

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1445

By: Dahm

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Used Motor Vehicle
8 and Parts Commission; abolishing the Oklahoma Used
9 Motor Vehicle and Parts Commission; providing for
10 interpretation of certain statutory references;
11 transferring the licensing and regulation of used
12 motor vehicle and parts dealers to the Oklahoma Motor
13 Vehicle Commission; transferring the licensing and
14 regulation of automotive dismantler and parts
15 recyclers to the Oklahoma Motor Vehicle Commission;
16 transferring certain personnel, funds, records,
17 encumbrances, equipment and other items to the
18 Oklahoma Motor Vehicle Commission; providing
19 requirements pertaining to transfer of employees;
20 providing for transition coordinators and a
21 transition team; providing duties of the transition
22 team; amending 47 O.S. 2011, Sections 563, 581, as
23 last amended by Section 1, Chapter 223, O.S.L. 2015,
24 582, as amended by Section 179, Chapter 304, O.S.L.
2012, 583, as last amended by Section 1, Chapter 386,
O.S.L. 2015, 584, as amended by Section 3, Chapter
145, O.S.L. 2013, 587, as amended by Section 180,
Chapter 304, O.S.L. 2012, 591.4, as amended by
Section 2, Chapter 386, O.S.L. 2015, 591.5, as
amended by Section 3, Chapter 386, O.S.L. 2015,
591.6, 591.9, as amended by Section 4, Chapter 386,
O.S.L. 2015, 591.11, as amended by Section 6, Chapter
386, O.S.L. 2015, 591.13, 591.14, 1102, as last
amended by Section 1, Chapter 229, O.S.L. 2014,
1105.4 and 1107, as amended by Section 1, Chapter
318, O.S.L. 2015 (47 O.S. Supp. 2015, Sections 581,
582, 583, 584, 587, 591.4, 591.5, 591.9, 591.11, 1102
and 1107), which relate to the Oklahoma Used Motor
Vehicle and Parts Commission; modifying the laws
dealing with used motor vehicle and parts dealers to
reflect the transfer of administration and

1 enforcement from the Oklahoma Used Motor Vehicle and
2 Parts Commission to the Oklahoma Motor Vehicle
3 Commission; modifying membership of Oklahoma Motor
4 Vehicle Commission; deleting obsolete language;
5 providing procedure for removal; modifying the laws
6 dealing with automotive dismantler and parts
7 recyclers to reflect the transfer of administration
8 and enforcement from the Oklahoma Used Motor Vehicle
9 and Parts Commission to the Oklahoma Motor Vehicle
10 Commission; amending 68 O.S. 2011, Section 2101,
11 which relates to excise tax on motor vehicles;
12 modifying definition to reflect consolidation of
13 certain agencies; amending 74 O.S. 2011, Section
14 3601.1, as last amended by Section 19, Chapter 405,
15 O.S.L. 2013 (74 O.S. Supp. 2015, Section 3601.1),
16 which relates to full-time employees; transferring
17 certain employees to reflect consolidation; providing
18 for codification; providing for noncodification;
19 providing effective dates; and declaring an
20 emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-102b of Title 63, unless there
is created a duplication in numbering, reads as follows:

A. The Oklahoma Used Motor Vehicle and Parts Commission is
hereby abolished. Any reference in the Oklahoma Statutes to the
Oklahoma Used Motor Vehicle and Parts Commission shall be deemed to
be a reference to the Oklahoma Motor Vehicle Commission. Any
reference in the Oklahoma Statutes to the Director of the Oklahoma
Used Motor Vehicle and Parts Commission shall be deemed to be a
reference to the Director of the Oklahoma Motor Vehicle Commission.

1 B. All assets, funds, liabilities, allotments, purchase orders,
2 outstanding financial obligations, encumbrances, records, vehicles,
3 equipment and other property of the Oklahoma Used Motor Vehicle and
4 Parts Commission is hereby transferred to the Oklahoma Motor Vehicle
5 Commission.

6 C. Personnel employed by the Oklahoma Used Motor Vehicle and
7 Parts Commission on January 1, 2009, shall be transferred to the
8 Oklahoma Motor Vehicle Commission pursuant to a transition plan
9 implemented by the Director of the Oklahoma Motor Vehicle Commission
10 as required by Section 2 of this act.

