Tax Commission shall not issue a certificate of title for a
13 vehicle which is subject to the provisions of this paragraph without
14 the required documentation from agencies of the United States and
15 evidence of ownership. Upon receipt of an application without the
16 required documentation, the Tax Commission shall return the
17 application to the applicant with notice that the certificate of
18 title may not be issued without the required documentation. Nothing
19 in this paragraph shall prohibit the Tax Commission from issuing
20 certificates of title for antique or classic vehicles not driven
21 upon the public streets, roads, or highways, for mini-trucks
22 registered pursuant to Section 3 of ~~Enrolled Senate Bill No. 1998 of~~
23 ~~the 2nd Session of the 51st Oklahoma Legislature~~ 1151.3 of this
24 title, or for medium-speed electric vehicles.

1 G. When registering in this state a vehicle which was titled in
2 another state and which title contains the name of a secured party
3 on the face of the other state certificate of title, or such state
4 certificate is being held by the secured party in that state or any
5 other state, the Tax Commission or the motor license agent shall
6 complete a lien entry form as prescribed by the Tax Commission. The
7 owner of such vehicle shall file an affidavit with the Tax
8 Commission or the motor license agent stating that title to the
9 vehicle is being held by a secured party has not been issued
10 pursuant to the laws of the state where titled, and that there is an
11 existing lien or encumbrance on the vehicle. The current name and
12 address of the secured party or lienholder shall also be stated in
13 the affidavit. The form of the affidavit shall be prescribed by the
14 Tax Commission and contain any other information deemed necessary by
15 the Tax Commission. A statement of the lien or encumbrance shall be
16 included on the Oklahoma certificate of title and the lien or
17 encumbrance shall be deemed continuously perfected as though it had
18 been perfected pursuant to Section 1110 of this title. For
19 completing the lien entry form and recording the security interest
20 on the certificate of title, the Tax Commission or the motor license
21 agent shall collect a fee of Three Dollars (\$3.00) which shall be in
22 addition to other fees provided by the Oklahoma Vehicle License and
23 Registration Act. The fee, if collected by the motor license agent

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1 pursuant to this subsection, shall be retained by the motor license
2 agent.

3 H. The charge for each certificate of title issued, except for
4 junked titles as defined in paragraph 4 of subsection B of this
5 section, shall be Eleven Dollars (\$11.00), which charge shall be in
6 addition to any other fees or taxes imposed by law for such vehicle.
7 One Dollar (\$1.00) of each such charge shall be deposited in the
8 Oklahoma Tax Commission Reimbursement Fund. However, the charge
9 shall not apply to any vehicle which is to be registered in this
10 state pursuant to the provisions of Section 1120 or 1133 of this
11 title and which was registered in another state at least sixty (60)
12 days prior to the time it is required to be registered in this
13 state.

14 I. The vehicle identification number of a junked vehicle shall
15 be preserved in the computer files of the Tax Commission for a
16 period of not less than five (5) years. The charge of junked titles
17 as defined in paragraph 4 of subsection B of this section shall be
18 Four Dollars (\$4.00). The fee remitted to the Tax Commission shall
19 be deposited in the Oklahoma Tax Commission Reimbursement Fund.

20 J. If a vehicle is sold to a resident of another state
21 destroyed, dismantled, or ceases to be used as a vehicle, the owner
22 shall immediately notify the Tax Commission. Absent evidence to the
23 contrary, failure to notify the Tax Commission shall be prima facie
24

1 evidence that the vehicle has been in continuous operation in this
2 state.

3 K. If a vehicle is stolen, the owner shall immediately notify
4 the appropriate law enforcement agency. Immediately after receiving
5 such notification, the law enforcement agency shall notify the Tax
6 Commission.

