

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 792

By: Johnson (Rob)

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5  
6 AS INTRODUCED

7 An Act relating to the Used Motor Vehicle and Parts  
8 Commission; creating the Oklahoma Crusher Act;  
9 providing short title; defining terms; prohibiting  
10 operating without a license; stating eligibility for  
11 licensure; setting application requirements;  
12 requiring bond and service agent; providing for  
13 investigation and fees; allowing retention of  
14 investigative fee upon license denial; requiring  
15 display of license; providing for license term and  
16 renewal; establishing procedure to acquire certain  
17 vehicles; stating unauthorized sales of vehicles;  
18 directing certain report of purchases within certain  
19 time; providing certain holding period; setting  
20 contents of certain report; prohibiting reassignment  
21 of title; providing for rules; criminalizing certain  
22 acts; setting penalties; providing for injunctive  
23 relief; providing for codification; and providing an  
24 effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 592.1 of Title 47, unless there  
21 is created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Oklahoma  
23 Crusher Act".  
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1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 592.2 of Title 47, unless there  
3 is created a duplication in numbering, reads as follows:

4 As used in the Oklahoma Crusher Act:

5 1. "Commission" means the Oklahoma Used Motor Vehicle and Parts  
6 Commission;

7 2. "Crusher" means a person engaged in the business of crushing  
8 and/or shredding used motor vehicles, trailers, or nonmotorized  
9 recreational vehicles; and

10 3. "Person" means an individual, partnership, corporation,  
11 limited liability company, joint venture, trust, association, or any  
12 other legal entity however organized.

13 SECTION 3. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 592.3 of Title 47, unless there  
15 is created a duplication in numbering, reads as follows:

16 No person shall engage in business as a crusher without first  
17 obtaining a license from the Oklahoma Used Motor Vehicle and Parts  
18 Commission specifically authorizing engagement in such business.

19 SECTION 4. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 592.4 of Title 47, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. To be eligible for a crusher license, an applicant shall:

23 1. Be of good moral character;

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1           2. Have net assets of at least Twenty-five Thousand Dollars  
2 (\$25,000.00); and

3           3. Show that the crusher operation will be operated lawfully  
4 and fairly within the purpose of the Oklahoma Crusher Act.

5           B. The Commission shall find ineligible an applicant who:

6           1. Has a felony conviction which relates to the duties and  
7 responsibilities of the occupation of crusher, or has any felony  
8 conviction less than five (5) years before the date of application  
9 for a license;

10          2. Is unfit to conduct the business of a crusher as determined  
11 by the Commission, taking into consideration the business integrity,  
12 financial standing, moral character, and/or ability to conduct the  
13 business of a crusher of the applicant; and

14          3. Fails to provide any information requested by the Commission  
15 in any initial or renewal application for license.

16          SECTION 5.       NEW LAW       A new section of law to be codified  
17 in the Oklahoma Statutes as Section 592.5 of Title 47, unless there  
18 is created a duplication in numbering, reads as follows:

19          A. Applications for a crusher license shall be under oath and  
20 shall state the full name and place of residence of the applicant.  
21 If the applicant has more than one member, the full name and  
22 residence of each member shall be stated. The application shall  
23 give the location of the business headquarters, and shall contain  
24 such relevant information as the Commission shall require.

1        B. Each applicant for a crusher license at the time of filing  
2 application shall file with the Commission a bond in the amount of  
3 Twenty-five Thousand Dollars (\$25,000.00) for each license with a  
4 surety company qualified to do business in this state. The bond  
5 shall be approved as to form by the Attorney General and conditioned  
6 that the applicant shall not practice fraud, make any fraudulent  
7 representation, or violate any of the provisions of the Oklahoma  
8 Crusher Act or any of the rules made by the Commission hereunder in  
9 the conduct of the business for which the applicant is licensed and  
10 will pay to the state and to any person or persons any and all  
11 amounts of money that may become due or owing to the state or to  
12 such person or persons from the obligor under and by virtue of the  
13 provisions of the Oklahoma Crusher Act during the time such bond is  
14 in effect. The bond shall run to the benefit of the state and of  
15 any person or persons who may have cause of action against the  
16 obligor of the bond under the provisions of the Oklahoma Crusher Act  
17 up to the maximum amount of the bond.