11 D. The classified and unclassified employees who are
12 transferred pursuant to this section shall be subject to the
13 following provisions:

14 1. Classified employees shall remain subject to the provisions
15 of the Merit System of Personnel Administration, as provided in the
16 Oklahoma Personnel Act;

17 2. Unclassified employees shall remain in the unclassified
18 service and shall serve at the pleasure of the Director of the
19 Oklahoma Motor Vehicle Commission;

20 3. All employees who are transferred to the Oklahoma Motor
21 Vehicle Commission shall retain leave, sick and annual time earned
22 and any retirement and longevity benefits which have accrued during
23 their employment with the state. The salaries of employees who are
24

1 transferred shall not be reduced as a direct and immediate result of
2 the transfer;

3 4. If the Oklahoma Motor Vehicle Commission should implement a
4 reduction in force, all employees transferred from the Oklahoma Used
5 Motor Vehicle and Parts Commission shall be credited for the time
6 they were employed by the Oklahoma Used Motor Vehicle and Parts
7 Commission; and

8 5. The transfer of personnel shall be coordinated with the
9 Office of Personnel Management.

10 SECTION 2. NEW LAW A new section of law not to be
11 codified in the Oklahoma Statutes reads as follows:

12 A. Effective July 1, 2016, the Director of the Oklahoma Motor
13 Vehicle Commission and the Director of the Oklahoma Used Motor
14 Vehicle and Parts Commission shall serve as transition coordinators
15 and shall establish a transition team to coordinate the orderly
16 transfer of duties, personnel, property, funds and encumbrances from
17 the Oklahoma Used Motor Vehicle and Parts Commission to the Oklahoma
18 Motor Vehicle Commission. Each Director may assign personnel to the
19 transition team from the respective agency of the Director as deemed
20 necessary.

21 B. The transition team shall:

22 1. In conjunction with the Department of Central Services, the
23 Office of State Finance and the Office of Personnel Management,
24 oversee and administer the orderly transfer of responsibilities,

1 liabilities, property, records, personnel and any outstanding
2 financial obligations or encumbrances to the Oklahoma Motor Vehicle
3 Commission from the Oklahoma Used Motor Vehicle and Parts
4 Commission;

5 2. Review functions currently assigned to or managed by the
6 Oklahoma Used Motor Vehicle and Parts Commission;

7 3. Devise a proposal for an organizational framework within the
8 Oklahoma Motor Vehicle Commission for licensing and regulation of
9 used motor vehicle and parts dealers and automotive dismantler and
10 parts recyclers, which shall include a proposal for reduction of
11 full-time-equivalent employees by five percent (5%);

12 4. Establish a plan for the transfer of employees from the
13 Oklahoma Used Motor Vehicle and Parts Commission to the Oklahoma
14 Motor Vehicle Commission. The plan shall include a list of
15 positions to be transferred. The plan also shall include a
16 reduction-in-force plan and a severance benefits plan that conform
17 with the requirements of the State Government Reduction-in-Force and
18 Severance Benefits Act; and

19 5. Take such other action as may be reasonably necessary and
20 appropriate to effectuate the orderly transition of functions as
21 provided by this act.

22 SECTION 3. AMENDATORY 47 O.S. 2011, Section 563, is
23 amended to read as follows:
24

1 Section 563. A. There is hereby created the Oklahoma Motor
2 Vehicle Commission, to be composed of nine (9) members. ~~Seven~~ Four
3 of the members shall be appointed by the Governor and confirmed by
4 the Senate and shall have been engaged in the manufacture,
5 distribution ~~or~~, sale of new or used motor vehicles ~~and two~~ or
6 manufactured homes by having one member be a new car dealer, one
7 member be a used car dealer, one member be a dismantler and one
8 member a dealer of manufactured homes. Five members shall be lay
9 members and represent each of the Congressional Districts, all to be
10 appointed by the Governor of the State of Oklahoma, with the advice
11 and consent of the State Senate. Such appointments shall be made
12 within thirty (30) days after the effective date of this section.
13 Each of the Commissioners thus appointed shall, at the time of the
14 appointment, be a resident in good faith of the State of Oklahoma,
15 shall be of good moral character, and each of the industry related
16 Commissioners shall have been actually engaged in the manufacture,
17 distribution or sale of such new motor vehicles for not less than
18 ten (10) years next preceding such appointment. The members of the
19 ~~Commission shall serve at the pleasure of the Governor~~ may be
20 subject to removal by the Legislature upon the passage of a
21 concurrent resolution specifying the action to be taken, or members
22 may be removed in the manner provided by law for the removal of
23 officers not subject to impeachment pursuant to Section 1181 et seq.
24

1 of Title 22 of the Oklahoma Statutes or Section 91 of Title 51 of
2 the Oklahoma Statutes.