7 L. Except for all-terrain vehicles, utility vehicles and
8 motorcycles used exclusively for off-road use, no title for an out-
9 of-state vehicle, except any commercial truck or truck-tractor
10 registered pursuant to Section 1120 of this title which is engaged
11 in interstate commerce or any trailer or semitrailer registered
12 pursuant to Section 1133 of this title which is engaged in
13 interstate commerce, shall be issued without an inspection of such
14 vehicle and payment of a fee of Four Dollars (\$4.00) for such
15 inspection; provided, the Tax Commission may enter into reciprocal
16 agreements with other states for such inspections to be performed at
17 locations outside the boundaries of this state for vehicles which:

18 1. Are offered for sale at auction;

19 2. Have been solely used as vehicles for rent under the
20 ownership of a licensed motor vehicle dealer or a person engaged in
21 the business of renting motor vehicles; or

22 3. Have not been registered in this or any other state for more
23 than one (1) year.

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1 The inspection shall include a comparison of the vehicle
2 identification number on the vehicle with the number recorded on the
3 ownership records and the recording of the actual odometer reading
4 on the vehicle. The four-dollar fee shall be collected by the motor
5 license agent or Tax Commission when the title is issued. The motor
6 license agent shall retain Two Dollars (\$2.00). The remaining Two
7 Dollars (\$2.00) shall be deposited in the Oklahoma Tax Commission
8 Reimbursement Fund.

9 The Tax Commission may allow the inspection to be performed at a
10 location out-of-state by another state's department of motor
11 vehicles or state police.

12 M. No title for any out-of-state vehicle offered for sale at
13 salvage pools, salvage disposal sales, or an auction, or by a dealer
14 or a licensed automotive dismantler and parts recycler, shall be
15 issued without an inspection to compare the vehicle identification
16 number on the vehicle with the number recorded on the ownership
17 record and to record the actual odometer reading on the vehicle.
18 Upon request of the seller, person or entity conducting an auction,
19 dealer or licensed dismantler, the inspection shall be conducted at
20 the location or place of business of the sale, auction, dealer, or
21 the dismantler. The inspection shall be conducted by any motor
22 license agent or a duly authorized employee thereof; provided, if
23 the vehicle identification number on the vehicle offered for sale at
24 salvage pools, salvage disposal sales or a classic or antique

1 auction does not match the number recorded on the ownership record,
2 the inspection may be conducted at the location of or place of
3 business of such sale or auction by any state, county or city law
4 enforcement officer. The Tax Commission may enter into reciprocal
5 agreements with other states for such inspections to be performed at
6 locations outside the boundaries of this state for vehicles which:

- 7 1. Are offered for sale at auction;
- 8 2. Have been solely used as vehicles for rent under the
9 ownership of a licensed motor vehicle dealer or a person engaged in
10 the business of renting motor vehicles; or
- 11 3. Have not been registered in this or any other state for more
12 than one (1) year.

13 The inspection shall be certified upon forms prescribed by the Tax
14 Commission. The name and other identification of the authorized
15 person conducting the inspection shall be legibly printed or typed
16 on the form. Prior to any inspection by any employee of a motor
17 license agent, the motor license agent shall notify the Tax
18 Commission of the name and any other identification information
19 requested by the Tax Commission of the authorized person. A
20 signature specimen of the authorized person shall be submitted to
21 the Tax Commission by the employing motor license agent. If the
22 authorization to inspect vehicles is withdrawn or the employer-
23 employee relationship is terminated, the motor license agent,
24 immediately, shall notify the Tax Commission and return any

1 remaining inspection forms to the Tax Commission. The fee for the
2 inspection shall be Four Dollars (\$4.00). The motor license agent
3 shall retain Three Dollars (\$3.00) of the fee. Fees received by a
4 motor license agent or an authorized employee thereof shall be
5 handled and accounted for in the manner as prescribed by law for any
6 other fees paid to or received by a motor license agent. Out-of-
7 state vehicles brought into this state by a person licensed in
8 another state to sell new or used vehicles to be sold within this
9 state at a motor vehicle auction which is limited to dealer-to-
10 dealer transactions shall not be required to be inspected, unless
11 the vehicle is purchased by an Oklahoma dealer. Any person licensed
12 in another state to sell new or used motor vehicles, who offers a
13 motor vehicle for sale within this state at a motor vehicle auction
14 which is limited to dealer-to-dealer transactions, shall not be
15 within the definition of "owner" in Section 1102 of this title, for
16 purposes of Section 1101 et seq. of this title.