18        C. Each licensee shall maintain on file with the Commission a  
19 written appointment of a resident of this state as his or her agent  
20 for service of all judicial or other process or legal notice, unless  
21 the licensee has appointed an agent under another statute of this  
22 state. In case of noncompliance, such service may be made on the  
23 Commission.

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1           SECTION 6.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 592.6 of Title 47, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. Upon the filing of an application and bond and payment of  
5 the annual fee and an investigation fee, the Commission shall  
6 conduct an investigation. If the Commission finds that the financial  
7 responsibility, experience, character and general fitness of the  
8 applicant are such as to warrant belief that the business will be  
9 operated lawfully and fairly, within the purposes of this act, and  
10 the applicant meets the eligibility requirements of this act and the  
11 rules of the Commission, the Commission shall grant the application  
12 and issue to the applicant a license which will evidence the  
13 applicant's authority to do business pursuant to the Oklahoma  
14 Crusher Act.

15           B. If the Commission does not find facts sufficient to warrant  
16 issuance of a license, the Commission may deny the application. In  
17 the event of denial of the application, the investigation fee shall  
18 be retained by the Commission, but the annual license fee shall be  
19 returned to the applicant.

20           C. The Commission shall prescribe by rule a fee for each  
21 initial application, investigation fee, renewal application, late  
22 fee for renewals not received by June 1, and fee for each license  
23 change, duplicate license or returned check.

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1           SECTION 7.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 592.7 of Title 47, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. Each license shall state the name of the licensee and the  
5 address at which the business office is located and where the  
6 records of the business are to be permanently maintained. The  
7 license shall be displayed at the business location. The license  
8 shall not be transferable.

9           B. Each license shall remain in full force and effect until  
10 relinquished, suspended, revoked or expired. Every licensee, on or  
11 before June 1, shall pay the Commission an annual fee for the  
12 succeeding one year licensing period, July 1 through June 30. If  
13 the annual fee remains unpaid by June 15, the license shall  
14 thereupon expire on June 30. If the renewal application is received  
15 after June 15, a late fee shall be charged.

16           SECTION 8.           NEW LAW           A new section of law to be codified  
17 in the Oklahoma Statutes as Section 592.8 of Title 47, unless there  
18 is created a duplication in numbering, reads as follows:

19           A. Prior to the purchase of a used motor vehicle, trailer, or  
20 nonmotorized recreational vehicle, the crusher shall require the  
21 following proof of ownership from the person selling the used motor  
22 vehicle, trailer, or nonmotorized recreational vehicle:

- 23           1. A certificate of title in the name of the seller;

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1           2. A notarized power of attorney from the individual on the  
2 certificate of title authorizing the seller to dispose of the  
3 vehicle on behalf of the owner;

4           3. A bill of sale from the owner as identified by the  
5 certificate of title to the person presenting the vehicle to be  
6 crushed or shredded; and

7           4. A statement of ownership from the seller stating that the  
8 vehicle to be crushed was purchased from the lawful owner,  
9 accompanied by a bill of sale from the lawful owner, and a statement  
10 that the vehicle is inoperable or incapable of operation or use on  
11 the highway and has no resale value except as scrap.

12           B. A crusher shall not:

13           1. Accept any vehicle to be crushed or shredded from a person  
14 under the age of eighteen (18) years;

15           2. Buy a vehicle from a person unable to supply verification of  
16 identity by photo I.D. by either a state-issued identification card,  
17 driver's license or federal government-issued identification card or  
18 by readable fingerprint of right or left index finger on the  
19 purchase document to be retained in the crusher's records; or

20           3. Crush or shred any vehicle purchased until making the report  
21 and waiting the time period required herein.

