

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2711

By: Jackson

4  
5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2011, Sections 581, 582, 583, 584 and 1137.1, which  
9 relate to used motor vehicles; modifying definition;  
10 providing for resident broker license; updating  
11 references; expanding certain application  
12 requirements to include renewals; removing partial  
13 bond exemption; increasing amount of bond required;  
14 creating bond requirement; providing inventory  
15 requirement; updating reference; and providing an  
16 effective date.

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

18 SECTION 1. AMENDATORY 47 O.S. 2011, Section 581, is  
19 amended to read as follows:

20 Section 581. As used in Section 581 et seq. of this title:

21 1. "Commission" means the Oklahoma Used Motor Vehicle and Parts  
22 Commission;

23 2. "Compensation" means anything of value including money,  
24 merchandise, rebates on purchases, trading stamps or any other thing  
of value;

1           3. "Consignment sale" means the sale of used motor vehicles  
2 belonging to another by a used motor vehicle dealer, whether or not  
3 title is transferred from the consignor to the used motor vehicle  
4 dealer;

5           4. "Factory" means a manufacturer, distributor, factory branch,  
6 distributor branch, factory representative or distributor  
7 representative, which manufactures or distributes vehicle products;

8           5. "Manufactured home" means a residential dwelling in one or  
9 more sections built in accordance with the National Manufactured  
10 Housing Construction and Safety Standards Act of 1974, 42 U.S.C.,  
11 Section 5401, et seq. and rules promulgated pursuant thereto;

12           6. a. "Manufactured home dealer" means any person who, for a  
13 commission or with intent to make a profit or gain of  
14 money or other thing of value, sells, offers to sell,  
15 or attempts to negotiate a sale or exchange of  
16 interest in, new or used manufactured homes, or that  
17 is engaged wholly or in part in the business of  
18 selling any new and unused, or used, or both new and  
19 used manufactured homes. A valid franchise letter as  
20 proof of authorization to sell any new manufactured  
21 home product line or lines shall be attached to the  
22 application for a dealer license to sell manufactured  
23 homes. "Manufactured home dealer" shall include a  
24 manufactured home auction. A manufactured home

1 auction shall mean any person selling more than  
2 twenty-five manufactured homes in an auction or  
3 liquidation format. Only licensed manufactured home  
4 dealers shall be authorized to purchase manufactured  
5 homes at such auctions.

- 6 b. "Manufactured home dealer" shall not include any  
7 person who sells or contracts for the sale of a  
8 personally titled manufactured home or homes, or any  
9 person acting as an auctioneer who has been engaged by  
10 a seller to direct, conduct, control, or be  
11 responsible for the sale of manufactured homes as a  
12 part of an auction or liquidation of an estate, or any  
13 Oklahoma licensed real estate broker or sales  
14 associate when buying or selling used mobile homes as  
15 a part of a real estate business. No person shall be  
16 considered a manufactured home dealer as to any  
17 manufactured home purchased or acquired by the person  
18 for purposes other than resale; provided, that the  
19 restriction set forth in this sentence shall not  
20 prevent an otherwise qualified person from utilizing a  
21 single manufactured home as a sales office; or
- 22 c. A holder of a lien on a manufactured home may sell,  
23 exchange, or transfer by lease-purchase the  
24 repossessed manufactured home and shall not be

1 required to be licensed pursuant to this chapter. If  
2 the lienholder contracts with a person or company to  
3 sell the repossessed manufactured home and the person  
4 or company is not an employee, officer or principal of  
5 the lienholder, such person or company shall be  
6 licensed pursuant to this chapter;

7 7. "Manufactured home salesperson" means any person who has  
8 been engaged by a manufactured home dealer to buy, sell, exchange,  
9 negotiate, or act as an agent for the purchase, sale, or exchange of  
10 an interest in a manufactured home. A person may not act as a  
11 salesperson nor may a manufactured home dealer employ the  
12 salesperson without applying for a salesperson's license within  
13 thirty (30) days of employment by the manufactured home dealer;

14 8. "Manufactured home installer" means a person who is engaged  
15 in the business of installing or setting up manufactured homes  
16 and/or mobile homes as defined herein;

17 9. "Manufactured home manufacturer" means a person who  
18 manufactures, assembles, and sells new manufactured homes to new  
19 manufactured home retailers for resale in this state;

20 10. "Mobile home" means a residential dwelling fabricated in an  
21 off-site manufacturing facility, designed to be a permanent  
22 residence, but which is still transportable, that was built prior to  
23 the enacting of the National Manufactured Housing Construction and  
24 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.;

1 11. "Person" means an individual, business, corporation,  
2 partnership, association, limited liability corporation, trust,  
3 firm, or company or legal entity, but does not include any political  
4 subdivision;

5 12. "Rebuilder" means a used motor vehicle dealer who is  
6 engaged in the business of rebuilding repairable motor vehicles and  
7 who has paid the fee for and been issued a rebuilder certificate as  
8 provided by Section 591.5 of this title;

9 13. "Resident broker" means an individual who resides in the  
10 State of Oklahoma who buys, sells, brokers, exchanges, or offers or  
11 attempts to negotiate a sale or exchange of an interest in used  
12 motor vehicles, or who is engaged wholly or in part in the business  
13 of buying and/or selling used motor vehicles within the State of  
14 Oklahoma for a used motor vehicle dealer licensed in another state,  
15 or who maintains a used motor vehicle dealer license in another  
16 state for the purpose of operating as a used motor vehicle dealer  
17 within the State of Oklahoma;

18 14. "Sale" or "sell" means the act of selling, brokering,  
19 exchanging, exchanging of an interest in, or renting with the option  
20 of purchasing, a used motor vehicle or a new or used manufactured  
21 home for commission, profit, or gain of money or other thing of  
22 value;

23 ~~14.~~ 15. "Used motor vehicle" means any motor vehicle, as that  
24 term is defined in the Oklahoma Vehicle License and Registration

1 Act, which has been sold, bargained, exchanged, given away or the  
2 title thereto transferred from the person who first took title from  
3 the manufacturer, importer, or dealer or agent of the manufacturer  
4 or importer, or so used as to have become what is commonly known as  
5 a "secondhand motor vehicle". In the event of transfer, on the  
6 statement of origin, from the original franchised dealer to any  
7 other dealer or individual other than a franchised dealer of the  
8 same make of vehicle, the vehicle shall be considered a used motor  
9 vehicle and must be titled in the new owner's name;

10 ~~15.~~ 16. "Used motor vehicle auction" means any business other  
11 than salvage pools which regularly engages in the sale or trade, or  
12 negotiates the sale or trade, of used motor vehicles by auction,  
13 whether by open or closed bid or by sale to or purchase by used  
14 motor vehicle dealers or individuals;

15 ~~16.~~

16 17. a. "Used motor vehicle dealer" means any person who, for  
17 a commission or with intent to make a profit or gain  
18 of money or other thing of value, sells, brokers,  
19 exchanges, rents with option to purchase, or offers or  
20 attempts to negotiate a sale or exchange of an  
21 interest in used motor vehicles, or who is engaged  
22 wholly or in part in the business of selling used  
23 motor vehicles, whether or not such motor vehicles are  
24 owned by the person.