3 B. 1. The Commissioners shall elect a ~~Chairman~~ Chair from
4 amongst them whose term shall be for one (1) year with the right to
5 succeed him or herself.

6 2. ~~There shall be three at large members of the Commission.~~
7 ~~Six members of the Commission shall be appointed from the following~~
8 ~~geographical areas with at least one member from each area:~~

- 9 a. ~~four areas of the state shall be the northwest,~~
10 ~~northeast, southwest and southeast sections designated~~
11 ~~by Interstate 35 dividing the state east and west and~~
12 ~~Interstate 40 dividing the state north and south,~~
13 ~~excluding Oklahoma County and Tulsa County, and~~
14 b. ~~two additional areas shall be Oklahoma County and~~
15 ~~Tulsa County.~~

16 ~~There shall not be more than two members of the Commission from any~~
17 ~~one area.~~

18 C. ~~The terms of office of the members first appointed to the~~
19 ~~Commission shall be as follows:~~

20 1. ~~The members appointed from the northwest, northeast and~~
21 ~~southwest areas shall serve until June 30, 1987;~~

22 2. ~~The members appointed from the southeast area and Oklahoma~~
23 ~~County and Tulsa County shall serve until June 30, 1989; and~~
24

1 3. ~~The members appointed at large shall serve until June 30,~~
2 ~~1991.~~ Each member shall serve until a successor is appointed and
3 qualifies. Thereafter, the term of office of each member of the
4 Commission shall be for ~~six (6)~~ four (4) years. The term of office
5 of any member will automatically expire if the member moves out of
6 the geographical area from which the member was appointed. In event
7 of death, resignation, removal, or term automatically expiring, of
8 any person serving on the Commission, the vacancy shall be filled by
9 appointment as provided for the unexpired portion of the term. The
10 Commission shall meet at Oklahoma City and complete its organization
11 immediately after the membership thereof has been appointed and has
12 qualified. The ~~Chairman~~ Chair and each member of the Commission
13 shall take and subscribe to the oath of office required of public
14 officers.

15 D. The members of the Commission shall receive reimbursement
16 for subsistence and traveling expenses necessarily incurred in the
17 performance of their duties as provided by the State Travel
18 Reimbursement Act.

19 E. The ~~Commission~~ Governor shall appoint a qualified person to
20 serve as Executive Director thereof, which person shall have had not
21 less than ten (10) years of experience in the motor vehicle
22 industry. The Executive Director shall be appointed for a term of
23 ~~six (6)~~ four (4) years, and shall ~~not~~ be subject to dismissal or
24 removal ~~without cause~~ by the Governor or by the Legislature with the

1 passage of a concurrent resolution. The Commission shall fix the
2 salary and prescribe the duties of the Executive Director. The
3 Executive Director shall devote such time as necessary to fulfill
4 the duties thereof, and before entering upon such duties shall take
5 and subscribe to the oath of office. The Executive Director may
6 employ such clerical, technical and other help and legal services
7 and incur such expenses as may be necessary for the proper discharge
8 of the duties of the Executive Director under this act. The
9 Commission shall maintain its office and transact its business in
10 Oklahoma City, and it is authorized to adopt and use a seal. The
11 Executive Director is hereby authorized to hire, retain or otherwise
12 acquire the services of an attorney to represent the Commission in
13 any and all state and federal courts, and assist the Commission in
14 any and all business or legal matters that may come before it. The
15 attorney so representing the Commission shall discharge the duties
16 under the direction of the Executive Director.

17 F. The Commission is hereby vested with the powers necessary to
18 enable it to fully and effectively carry out the provisions and
19 objects of Sections 561 through 595 of this act title, and is hereby
20 authorized and empowered to make and enforce all reasonable rules
21 and to adopt and prescribe all forms necessary to accomplish such
22 purpose. All forms used by a new motor vehicle dealer to facilitate
23 the delivery of a vehicle pending approval of financing shall be
24 approved by the Commission.

1 G. All fees, charges and fines collected under the provisions
2 of Sections 561 through 595 of this act title shall be deposited by
3 the Executive Director in the State Treasury in accordance with the
4 depository laws of this state in a special fund to be known as the
5 "Oklahoma Motor Vehicle Commission Fund", which is hereby created,
6 and except as hereinafter provided the monies in the fund shall be
7 used by the Commission for the purpose of carrying out and enforcing
8 the provisions of Sections 561 through 595 of this act title.

