

1 STATE OF OKLAHOMA

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

3 SENATE BILL 299

By: Bingman

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6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 1115.1, as amended by Section 14,
9 Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2008, Section
10 1115.1) which relates to penalties; transferring
11 authority to sell certain seized vehicles from
12 Corporation Commission to Department of Central
13 Services; providing an effective date; and declaring
14 an emergency.

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

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

19 Section 1115.1 In addition to the penalties provided in the
20 Oklahoma Vehicle License and Registration Act, after ninety (90)
21 days from the expiration date for annual registration of a vehicle,
22 the Corporation Commission, Department of Public Safety, county
23 sheriffs, and all other duly authorized peace officers of this state
24 may seize and take into custody every vehicle owned within this
state not bearing or displaying a proper license plate required by
the Oklahoma Vehicle License and Registration Act. The vehicle

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

20 1. In the event the sale price is equal to, or greater than,
21 the total costs of sale, seizure and the fee and penalty, the
22 purchaser shall be issued a certificate of purchase, license plate,
23 manufactured home registration receipt and decal and registration
24 certificate;

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

7 3. Any residual amount remaining unclaimed by the delinquent
8 owner shall be administered in accordance with the Uniform Unclaimed
9 Property Act.

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

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

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