1           b.    "Used motor vehicle dealer" shall not include:

2                   (1)  receivers, trustees, administrators, executors,  
3                               guardians, or other persons appointed by or  
4                               acting pursuant to the judgment or order of any  
5                               court,

6                   (2)  public officers while performing their official  
7                               duties,

8                   (3)  employees of persons enumerated in the definition  
9                               of "used motor vehicle dealer" when engaged in  
10                              the specific performance of their duties as such  
11                              employees,

12                   (4)  mortgagees or secured parties as to sales of  
13                              motor vehicles constituting collateral on a  
14                              mortgage or security agreement, if the mortgagees  
15                              or secured parties shall not realize for their  
16                              own account from such sales any monies in excess  
17                              of the outstanding balance secured by such  
18                              mortgage or security agreement, plus the costs of  
19                              collection,

20                   (5)  any person acting as an auctioneer who has been  
21                              engaged by a seller to direct, conduct, control,  
22                              or be responsible for the sale of used motor  
23                              vehicles as part of an estate auction or  
24                              liquidation,

1 (6) any person, firm, corporation, or other legal  
2 entity who sells, or contracts for the sale of,  
3 the vehicles of the person, firm, corporation, or  
4 other legal entity when such vehicles are sold in  
5 liquidation, and any person, firm, corporation,  
6 or other legal entity who serves as an agent in  
7 such sale. The exclusion provided in this  
8 paragraph shall not extend to any person, firm,  
9 corporation, or other legal entity whose business  
10 is the purchase, sale, or rental with option to  
11 purchase, of motor vehicles, or to a location  
12 used for such purposes, or

13 (7) any person acting as an auctioneer who has been  
14 engaged by a seller to direct, conduct, control,  
15 or be responsible for the sale of used motor  
16 vehicles as part of an auction held at a licensed  
17 used motor vehicle dealer location. The  
18 exclusion provided in this division shall not  
19 extend to a person who auctions five or more used  
20 motor vehicles in a nonliquidation sale held at a  
21 licensed used motor vehicle dealer location which  
22 is not regularly used as a vehicle auction;

23 ~~17.~~ 18. "Used motor vehicle salesperson" means a person  
24 employed by a licensed used motor vehicle dealer to sell, broker,

1 exchange, or negotiate a purchase, sale, or rental with option to  
2 purchase, used motor vehicles or an interest in used motor vehicles.

3 The term "used motor vehicle salesperson" shall not include any  
4 person who:

- 5 a. uses the person's own funds for such transactions,
- 6 b. operates independently as a used motor vehicle dealer  
7 using a licensed used motor vehicle dealer's license  
8 number, or
- 9 c. is licensed by the Oklahoma Motor Vehicle Commission  
10 to sell new or unused motor vehicles who also sells  
11 used motor vehicles for the dealer at the motor  
12 vehicle dealer's licensed franchise location;  
13 provided, such a person shall only be authorized to  
14 sell used motor vehicles for the dealer at the motor  
15 vehicle dealer's licensed franchise location and to  
16 represent the motor vehicle dealer at used motor  
17 vehicle auctions without obtaining a separate used  
18 motor vehicle salesperson's license; and

19 ~~18.~~ 19. "Wholesale used motor vehicle dealer" means any person  
20 who, for a commission or with intent to make a profit or gain of  
21 money or other thing of value, sells, brokers, exchanges, rents with  
22 option to purchase, or offers or attempts to negotiate a sale or  
23 exchange of interest in used motor vehicles exclusively to used  
24 motor vehicle dealers, or who is engaged in the business of selling

1 used motor vehicles exclusively to used motor vehicle dealers,  
2 whether or not such motor vehicles are owned by the person.

3 SECTION 2. AMENDATORY 47 O.S. 2011, Section 582, is  
4 amended to read as follows:

5 Section 582. A. There is hereby created the Oklahoma Used  
6 Motor Vehicle and Parts Commission, to be composed of ten (10)  
7 members who shall be selected as follows:

8 1. One member shall be appointed from each congressional  
9 district and any remaining members, including the chair, shall be  
10 appointed from the state at large. However, when congressional  
11 districts are redrawn, each member appointed prior to July 1 of the  
12 year in which such modification becomes effective shall complete the  
13 current term of office and appointments made after July 1 of the  
14 year in which such modification becomes effective shall be based on  
15 the redrawn districts. Appointments made after July 1 of the year  
16 in which such modification becomes effective shall be from any  
17 redrawn districts which are not represented by a board member until  
18 such time as each of the modified congressional districts are  
19 represented by a board member; provided, the chair shall be  
20 appointed at large without regard to congressional district  
21 representation on the board;

22 2. All members shall be appointed by the Governor, by and with  
23 the advice and consent of the Senate;

24

1       3.    a.    each of the members appointed from a congressional  
2                district shall, at the time of appointment, be a  
3                resident in good faith of the congressional district  
4                from which appointed, and

5                b.    each of the members appointed from the state at large  
6                shall, at the time of appointment and during the  
7                period of service, be residents in good faith of the  
8                state;

9       4.    Each member shall be of good moral character and, for the  
10   ten-year period immediately preceding appointment, each of the used  
11   motor vehicle dealer representatives shall have been licensed for  
12   and actually engaged in the distribution or sale of used motor  
13   vehicles; each of the dismantler representatives shall have actually  
14   been licensed for and engaged in the principal business of  
15   dismantling or disassembling motor vehicles for the purpose of  
16   selling the parts thereof; and the manufactured housing  
17   representative shall have been licensed for and actually engaged in  
18   the principal business of selling manufactured homes; and

19       5.    Eight members plus the chair shall be engaged in the used  
20   motor vehicle industry or the automotive dismantler industry. There  
21   shall not be fewer than five members engaged in the principal  
22   business of the sale of used motor vehicles and there shall not be  
23   fewer than two members engaged in the principal business of  
24   dismantling or disassembling motor vehicles for the purpose of

1 selling the parts thereof. One of the at-large members shall be  
2 engaged in the principal business of selling manufactured homes as a  
3 licensed manufactured home dealer. Being engaged in one or more of  
4 such pursuits shall not disqualify a person otherwise qualified from  
5 serving on the Commission.