17 N. A licensed motor vehicle dealer, upon payment of a fee of
18 Fifteen Dollars (\$15.00), may reassign an out-of-state certificate
19 of title to a used motor vehicle provided such dealer obtains the
20 appropriate inspection form required by either subsection L or M of
21 this section and attaches the form to the out-of-state certificate
22 of title. Motor license agents shall be allowed to retain Two
23 Dollars and twenty-five cents (\$2.25) of the fee plus an additional
24 Two Dollars (\$2.00) or Three Dollars (\$3.00) as provided in

1 subsections L and M of this section for performance of the
2 inspection. Two Dollars (\$2.00) of the fee shall be deposited in
3 the Tax Commission Reimbursement Fund. An out-of-state vehicle
4 which has been rebuilt shall be inspected pursuant to the provisions
5 of Section 1111 of this title. The Tax Commission shall train motor
6 license agents in interpreting vehicle identification numbers to
7 assure that it accurately describes the vehicle and to detect
8 rollback or alteration of the odometer. Failure of a motor license
9 agent to inspect the vehicle and make the required notations shall
10 be a misdemeanor punishable by a fine of not more than One Thousand
11 Dollars (\$1,000.00) for the first offense and Five Thousand Dollars
12 (\$5,000.00) for the second offense or subsequent offense, or by
13 imprisonment in the county jail for not more than six (6) months, or
14 by both such fine and imprisonment.

15 O. The ownership of any unrecovered vehicle which has been
16 declared a total loss by an insurer because of theft shall be
17 transferred to the insurer by an unrecovered-theft vehicle title;
18 provided, the ownership of any such vehicle which has been declared
19 a total loss by an insurer licensed by the Insurance Department of
20 the State of Oklahoma and maintaining a multi-state motor vehicle
21 salvage processing center in this state shall be transferred to the
22 insurer by a salvage or an unrecovered-theft title without the
23 requirement of a visual inspection of the vehicle identification
24 number by the insurer. Upon recovery of the vehicle, the ownership

1 shall be transferred by an original title, salvage title, or junked
2 title, as may be appropriate based upon an estimate of the amount of
3 loss submitted by the insurer.

4 ~~P. The owner of any vehicle which is incapable of operation or~~
5 ~~use on the public roads and has no resale value, except as parts,~~
6 ~~scrap or junk, may deliver the certificate of title to the vehicle~~
7 ~~to the Tax Commission for cancellation. Upon verification that any~~
8 ~~perfected lien against the vehicle has been released, the~~
9 ~~certificate of title shall be canceled without any fee, charge, or~~
10 ~~cost required from the owner. The vehicle identification numbers on~~
11 ~~the certificates of title shall be preserved in the computer files~~
12 ~~of the Tax Commission for at least five (5) years from the date of~~
13 ~~cancellation of the certificate of title. The Tax Commission shall~~
14 ~~prescribe and provide an affidavit form to be completed by the owner~~
15 ~~of any vehicle for which the certificate of title is canceled. No~~
16 ~~title or registration shall subsequently be issued for a vehicle for~~
17 ~~which the certificate of title has been surrendered pursuant to this~~
18 ~~subsection. The Tax Commission shall prescribe a form for the~~
19 ~~transfer of ownership of a vehicle for which the certificate of~~
20 ~~title has been canceled.~~