9 Expenditures from the fund shall be made upon vouchers approved by
10 the Commission or its authorized officers.

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

17 All expenses incurred by the Commission in carrying out the
18 provisions of Sections 561 through 595 of this act title, including
19 but not limited to per diem, wages, salaries, rent, postage,
20 advertising, supplies, bond premiums, travel and subsistence for the
21 Commissioners, the Executive Director, employees, and legal counsel,
22 and printing and utilities, shall be a proper charge against such
23 fund, exclusive of the portion thereof to be paid into the General
24 Revenue Fund as above set out. In no event shall liability ever

1 accrue hereunder against this state in any sum whatsoever, or
2 against the Oklahoma Motor Vehicle Commission Fund, in excess of the
3 ninety percent (90%) of the fees, fines and charges deposited
4 therein.

5 SECTION 4. AMENDATORY 47 O.S. 2011, Section 581, as last
6 amended by Section 1, Chapter 223, O.S.L. 2015 (47 O.S. Supp. 2015,
7 Section 581), is amended to read as follows:

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

9 1. "Commission" means the Oklahoma ~~Used Motor Vehicle and Parts~~
10 Commission;

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

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

18 4. "Factory" means a manufacturer, distributor, factory branch,
19 distributor branch, factory representative or distributor
20 representative, which manufactures or distributes vehicle products;

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

1 6. a. "Manufactured home dealer" means any person who, for a
2 commission or with intent to make a profit or gain of
3 money or other thing of value, sells, offers to sell,
4 or attempts to negotiate a sale or exchange of
5 interest in, new or used manufactured homes, or that
6 is engaged wholly or in part in the business of
7 selling any new and unused, or used, or both new and
8 used manufactured homes. A valid franchise letter as
9 proof of authorization to sell any new manufactured
10 home product line or lines shall be attached to the
11 application for a dealer license to sell manufactured
12 homes. "Manufactured home dealer" shall include a
13 manufactured home auction. A manufactured home
14 auction shall mean any person selling more than
15 twenty-five manufactured homes in an auction or
16 liquidation format. Only licensed manufactured home
17 dealers shall be authorized to purchase manufactured
18 homes at such auctions.

19 b. "Manufactured home dealer" shall not include any
20 person who sells or contracts for the sale of a
21 personally titled manufactured home or homes, or
22 any person acting as an auctioneer who has been
23 engaged by a seller to direct, conduct, control,
24 or be responsible for the sale of manufactured

1 homes as a part of an auction or liquidation of
2 an estate, or any Oklahoma licensed real estate
3 broker or sales associate when buying or selling
4 used mobile homes as a part of a real estate
5 business. No person shall be considered a
6 manufactured home dealer as to any manufactured
7 home purchased or acquired by the person for
8 purposes other than resale; provided, that the
9 restriction set forth in this sentence shall not
10 prevent an otherwise qualified person from
11 utilizing a single manufactured home as a sales
12 office.

13 c. A holder of a lien on a manufactured home may
14 sell, exchange, or transfer by lease-purchase the
15 repossessed manufactured home and shall not be
16 required to be licensed pursuant to this chapter.
17 If the lienholder contracts with a person or
18 company to sell the repossessed manufactured home
19 and the person or company is not an employee,
20 officer or principal of the lienholder, such
21 person or company shall be licensed pursuant to
22 this chapter.

23 d. "Manufactured home dealer" shall not include any
24 person who sells mobile or manufactured homes

1 located in a mobile or manufactured home park or
2 community;

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

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

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

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

21 11. "Person" means an individual, business, corporation,
22 partnership, association, limited liability corporation, trust,
23 firm, or company or legal entity, but does not include any political
24 subdivision;

1 12. "Ready for occupancy" means a mobile or manufactured home
2 which is installed and anchored properly and has utilities connected
3 to service;

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

8 14. "Restricted manufactured home park dealer" means any person
9 operating a mobile or manufactured home park who, for a commission
10 or with intent to make a profit or gain of money or other thing of
11 value, sells, offers to sell, or attempts to negotiate a sale or
12 exchange of interest in, new or used manufactured homes, or that is
13 engaged wholly or in part in the business of selling any new and
14 unused, or used, or both new and used manufactured homes; provided,
15 every mobile or manufactured home sold pursuant to a restricted
16 manufactured home park dealer license shall be located in the
17 licensed mobile or manufactured home park and ready for occupancy;