6 B. 1. The term of the chair shall be coterminous with that of  
7 the Governor making the appointment, and until a successor is  
8 appointed and is qualified.

9 2. The terms of office of each member of the Commission shall  
10 be subject to the following:

11 a. the Commission shall determine and certify the trade  
12 associations of manufactured home dealers that  
13 represent ten percent (10%) or more of the number of  
14 licensed manufactured home dealers in the state and  
15 shall certify each such association to the Governor.  
16 The Governor shall request a minimum of ten names from  
17 each such association and shall select one member from  
18 the manufactured home industry from the names  
19 provided,

20 b. each member actively serving July 1, 2000, who was  
21 appointed on or before June 30, 2000, shall remain and  
22 fulfill the term of his or her membership as set forth  
23 at the appointment,  
24

- 1 c. except for the chair, the term of office of each  
2 member of the Commission shall be for six (6) years,  
3 d. except for the chair and the at-large members, the  
4 term of office of any member will automatically expire  
5 if the member moves out of the congressional district  
6 from which appointed; however, if the congressional  
7 districts are modified each member shall complete the  
8 current term of office as provided in this section,  
9 e. in event of death, resignation, or removal of any  
10 person serving on the Commission, the vacancy shall be  
11 filled by appointment as aforesaid for the unexpired  
12 portion of the term,  
13 f. except for the chair, when the term of a member  
14 automatically expires, the vacancy shall be filled by  
15 appointment of a qualified successor for a term of six  
16 (6) years as aforesaid, except that the member shall  
17 serve until a successor is appointed and qualified.

18 3. The chair and each member of the Commission shall take and  
19 subscribe to the oath of office required of public officers.

20 C. The chair and members of the Commission shall receive Thirty  
21 Dollars (\$30.00) for each and every day actually and necessarily  
22 spent in attending the meetings of the Commission, and shall be  
23 reimbursed for subsistence and traveling expenses incurred in the  
24 performance of their duties hereunder as provided by the State

1 Travel Reimbursement Act; provided that such meeting payments shall  
2 not exceed the sum of Six Hundred Dollars (\$600.00) per annum to any  
3 one person.

4 D. 1. a. The Commission shall appoint a qualified person to  
5 serve as Executive Director who shall have had  
6 sufficient management and organizational experience in  
7 the automotive industry to direct the functions of the  
8 Commission.

9 b. The Executive Director shall be appointed for a term  
10 of six (6) years, and shall not be subject to  
11 dismissal or removal without cause.

12 c. The Commission shall fix the salary and define and  
13 prescribe the duties of the Executive Director.

14 d. The Executive Director shall be in charge of the  
15 Commission's office, shall devote such time as  
16 necessary to fulfill the duties thereof, and, before  
17 entering upon these duties, shall take and subscribe  
18 to the oath of office.

19 2. The Commission may employ such clerical, technical, legal  
20 and other help and incur such expenses as may be necessary for the  
21 proper discharge of its duties under Section 581 et seq. of this  
22 title.

23  
24

1           3. The Commission shall maintain its office and transact its  
2 business in Oklahoma City, and is authorized to adopt and use a  
3 seal.

4           E. 1. a. The Commission is hereby vested with the powers and  
5 duties necessary and proper to enable it to fully and  
6 effectively carry out the provisions and objectives of  
7 Section 581 et seq. of this title, and is hereby  
8 authorized and empowered, pursuant to the  
9 Administrative Procedures Act, to make and enforce all  
10 reasonable rules and to adopt and prescribe all forms  
11 necessary to accomplish said purpose.

12           b. The Commission shall promulgate rules for the  
13 licensing of manufactured home installers and the  
14 installation, which is the blocking, anchoring and  
15 leveling of mobile and manufactured homes that meet  
16 the standards of the manufacturer's manual or the  
17 Commission.

18           c. The Commission shall promulgate rules to prescribe the  
19 contents of manufactured home sales agreements and to  
20 require that each manufactured home manufacturer issue  
21 with each new manufactured home a warranty comparable  
22 to warranties generally in use in the industry  
23 warranting the manufactured home to be free from  
24 material defects.

1 d. The enumeration of any power or authority herein shall  
2 not be construed to deny, impair, disparage or limit  
3 any others necessary to the attainment thereof.

4 e. A copy of all rules adopted by the Commission shall be  
5 filed and recorded in the office of the Secretary of  
6 State and the State Librarian and Archivist, and same  
7 may be amended, modified or repealed from time to  
8 time.

9 2. The Commission's powers and duties shall include, but not be  
10 limited to, the following:

11 a. to license used motor vehicle dealers, used motor  
12 vehicle salespersons, wholesale used motor vehicle  
13 dealers, resident brokers, dismantlers, manufactured  
14 home dealers, manufactured home manufacturers, and  
15 manufactured home installers,

16 b. to inspect used motor vehicle dealer, dismantler and  
17 manufactured home dealer locations, and manufactured  
18 home manufacturers' factories or assembly sites to  
19 ensure that they are in an approved location, meet  
20 local zoning or other municipal requirements, and have  
21 sufficient facilities which shall include, but not be  
22 limited to, for retail businesses, a business sign, a  
23 listed and usable telephone number, a restroom, and a  
24 sales office,

- 1 c. to inspect wholesale used motor vehicle dealer  
2 locations to ensure that they are in an approved  
3 location, meet local zoning or other municipal  
4 requirements, and have sufficient facilities which  
5 shall include, but not be limited to, a listed and  
6 usable telephone number in the dealer's name and a  
7 business office where records of the business are  
8 kept,
- 9 d. to require all dealer sales to have a condition of  
10 sale such as a warranty disclaimer, implied or written  
11 warranty or a service contract approved by the  
12 Commission,
- 13 e. to work with consumers and dealers to hear complaints  
14 on used vehicles and manufactured homes, including  
15 installation, and
- 16 f. to serve as a dispute resolution panel for binding  
17 arbitration in accordance with Section 801 et seq. of  
18 Title 15 of the Oklahoma Statutes in contract  
19 controversies between licensed used motor vehicle  
20 dealers, dismantlers and manufactured housing dealers,  
21 manufactured home dealers, installers, and  
22 manufacturers and their consumers when, by mutual  
23 written agreement executed after the dispute between  
24 the parties has arisen, both parties have agreed to

1 use the Commission as their arbitration panel for  
2 contract disputes.