21 ~~Q. The owner of a vehicle which is not within the last ten (10)~~
22 ~~model years, not roadworthy and not capable of repair for operation~~
23 ~~or use on the roads and highways shall transfer the vehicle only~~
24 ~~upon a certificate of ownership prescribed by the Tax Commission, if~~

1 ~~the certificate of title to the vehicle is lost, has been canceled,~~
2 ~~or otherwise not available. The prescribed ownership form shall~~
3 ~~include the names and addresses of the buyer and seller, the driver~~
4 ~~license number or social security number of the seller, the make and~~
5 ~~model of the vehicle, and the public vehicle identification number.~~
6 ~~If there is no public vehicle identification number, the vehicle~~
7 ~~shall be inspected by a law enforcement officer to verify the~~
8 ~~absence of the number on the vehicle and the prescribed ownership~~
9 ~~form shall include a signed statement, by such officer, verifying~~
10 ~~the absence of the number.~~

11 ~~The certificate of ownership shall be completed in triplicate.~~
12 ~~The buyer and seller shall each retain a copy. Within thirty (30)~~
13 ~~days of the transaction, the seller shall submit one copy to the Tax~~
14 ~~Commission or a motor license agent accompanied with a fee of Four~~
15 ~~Dollars (\$4.00). One Dollar (\$1.00) shall be retained by the motor~~
16 ~~license agent and Three Dollars (\$3.00) shall be deposited in the~~
17 ~~Oklahoma Tax Commission Reimbursement Fund in the State Treasury.~~

18 ~~Upon receipt of the certificate, the Tax Commission shall verify~~
19 ~~that any perfected lien upon the vehicle has been released. If the~~
20 ~~lien is not released, the Tax Commission shall mail notice of the~~
21 ~~transfer to the lienholder at the lienholder's last known address.~~
22 ~~If a certificate of title has been issued, it shall be canceled and~~
23 ~~the vehicle identification number shall be preserved in the computer~~
24 ~~of the Tax Commission for at least five (5) years. The buyer of the~~

1 ~~vehicle may not be sued and shall not be liable for monetary damages~~
2 ~~to the lienholder, however, the vehicle shall be subject to a valid~~
3 ~~repossession by a lienholder.~~

4 ~~R.~~ The Tax Commission shall notify the chief administrative
5 officer of the agency or department responsible for issuing motor
6 vehicle certificates of title in each state in the United States of
7 the types of motor vehicle certificate of title effective in
8 Oklahoma on and after January 1, 1989.

9 ~~S.~~ Q. When registering for the first time in this state a
10 remanufactured vehicle which has not been registered in any other
11 state since its remanufacture, before issuing a certificate of
12 title, the Tax Commission shall require the applicant to deliver a
13 statement of origin from the remanufacturer.

14 ~~F.~~ R. If a vehicle is sold to a foreign buyer pursuant to the
15 provisions of the Automotive Dismantlers and Parts Recycler Act, the
16 licensed seller shall stamp the title with: "EXPORT ONLY.
17 NONTRANSFERABLE IN THE UNITED STATES." The licensed seller shall
18 supply the Tax Commission the title number, the vehicle
19 identification number and the foreign buyer's bid identification
20 number on a form prescribed by the Tax Commission. The Tax
21 Commission shall cancel the title, and the vehicle identification
22 number shall be preserved in the computer files of the Tax
23 Commission for a period of not less than five (5) years.

24

1 ~~U.~~ S. The Tax Commission shall not be considered a necessary
2 party to any lawsuit which is instigated for the purpose of
3 determining ownership of a vehicle, wherein the Tax Commission's
4 only involvement would be to issue title, and the court shall issue
5 an order dismissing the Tax Commission from the pending action. In
6 the event no other party or lienholder can be identified as to
7 ownership or claim, the Tax Commission shall accept an affidavit of
8 ownership from the party claiming ownership and issue proper title
9 thereon.

10 SECTION 4. This act shall become effective November 1, 2009.

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12 52-1-624 JCR 3/6/2009 1:32:41 AM

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