18 15. "Retail implement dealer" means a business engaged
19 primarily in the sale of farm tractors as defined in Section 1-
20 118 of this title or implements of husbandry as defined in
21 Section 1-125 of this title or a combination thereof;

22 16. "Sale" or "sell" means the act of selling, brokering,
23 exchanging, exchanging of an interest in, or renting with the
24

1 option of purchasing, a new or used manufactured home for
2 commission, profit, or gain of money or other thing of value;

3 17. "Used motor vehicle" means any motor vehicle, as that term
4 is defined in the Oklahoma Vehicle License and Registration Act, but
5 not including any all-terrain vehicles, utility vehicles, and
6 motorcycles used exclusively for off-road use which are sold by a
7 retail implement dealer, which has been sold, bargained, exchanged,
8 given away or the title thereto transferred from the person who
9 first took title from the manufacturer, importer, or dealer or agent
10 of the manufacturer or importer, or so used as to have become what
11 is commonly known as a "secondhand motor vehicle". In the event of
12 transfer, on the statement of origin, from the original franchised
13 dealer to any other dealer or individual other than a franchised
14 dealer of the same make of vehicle, the vehicle shall be considered
15 a used motor vehicle and must be titled in the new owner's name;

16 18. "Used motor vehicle auction" means any business other than
17 salvage pools which regularly engages in the sale or trade, or
18 negotiates the sale or trade, of used motor vehicles by auction,
19 whether by open or closed bid or by sale to or purchase by used
20 motor vehicle dealers or individuals;

21 19. a. "Used motor vehicle dealer" means any person who, for
22 a commission or with intent to make a profit or gain
23 of money or other thing of value, sells, brokers,
24 exchanges, rents with option to purchase, or offers or

1 attempts to negotiate a sale or exchange of an
2 interest in used motor vehicles, or who is engaged
3 wholly or in part in the business of selling used
4 motor vehicles, whether or not such motor vehicles are
5 owned by the person.

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

- 7 (1) receivers, trustees, administrators, executors,
8 guardians, or other persons appointed by or
9 acting pursuant to the judgment or order of any
10 court,
11 (2) public officers while performing their official
12 duties,
13 (3) employees of persons enumerated in the definition
14 of "used motor vehicle dealer" when engaged in
15 the specific performance of their duties as such
16 employees,
17 (4) mortgagees or secured parties as to sales of
18 motor vehicles constituting collateral on a
19 mortgage or security agreement, if the mortgagees
20 or secured parties shall not realize for their
21 own account from such sales any monies in excess
22 of the outstanding balance secured by such
23 mortgage or security agreement, plus the costs of
24 collection,

1 (5) any person acting as an auctioneer who has been
2 engaged by a seller to direct, conduct, control,
3 or be responsible for the sale of used motor
4 vehicles as part of an estate auction or
5 liquidation,

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

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

1 motor vehicles in a nonliquidation sale held at a
2 licensed used motor vehicle dealer location which
3 is not regularly used as a vehicle auction, or
4 (8) any retail implement dealer that sells all-
5 terrain vehicles, utility vehicles, and
6 motorcycles used exclusively for off-road
7 use;

8 20. "Used motor vehicle salesperson" means a person employed by
9 a licensed used motor vehicle dealer to sell, broker, exchange, or
10 negotiate a purchase, sale, or rental with option to purchase, used
11 motor vehicles or an interest in used motor vehicles. The term
12 "used motor vehicle salesperson" shall not include any person who:

- 13 a. uses the person's own funds for such
14 transactions,
- 15 b. operates independently as a used motor vehicle
16 dealer using a licensed used motor vehicle
17 dealer's license number, or
- 18 c. is licensed by the Oklahoma Motor Vehicle
19 Commission to sell new or unused motor vehicles
20 who also sells used motor vehicles for the dealer
21 at the motor vehicle dealer's licensed franchise
22 location; provided, such a person shall only be
23 authorized to sell used motor vehicles for the
24 dealer at the motor vehicle dealer's licensed

1 franchise location and to represent the motor
2 vehicle dealer at used motor vehicle auctions
3 without obtaining a separate used motor vehicle
4 salesperson's license; and

5 21. "Wholesale used motor vehicle dealer" means any person who,
6 for a commission or with intent to make a profit or gain of money or
7 other thing of value, sells, brokers, exchanges, rents with option
8 to purchase, or offers or attempts to negotiate a sale or exchange
9 of interest in used motor vehicles exclusively to used motor vehicle
10 dealers, or who is engaged in the business of selling used motor
11 vehicles exclusively to used motor vehicle dealers, whether or not
12 such motor vehicles are owned by the person.