3 F. 1. All fees and charges collected under the provisions of  
4 Section 581 et seq. of this title shall be deposited by the  
5 Executive Director in the State Treasury in accordance with the  
6 depository laws of this state in a special fund to be known as the  
7 "Oklahoma Used Motor Vehicle and Parts Commission Fund", which fund  
8 is hereby created. Except as hereinafter provided, the monies in  
9 the fund shall be used by the Commission for the purpose of carrying  
10 out and enforcing the provisions of Section 581 et seq. of this  
11 title. Expenditures from the fund shall be warrants issued by the  
12 State Treasurer against claims submitted by the Commission to the  
13 Director of the Office of State Finance for approval.

14 2. At the close of each fiscal year, the Commission shall file  
15 with the Governor and the State Auditor and Inspector a true and  
16 correct report of all fees and charges collected and received by it  
17 during the preceding fiscal year and shall at the same time pay into  
18 the General Revenue Fund of the state a sum equal to ten percent  
19 (10%) of the gross fees and charges so collected and received.

20 3. All expenses incurred by the Commission in carrying out the  
21 provisions of Section 581 et seq. of this title including, but not  
22 limited to, per diem, wages, salaries, rent, postage, advertising,  
23 supplies, bond premiums, travel and subsistence for the  
24 Commissioners, the Executive Director, employees, and legal counsel,

1 and printing and utilities, shall be a proper charge against the  
2 fund, exclusive of the portion thereof to be paid into the General  
3 Revenue Fund as above set out; provided, that in no event shall  
4 liability ever accrue hereunder against the state in any sum  
5 whatsoever, or against the Oklahoma Used Motor Vehicle and Parts  
6 Commission Fund, in excess of the ninety percent (90%) of the fees  
7 and charges deposited therein.

8 SECTION 3. AMENDATORY 47 O.S. 2011, Section 583, is  
9 amended to read as follows:

10 Section 583. A. 1. It shall be unlawful and constitute a  
11 misdemeanor for any person to engage in business as, or serve in the  
12 capacity of, or act as a used motor vehicle dealer, used motor  
13 vehicle salesperson, wholesale used motor vehicle dealer, resident  
14 broker, manufactured home dealer, manufactured home salesperson,  
15 manufactured home installer, or manufactured home manufacturer  
16 selling directly to a licensed manufactured home dealer in this  
17 state without first obtaining a license or following other  
18 requirements therefor as provided in this section.

19 2. a. Any person engaging, acting, or serving in the capacity  
20 of a used motor vehicle dealer and/or a used motor  
21 vehicle salesperson, wholesale used motor vehicle  
22 dealer, resident broker, a manufactured home dealer,  
23 manufactured home salesperson, a manufactured home  
24 installer, or a manufactured home manufacturer, or

1 having more than one place where any such business, or  
2 combination of businesses, is carried on or conducted  
3 shall be required to obtain and hold a current license  
4 for each such business, in which engaged.

5 b. A used motor vehicle dealer's license shall authorize  
6 one person to sell without a salesperson's license in  
7 the event such person shall be the owner of a  
8 proprietorship, or the person designated as principal  
9 in the dealer's franchise or the managing officer or  
10 one partner if no principal person is named in the  
11 franchise.

12 c. If after a hearing in accordance with the provisions  
13 of Section 585 of this title, the Oklahoma Used Motor  
14 Vehicle and Parts Commission shall find any person  
15 installing a mobile or manufactured home to be in  
16 violation of any of the provisions of this act, such  
17 person may be subject to an administrative fine of not  
18 more than Five Hundred Dollars (\$500.00) for each  
19 violation. Each day a person is in violation of this  
20 act may constitute a separate violation. The maximum  
21 fine shall not exceed One Thousand Dollars  
22 (\$1,000.00). All administrative fines collected  
23 pursuant to the provisions of this subparagraph shall  
24 be deposited in the fund established in Section 582 of

1           this title. Administrative fines imposed pursuant to  
2           this subparagraph may be enforceable in the district  
3           courts of this state.

4           d. A salesperson's license may not be issued under a  
5           wholesale used motor vehicle dealer's license.

6           3. Any person except persons penalized by administrative fine  
7           violating the provisions of this section shall, upon conviction, be  
8           fined not to exceed Five Hundred Dollars (\$500.00). A second or  
9           subsequent conviction shall be punished by a fine not to exceed One  
10          Thousand Dollars (\$1,000.00); provided that each day such unlicensed  
11          person violates this section shall constitute a separate offense,  
12          and any vehicle involved in a violation of this subsection shall be  
13          considered a separate offense.

14          B. 1. Applications for licenses required to be obtained under  
15          provisions of this act, Section 581 et seq. of this title, which  
16          creates the Oklahoma Used Motor Vehicle and Parts Commission shall  
17          be verified by the oath or affirmation of the applicant and shall be  
18          on forms prescribed by the Commission and furnished to the  
19          applicants, and shall contain such information as the Commission  
20          deems necessary to enable it to fully determine the qualifications  
21          and eligibility of the several applicants to receive the license or  
22          licenses applied for. The Commission shall require in the  
23          application, or otherwise, information relating to:

24           a. the applicant's financial standing,

- 1           b. the applicant's business integrity,
- 2           c. whether the applicant has an established place of
- 3           business and is engaged in the pursuit, avocation, or
- 4           business for which a license, or licenses, is applied
- 5           for,
- 6           d. whether the applicant is able to properly conduct the
- 7           business for which a license, or licenses, is applied
- 8           for, and
- 9           e. such other pertinent information consistent with the
- 10          safeguarding of the public interest and the public
- 11          welfare.

12          2. All applications for license or licenses shall be

13 accompanied by the appropriate fee or fees in accordance with the

14 schedule hereinafter provided. In the event any application is

15 denied and the license applied for is not issued, the entire license

16 fee shall be returned to the applicant.

