

1 STATE OF OKLAHOMA

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

3 SENATE BILL 409

By: Johnson (Mike)

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 564, which relates to licenses;
9 modifying certain fees; and providing an effective
10 date.

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

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

14 Section 564. A. It shall be unlawful for any person, firm,
15 association, corporation or trust to engage in business as, or serve
16 in the capacity of, or act as a motor vehicle dealer, or motor
17 vehicle salesperson, or manufacturer or distributor of new motor
18 vehicles, or factory branch, distributor branch or factory
19 representative or distributor representative, as such, in this state
20 without first obtaining a license therefor as provided for by law.

21 Any person, firm, association, corporation or trust engaging in more
22 than one of such capacities or having more than one place where such
23 business is carried on or conducted shall be required to obtain and
24 hold a current license for each thereof. Provided that, a new motor

1 vehicle dealer's license shall authorize one person to sell without
2 a salesperson's license in the event such person shall be the owner
3 of a proprietorship, or the person designated as principal in the
4 dealer's franchise or the managing officer or one partner if no
5 principal person is named in the franchise.

6 B. Applications for licenses required to be obtained under
7 provisions of Section 561 et seq. of this title shall be verified by
8 the oath or affirmation of the applicant and shall be on forms
9 prescribed by the Oklahoma Motor Vehicle Commission and furnished to
10 such applicants, and shall contain such information as the
11 Commission deems necessary to enable it to fully determine the
12 qualifications and eligibility of the several applicants to receive
13 the license or licenses applied for. The Commission shall require
14 in such application, or otherwise, information relating to the
15 applicant's financial standing, the applicant's business integrity,
16 whether the applicant has an established place of business and is
17 primarily engaged in the pursuit, avocation or business for which a
18 license, or licenses, are applied for, and whether the applicant is
19 able to properly conduct the business for which a license, or
20 licenses, are applied for, and such other pertinent information
21 consistent with the safeguarding of the public interest and the
22 public welfare. All such applications for license or licenses shall
23 be accompanied by the appropriate fee or fees therefor in accordance
24 with the schedule thereof hereinafter set out. In the event any

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

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

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

21 1. For each factory branch or distributor branch, ~~Two Hundred~~
22 ~~Dollars (\$200.00)~~ Four Hundred Dollars (\$400.00) initial fee with
23 annual renewal fee of ~~One Hundred Dollars (\$100.00)~~ Two Hundred
24 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
23 posted in a conspicuous place in the dealer's place or places of
24 business.

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

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

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