22           C. A crusher shall:

23           1. Make available a copy or report within three days (3) days  
24 of any purchase of a vehicle to the local law enforcement agency of

1 the municipality or other political subdivision in which the crusher  
2 is located or temporarily operating in. Such copy or report shall  
3 be shown upon request to the Commission's representative or to any  
4 authorized peace officer;

5 2. Hold the vehicle in the state and condition in which it was  
6 purchased for a period of three (3) days after submitting the report  
7 required in paragraph 1 of this subsection; and

8 3. Include in the report:

9 a. the name, address and telephone number of the crusher  
10 whereby the crusher may be immediately contacted,

11 b. the name, address, race, sex, weight, height, date of  
12 birth and identifying number of the seller as verified  
13 by either a state-issued identification card, driver's  
14 license or federal government-issued identification  
15 card or by readable fingerprint of right or left index  
16 finger on the purchase document to be retained in the  
17 crusher's record, and

18 c. a description of the vehicle, the manufacturer of the  
19 vehicle, the vehicle identification numbers of the  
20 vehicle, and the date and time of the purchase of the  
21 vehicle.

22 D. A licensed automotive dismantler engaging the services of a  
23 crusher shall not be required to produce proof of ownership to the  
24 crusher before selling to the crusher vehicles or other property

1 purchased by the automotive dismantler in the ordinary course of  
2 business.

3 E. A crusher shall not have the right of reassignment of a  
4 certificate of title.

5 SECTION 9. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 592.9 of Title 47, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. Rule Making Power. The Used Motor Vehicle and Parts  
9 Commission may adopt, amend and repeal such rules as are necessary  
10 for the enforcement of the provisions of the Oklahoma Crusher Act  
11 and consistent with its provisions.

12 B. Criminal Penalties.

13 1. Any person who engages in the business of operating a  
14 crusher without first obtaining the license prescribed in the  
15 Oklahoma Crusher Act shall be guilty of a misdemeanor and upon  
16 conviction thereof shall be punished by a fine not in excess of One  
17 Thousand Dollars (\$1,000.00), by confinement in the county jail for  
18 not more than six (6) months, or by both.

19 2. Any person who engages in the business of operating a  
20 crusher without first obtaining the license prescribed in the  
21 Oklahoma Crusher Act and who receives, obtains or possesses any  
22 vehicle or other property which he knows to be stolen, shall be  
23 guilty of a felony offense of receiving, obtaining or possessing  
24

1 stolen property and, upon conviction, shall be subject to the  
2 penalties which may be imposed for such crime.

3 3. Any person selling a vehicle or other property to a crusher  
4 who uses false or altered identification or makes a false  
5 declaration of ownership as related to the provisions of the  
6 Oklahoma Crusher Act shall be guilty of a felony, and upon  
7 conviction shall be punished by imprisonment in the custody of the  
8 Department of Corrections for a term not more than five (5) years,  
9 or in the county jail for a term not more than one (1) year, or by a  
10 fine not exceeding One Thousand Dollars (\$1,000.00), or by both such  
11 fine and imprisonment.

12 4. Any person who fails to repay a crusher the full amount  
13 received from the sale of a vehicle or other property after being  
14 officially notified by a peace officer or the Commission that the  
15 vehicle or other property the person sold to the crusher was stolen  
16 shall be guilty of a misdemeanor and upon conviction shall be  
17 punished by imprisonment in the county jail for a term not to exceed  
18 six (6) months, or a fine not to exceed One Thousand Dollars  
19 (\$1,000.00), or by both such fine and imprisonment.

20 C. Injunctive action. The Commission may institute, in the  
21 name of the State of Oklahoma ex. rel. Oklahoma Used Motor Vehicle  
22 and Parts Commission, any necessary action to enjoin any person,  
23 firm, or corporation from engaging in the business of a crusher  
24 without a license, or for any violations of this act. An injunction

1 shall issue without the requirement of a bond of any kind from the  
2 state. The venue of any action authorized by this section shall be  
3 in the county wherein the business activity complained of is  
4 conducted.

5 SECTION 10. This act shall become effective November 1, 2013.

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