17          3. All bonds and licenses issued under the provisions of this

18 act shall expire on December 31, following the date of issue and

19 shall be nontransferable. All applications for renewal of licenses

20 should be submitted by November 1 of each year, and licenses shall

21 be issued by January 10. If applications have not been made for

22 renewal of licenses, such licenses shall expire on December 31 and

23 it shall be illegal for any person to represent himself or herself

24

1 and act as a dealer thereafter. Tag agents shall be notified not to  
2 accept dealers' titles until such time as licenses have been issued.

3 4. A used motor vehicle salesperson's license shall permit the  
4 licensee to engage in the activities of a used motor vehicle  
5 salesperson. Salespersons shall not be allowed to sell vehicles  
6 unless applications, bonds, and fees are on file with the Commission  
7 and the motor vehicle salesperson's or temporary salesperson's  
8 license issued. A temporary salesperson's license, salesperson's  
9 renewal or reissue of salesperson's license shall be deemed to have  
10 been issued when the appropriate application, bond, and fee have  
11 been properly addressed and mailed to the Commission.

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

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

17 1. For each used motor vehicle dealer's license ~~and~~, each  
18 wholesale used motor vehicle dealer's license or resident broker's  
19 license, Three Hundred Dollars (\$300.00). If a used motor vehicle  
20 dealer or a wholesale used motor vehicle dealer has once been  
21 licensed by the Commission in the classification for which he or she  
22 applies for a renewal of the license, the fee for each subsequent  
23 renewal shall be One Hundred Fifty Dollars (\$150.00); provided, if  
24 an applicant holds a license to conduct business as an automotive

1 dismantler and parts recycler issued pursuant to Section 591.1 et  
2 seq. of this title, the initial fee shall be One Hundred Dollars  
3 (\$100.00) and the renewal fee shall be One Hundred Dollars  
4 (\$100.00). If an applicant is applying simultaneously for a license  
5 under this paragraph and a license under paragraph 1 of Section  
6 591.5 of this title, the initial application fee shall be Two  
7 Hundred Dollars (\$200.00). For the reinstatement of a used motor  
8 vehicle dealer's license after revocation for cancellation or  
9 expiration of insurance pursuant to subsection F of this section,  
10 the fee shall be One Hundred Dollars (\$100.00);

11 2. For a used motor vehicle dealer's license, for each place of  
12 business in addition to the principal place of business, One Hundred  
13 Dollars (\$100.00);

14 3. For each used motor vehicle salesperson's license and  
15 renewal, Twenty-five Dollars (\$25.00), and for a transfer, Twenty-  
16 five Dollars (\$25.00);

17 4. For each holder who possesses a valid new motor vehicle  
18 dealer's license from the Oklahoma Motor Vehicle Commission, One  
19 Hundred Dollars (\$100.00) shall be the initial fee for a used motor  
20 vehicle license and the fee for each subsequent renewal shall be One  
21 Hundred Dollars (\$100.00);

22 5. a. For each manufactured home dealer's license, Three  
23 Hundred Dollars (\$300.00), and for each place of  
24

1 business in addition to the principal place of  
2 business, Two Hundred Dollars (\$200.00).

3 b. For each renewal of a manufactured home dealer's  
4 license, and renewal for each place of business in  
5 addition to the principal place of business, One  
6 Hundred Fifty Dollars (\$150.00);

7 6. a. For each manufactured home installer's license, Two  
8 Hundred Dollars (\$200.00).

9 b. For each renewal of a manufactured home installer's  
10 license, Two Hundred Dollars (\$200.00);

11 7. a. For each manufactured home manufacturer selling  
12 directly to a licensed manufactured home dealer in  
13 this state, Seven Hundred Fifty Dollars (\$750.00).

14 b. For each renewal of a manufactured home manufacturer's  
15 license, Seven Hundred Fifty Dollars (\$750.00); and

16 8. For each manufactured home salesperson's license or renewal  
17 thereof, Twenty-five Dollars (\$25.00), and for each transfer,  
18 Twenty-five Dollars (\$25.00).

19 D. 1. The license issued to each used motor vehicle dealer,  
20 each wholesale used motor vehicle dealer and each manufactured home  
21 dealer shall specify the location of the place of business. If the  
22 business location is changed, the Oklahoma Used Motor Vehicle and  
23 Parts Commission shall be notified immediately of the change and the  
24 Commission may endorse the change of location on the license. The

1 fee for a change of location shall be One Hundred Dollars (\$100.00),  
2 and the fee for a change of name, Twenty-five Dollars (\$25.00). The  
3 license of each licensee shall be posted in a conspicuous place in  
4 the place or places of business of the licensee.

5 2. The license issued to each manufactured home installer, and  
6 each manufactured home manufacturer shall specify the location of  
7 the place of business. If the business location is changed, the  
8 Oklahoma Used Motor Vehicle and Parts Commission shall be notified  
9 immediately of the change and the Commission may endorse the change  
10 of location on the license without charge. The license of each  
11 licensee shall be posted in a conspicuous place in the place or  
12 places of business of the licensee.

13 3. Every used motor vehicle salesperson shall have the license  
14 upon his or her person when engaged in business, and shall display  
15 same upon request. The name of the employer of the salesperson  
16 shall be stated on the license and if there is a change of employer,  
17 the license holder shall immediately mail the license to the  
18 Commission for its endorsement of the change thereon. There shall  
19 be no charge for endorsement of change of employer on the license or  
20 penalty for not having a license upon his or her person.

21 4. Every manufactured home installer shall have the license  
22 available for inspection at the primary place of business of the  
23 licensee. This license shall be valid for the licensee and all of  
24 the employees of the licensee. Any person who is not an employee of

1 the licensee must obtain a separate manufactured home installer  
2 license regardless of whether such person is acting in the capacity  
3 of a contractor or subcontractor.

4 E. 1. a. Each applicant for a used motor vehicle dealer's  
5 license shall procure and file with the Commission a  
6 good and sufficient bond in the amount of Fifteen  
7 Thousand Dollars (\$15,000.00). Each ~~new~~ applicant for  
8 a used motor vehicle dealer's license for the purpose  
9 of conducting a used motor vehicle auction, whether an  
10 initial application or renewal, shall procure and file  
11 with the Commission a good and sufficient bond in the  
12 amount of Fifty Thousand Dollars (\$50,000.00). ~~An~~  
13 ~~applicant who intends to conduct a used motor vehicle~~  
14 ~~auction who provides proof that the applicant has~~  
15 ~~check and title insurance in an amount not less than~~  
16 ~~Fifty Thousand Dollars (\$50,000.00) shall only be~~  
17 ~~required to have a bond in the amount of Twenty five~~  
18 ~~Thousand Dollars (\$25,000.00).~~

19 b. Each new applicant for a used motor vehicle dealer  
20 license for the purpose of conducting a used motor  
21 vehicle business which will consist primarily of non-  
22 auction consignment sales which are projected to equal  
23 Five Hundred Thousand Dollars (\$500,000.00) or more in  
24 gross annual sales shall procure and file with the

1 Commission a good and sufficient bond in the amount of  
2 ~~Fifty Thousand Dollars (\$50,000.00)~~ One Hundred  
3 Thousand Dollars (\$100,000.00). The Commission shall  
4 prescribe by rule the method of operation of the non-  
5 auction consignment dealer in order to properly  
6 protect the interests of all parties to the  
7 transaction and to provide sanctions against dealers  
8 who fail to comply with the rules.

9 c. Each applicant for a resident broker's license shall  
10 procure and file with the Commission a good and  
11 sufficient bond in the amount of Twenty-five Thousand  
12 Dollars (\$25,000.00).

13 d. Each applicant for a wholesale used motor vehicle  
14 dealer's license shall procure and file with the  
15 Commission a good and sufficient bond in the amount of  
16 Twenty-five Thousand Dollars (\$25,000.00).

17 ~~d.~~ e. Any used motor vehicle dealer who, for the purpose of  
18 being a rebuilder, applies for a rebuilder  
19 certificate, as provided in Section 591.5 of this  
20 title, whether as a new application or renewal, shall  
21 procure and file with the Commission a good and  
22 sufficient bond in the amount of Fifteen Thousand  
23 Dollars (\$15,000.00), in addition to any other bonds  
24 required.

1 e. f. Each applicant for a manufactured home dealer's  
2 license shall procure and file with the Commission a  
3 good and sufficient bond in the amount of Thirty  
4 Thousand Dollars (\$30,000.00).

5 ~~f.~~ g. Each manufactured home manufacturing facility selling  
6 directly to a licensed manufactured home dealer in  
7 this state shall procure and file with the Commission  
8 a good and sufficient bond in the amount of Thirty  
9 Thousand Dollars (\$30,000.00). In addition to all  
10 other conditions and requirements set forth herein,  
11 the bond shall require the availability of prompt and  
12 full warranty service by the manufacturer to comply  
13 with all warranties expressed or implied in connection  
14 with each manufactured home which is manufactured for  
15 resale in this state.

16 ~~g.~~ h. ~~The bond~~ All bonds shall be approved as to form by the  
17 Attorney General and conditioned that the applicant  
18 shall not practice fraud, make any fraudulent  
19 representation, or violate any of the provisions of  
20 this act in the conduct of the business for which the  
21 applicant is licensed. One of the purposes of the  
22 bond is to provide reimbursement for any loss or  
23 damage suffered by any person by reason of issuance of  
24 a certificate of title by a used motor vehicle dealer,

1 a wholesale used motor vehicle dealer, a resident  
2 broker, or a manufactured home dealer.

3 2. If a motor vehicle dealer has a valid license issued by the  
4 Oklahoma Motor Vehicle Commission and the new vehicle inventory of  
5 the licensee exceeds a value of Fifty Thousand Dollars (\$50,000.00),  
6 then the bond as required by this subsection shall be waived.

7 3. Each applicant for a used motor vehicle salesperson's  
8 license shall procure and file with the Commission a good and  
9 sufficient bond in the amount of One Thousand Dollars (\$1,000.00).  
10 The bond shall be approved as to form by the Attorney General and  
11 conditioned that the applicant shall perform duties as a used motor  
12 vehicle salesperson without fraud or fraudulent representation and  
13 without violating any provisions of this act.

14 4. The bonds as required by this section shall be maintained  
15 throughout the period of licensure. Should the bond be canceled for  
16 any reason, the license shall be revoked as of the date of  
17 cancellation unless a new bond is furnished prior to such date.

18 F. Any used motor vehicle dealer or wholesale used motor  
19 vehicle dealer is required to furnish and keep in force a minimum of  
20 Twenty-five Thousand Dollars (\$25,000.00) of single liability  
21 insurance coverage on all vehicles offered for sale or used in any  
22 other capacity in demonstrating or utilizing the streets and  
23 roadways in accordance with the financial responsibility laws of  
24 this state.

1 G. Any manufactured home dealer is required to furnish and keep  
2 in force a minimum of One Hundred Thousand Dollars (\$100,000.00) of  
3 garage liability or general liability with products and completed  
4 operations insurance coverage.

5 H. Any manufactured home installer is required to furnish and  
6 keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00)  
7 of general liability with products and completed operations  
8 insurance coverage.

9 SECTION 4. AMENDATORY 47 O.S. 2011, Section 584, is  
10 amended to read as follows:

11 Section 584. A. The Oklahoma Used Motor Vehicle and Parts  
12 Commission may deny an application for a license, impose a fine not  
13 to exceed One Thousand Dollars (\$1,000.00) per occurrence and/or  
14 revoke or suspend a license after it has been granted, when any  
15 provision of Sections 581 through 588 of this title is violated or  
16 for any of the following reasons:

17 1. On satisfactory proof of unfitness of the applicant or the  
18 licensee, as the case may be, under the standards established by  
19 Sections 581 through 588 of this title;

20 2. For fraud practices or any material misstatement made by an  
21 applicant in any application for license under the provisions of  
22 Sections 581 through 588 of this title;

23 3. For any willful failure to comply with any provision of  
24 Section 581 et seq. of this title or with any rule promulgated by

1 the Commission under authority vested in it by Sections 581 through  
2 588 of this title;

3 4. Change of condition after license is granted resulting in  
4 failure to maintain the qualifications for license;

5 5. Continued or flagrant violation of any of the rules of the  
6 Commission;

7 6. Being a used motor vehicle dealer, used motor vehicle  
8 salesperson, a wholesale used motor vehicle dealer, resident broker,  
9 or a manufactured home dealer, a manufactured home installer,  
10 manufactured home manufacturer, or manufactured home salesperson  
11 who:

12 a. resorts to or uses any false or misleading advertising  
13 in connection with business as a used motor vehicle  
14 dealer or salesperson, wholesale used motor vehicle  
15 dealer, resident broker or manufactured home dealer,  
16 installer or manufacturer,

17 b. has committed any unlawful act which resulted in the  
18 revocation of any similar license in another state,

19 c. has been convicted of a crime involving moral  
20 turpitude,

21 d. has committed a fraudulent act in selling, purchasing  
22 or otherwise dealing in motor vehicles or manufactured  
23 homes or has misrepresented the terms and conditions  
24 of a sale, purchase or contract for sale or purchase

1 of a motor vehicle or manufactured home or any  
2 interest therein including an option to purchase such  
3 motor vehicles or manufactured homes,

4 e. has engaged in business under a past or present  
5 license issued pursuant to Sections 581 through 588 of  
6 this title, in such a manner as to cause injury to the  
7 public or to those with whom the licensee is dealing,

8 f. has failed to meet or maintain the conditions and  
9 requirements necessary to qualify for the issuance of  
10 a license,

11 g. has failed or refused to furnish and keep in force any  
12 bond required under Sections 581 through 588 of this  
13 title,

14 h. has installed or attempted to install a manufactured  
15 home in an unworkmanlike manner, or

16 i. employs unlicensed salesperson or other unlicensed  
17 persons in connection with the sale of manufactured  
18 homes;

19 7. Being a used motor vehicle dealer who:

20 a. does not have an established place of business,

21 b. employs unlicensed salespersons or other unlicensed  
22 persons in connection with the sale of used vehicles,

23 c. fails or refuses to furnish or keep in force single  
24 limit liability insurance on any vehicle offered for

1 sale and otherwise required under the financial  
2 responsibility laws of this state, or

3 d. is not operating from the address shown on the license  
4 if this change has not been reported to the  
5 Commission; or

6 8. Being a manufactured home dealer who:

7 a. does not have an established place of business,

8 b. fails or refuses to furnish or keep in force garage  
9 liability and completed operations insurance, or

10 c. is not operating from the address shown on the license  
11 if this change has not been reported to the  
12 Commission.

13 B. The Commission shall deny an application for a license, or  
14 revoke or suspend a license after it has been granted, if a  
15 manufactured home dealer does not meet the following guidelines and  
16 restrictions:

17 1. A display area for manufactured homes which is easily  
18 accessible, with sufficient parking for the public;

19 2. An office for conducting business where the books, records,  
20 and files are kept, with access to a restroom for the public;

21 3. Place of business which meets all zoning occupancy and other  
22 requirements of the appropriate local government and regular  
23 occupancy by a person, firm, or corporation engaged in the business  
24 of selling manufactured homes; and

1 4. Place of business which is separate and apart from any other  
2 dealer's location.

3 C. The Commission shall deny an application for a license, or  
4 revoke or suspend a license after it has been granted, if a  
5 manufactured home installer:

6 1. Installs or attempts to install a manufactured home in a  
7 manner that is not in compliance with installation standards as set  
8 by the Commission pursuant to rule; or

9 2. Violates or fails to comply with any applicable rule as  
10 promulgated by the Commission concerning manufactured home  
11 installers.

12 D. The Commission shall deny an application for a license, or  
13 revoke or suspend a license after it has been granted, if a  
14 manufactured home manufacturer violates or fails to comply with any  
15 applicable rule as promulgated by the Commission concerning  
16 manufactured home manufacturers.

17 E. The Commission shall deny an application for a license by a  
18 motor vehicle manufacturer or factory if the application is for the  
19 purpose of selling used motor vehicles to any retail consumer in the  
20 state, other than through its retail franchised dealers, or acting  
21 as a broker between a seller and a retail buyer. This subsection  
22 does not prohibit a manufacturer from selling used motor vehicles  
23 where the retail customer is a nonprofit organization or a federal,  
24 state, or local government or agency. This subsection does not

1 prohibit a manufacturer from providing information to a consumer for  
2 the purpose of marketing or facilitating the sale of used motor  
3 vehicles or from establishing a program to sell or offer to sell  
4 used motor vehicles through the manufacturer's retail franchised  
5 dealers as provided for in Sections 561 through 580.2 of this title.  
6 This subsection shall not prevent a factory from obtaining a  
7 wholesale used motor vehicle dealer's license or the factory's  
8 financing subsidiary from obtaining a wholesale used motor vehicle  
9 dealer's license.

10 F. If the Commission denies issuance of a license the  
11 Commission shall provide the grounds for the action to the applicant  
12 in writing and allow the applicant sixty (60) days to resolve any  
13 issues that are the grounds for the action.

14 G. Each of the aforementioned grounds for suspension,  
15 revocation, or denial of issuance or renewal of license shall also  
16 constitute a violation of Sections 581 through 588 of this title,  
17 unless the person involved has been tried and acquitted of the  
18 offense constituting such grounds.

19 The suspension, revocation or refusal to issue or renew a  
20 license or the imposition of any other penalty by the Commission  
21 shall be in addition to any penalty which might be imposed upon any  
22 licensee upon a conviction at law for any violation of Sections 581  
23 through 588 of this title.

24

1 SECTION 5. AMENDATORY 47 O.S. 2011, Section 1137.1, is  
2 amended to read as follows:

3 Section 1137.1 A. Except for vehicles, travel trailers or  
4 commercial trailers which display a current Oklahoma license tag,  
5 upon the purchase or transfer of ownership of a used motor vehicle,  
6 travel trailer or commercial trailer, including an out-of-state  
7 purchase or transfer of the same, to a licensed used motor vehicle  
8 dealer, wholesale used motor vehicle dealer, resident broker, used  
9 travel trailer dealer or used commercial trailer dealer,  
10 subsequently referred to in this section as "dealer", the dealer  
11 shall affix a used dealer's plate visible from the rear of the  
12 vehicle, travel trailer or commercial trailer. Such license plate  
13 shall expire on December 31 of each year. When the vehicle, travel  
14 trailer or commercial trailer is parked on the dealer's licensed  
15 place of business, it shall not be required to have a license plate  
16 of any kind affixed. A dealer shall obtain from the Oklahoma Tax  
17 Commission at a cost of Ten Dollars (\$10.00) a dealer license plate  
18 for demonstrating, transporting or any other normal business of a  
19 dealer; provided, any dealer who operates a wrecker or towing  
20 service licensed pursuant to Sections 951 through 957 of this title  
21 shall register each wrecker vehicle and display a wrecker license  
22 plate on each vehicle as required by Section 1134.3 of this title.  
23 A dealer may obtain as many additional license plates as may be  
24 desired upon the payment of Ten Dollars (\$10.00) for each additional

1 license plate. Use of the used dealer license plate by a licensed  
2 dealer for other than the purposes as set forth herein shall  
3 constitute grounds for revocation of the dealer's license. The  
4 Oklahoma Tax Commission shall design the official used dealer  
5 license plate to include the used dealer's license number issued to  
6 him or her each year by the Commission or the Used Motor Vehicle and  
7 Parts Commission.

8 B. Upon the purchase or transfer of ownership of an out-of-  
9 state used motor vehicle, travel trailer or commercial trailer to a  
10 licensed dealer, the dealer shall make application for an Oklahoma  
11 certificate of title pursuant to the Oklahoma Vehicle License and  
12 Registration Act, Section 1101 et seq. of ~~Title 47 of the Oklahoma~~  
13 ~~Statutes~~ this title. Upon receipt of the Oklahoma certificate of  
14 title, the dealer shall follow the procedure as set forth in  
15 subsection A of this section. Provided, nothing in this title shall  
16 be construed as requiring a dealer to register a used motor vehicle,  
17 travel trailer or commercial trailer purchased in another state  
18 which will not be operated or sold in this state.

19 C. Upon sale or transfer of ownership of the used motor vehicle  
20 or travel trailer, the dealer shall place upon the reassignment  
21 portion of the certificate of title a tax stamp issued by the county  
22 treasurer of the county in which the dealer has his or her primary  
23 place of business. The tax stamp shall be issued upon payment of a  
24 fee of Three Dollars and fifty cents (\$3.50) and shall be in lieu of

1 the dealer's ad valorem tax on the inventories of used motor  
2 vehicles or travel trailers but shall not relieve any other property  
3 of the dealer from ad valorem taxation.

4 D. Upon sale of a used motor vehicle or travel trailer to  
5 another licensed dealer, the selling dealer shall place the tax  
6 stamp required in subsection C of this section upon the certificate  
7 of title. The used dealer license plate or wholesale dealer license  
8 plate shall be removed by the selling dealer. The purchasing dealer  
9 shall, at time of purchase, place his or her dealer license plate on  
10 the used motor vehicle, travel trailer or commercial trailer as  
11 provided in subsection A of this section; provided, for vehicles,  
12 travel trailers or commercial trailers purchased by a licensed used  
13 dealer at an auction, in lieu of such placement of the dealer  
14 license plate, the auction may provide temporary documentation as  
15 approved by the Director of the Motor Vehicle Division of the  
16 Oklahoma Tax Commission for the purpose of transporting such vehicle  
17 to the purchaser's point of destination. Such temporary  
18 documentation shall be valid for two (2) days following the date of  
19 sale.

20 E. The purchaser of every used motor vehicle, travel trailer or  
21 commercial trailer, except as otherwise provided by law, shall  
22 obtain registration and title for the vehicle or trailer within  
23 thirty (30) days from the date of purchase of same. It shall be the  
24 responsibility of the selling dealer to place a temporary license

1 plate, in size similar to the permanent Oklahoma license plate but  
2 of a weatherproof plastic-impregnated substance approved by the Used  
3 Motor Vehicle and Parts Commission, upon a used motor vehicle,  
4 travel trailer or commercial trailer when a transaction is completed  
5 for the sale of said vehicle. The temporary license plate under  
6 this subsection shall be placed at the location provided for the  
7 permanent motor vehicle license plate. The temporary license plate  
8 shall show the license number which is issued to the dealer each  
9 year by the Oklahoma Tax Commission or the Used Motor Vehicle and  
10 Parts Commission, the date the used motor vehicle, travel trailer or  
11 commercial trailer was purchased and the company name of the selling  
12 dealer. The Used Motor Vehicle and Parts Commission is hereby  
13 directed to develop the temporary license plate design to  
14 incorporate these requirements in a manner that will permit law  
15 enforcement personnel to readily identify the dealer license number  
16 and date of the vehicle purchase. The Used Motor Vehicle and Parts  
17 Commission is hereby authorized to develop additional requirements  
18 and parameters as deemed appropriate to discourage or prevent  
19 illegal duplication and use of the temporary license plate. Such  
20 temporary license plate shall be valid for a period of thirty (30)  
21 days from the date of purchase. Use of the temporary license by a  
22 dealer for other than the purposes set forth herein shall constitute  
23 grounds for revocation of the dealer's license to conduct business.  
24 Purchasers of a commercial trailer shall affix the temporary license

1 plate to the rear of the commercial trailer. The purchaser shall  
2 display the temporary license plate for a period not to exceed  
3 thirty (30) days or until registration and title are obtained as  
4 provided in this section.

5 The provisions of this subsection on temporary licenses shall  
6 apply to nonresidents who purchase a used motor vehicle, travel  
7 trailer or commercial trailer within this state that is to be  
8 licensed in another state. The nonresident purchaser shall be  
9 allowed to operate the vehicle or trailer within the state with a  
10 temporary license plate for a period not to exceed thirty (30) days  
11 from date of purchase. Any nonresident purchaser found to be  
12 operating a used motor vehicle, travel trailer or commercial trailer  
13 within this state after thirty (30) days shall be subject to the  
14 registration fees of this state upon the same terms and conditions  
15 applying to residents of this state.

16 F. It shall be unlawful for any dealer to procure the  
17 registration and licensing of any used motor vehicle, travel trailer  
18 or commercial trailer sold by the dealer or to act as the agent for  
19 the purchaser in the procurement of the registration and licensing  
20 of the purchaser's used vehicle, travel trailer or commercial  
21 trailer. A license of any dealer violating the provision of this  
22 section may be revoked.

23 G. Dealers following the procedure set forth herein shall not  
24 be required to register vehicles, travel trailers or commercial

1 trailers to which this section applies, nor will the registration  
2 fee otherwise required be assessed. Provided, dealers shall not  
3 purchase or trade for a used motor vehicle, travel trailer or  
4 commercial trailer on which the registration therefor has been  
5 expired for a period exceeding thirty (30) days without obtaining  
6 current registration therefor.

7 SECTION 6. This act shall become effective November 1, 2012.

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