13 SECTION 5. AMENDATORY 47 O.S. 2011, Section 582, as
14 amended by Section 179, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
15 2015, Section 582), is amended to read as follows:

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

19 1. ~~One member shall be appointed from each congressional~~
20 ~~district and any remaining members, including the chair, shall be~~
21 ~~appointed from the state at large. However, when congressional~~
22 ~~districts are redrawn, each member appointed prior to July 1 of the~~
23 ~~year in which such modification becomes effective shall complete the~~
24 ~~current term of office and appointments made after July 1 of the~~

1 ~~year in which such modification becomes effective shall be based on~~
2 ~~the redrawn districts. Appointments made after July 1 of the year~~
3 ~~in which such modification becomes effective shall be from any~~
4 ~~redrawn districts which are not represented by a board member until~~
5 ~~such time as each of the modified congressional districts are~~
6 ~~represented by a board member; provided, the chair shall be~~
7 ~~appointed at large without regard to congressional district~~
8 ~~representation on the board;~~

9 2. ~~All members shall be appointed by the Governor, by and with~~
10 ~~the advice and consent of the Senate;~~

11 3. a. ~~each of the members appointed from a congressional~~
12 ~~district shall, at the time of appointment, be a~~
13 ~~resident in good faith of the congressional district~~
14 ~~from which appointed, and~~

15 b. ~~each of the members appointed from the state at large~~
16 ~~shall, at the time of appointment and during the~~
17 ~~period of service, be residents in good faith of the~~
18 ~~state;~~

19 4. ~~Each member shall be of good moral character and, for the~~
20 ~~ten-year period immediately preceding appointment, each of the used~~
21 ~~motor vehicle dealer representatives shall have been licensed for~~
22 ~~and actually engaged in the distribution or sale of used motor~~
23 ~~vehicles; each of the dismantler representatives shall have actually~~
24 ~~been licensed for and engaged in the principal business of~~

~~dismantling or disassembling motor vehicles for the purpose of
selling the parts thereof; and the manufactured housing
representative shall have been licensed for and actually engaged in
the principal business of selling manufactured homes; and~~

~~5. Eight members plus the chair shall be engaged in the used
motor vehicle industry or the automotive dismantler industry. There
shall not be fewer than five members engaged in the principal
business of the sale of used motor vehicles and there shall not be
fewer than two members engaged in the principal business of
dismantling or disassembling motor vehicles for the purpose of
selling the parts thereof. One of the at-large members shall be
engaged in the principal business of selling manufactured homes as a
licensed manufactured home dealer. Being engaged in one or more of
such pursuits shall not disqualify a person otherwise qualified from
serving on the Commission.~~

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

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

~~a. the Commission shall determine and certify the trade
associations of manufactured home dealers that
represent ten percent (10%) or more of the number of
licensed manufactured home dealers in the state and~~

1 ~~shall certify each such association to the Governor.~~

2 ~~The Governor shall request a minimum of ten names from~~
3 ~~each such association and shall select one member from~~
4 ~~the manufactured home industry from the names~~
5 ~~provided,~~

6 ~~b. each member actively serving July 1, 2000, who was~~
7 ~~appointed on or before June 30, 2000, shall remain and~~
8 ~~fulfill the term of his or her membership as set forth~~
9 ~~at the appointment,~~

10 ~~c. except for the chair, the term of office of each~~
11 ~~member of the Commission shall be for six (6) years,~~

12 ~~d. except for the chair and the at-large members, the~~
13 ~~term of office of any member will automatically expire~~
14 ~~if the member moves out of the congressional district~~
15 ~~from which appointed; however, if the congressional~~
16 ~~districts are modified each member shall complete the~~
17 ~~current term of office as provided in this section,~~

18 ~~e. in event of death, resignation, or removal of any~~
19 ~~person serving on the Commission, the vacancy shall be~~
20 ~~filled by appointment as aforesaid for the unexpired~~
21 ~~portion of the term,~~

22 ~~f. except for the chair, when the term of a member~~
23 ~~automatically expires, the vacancy shall be filled by~~
24 ~~appointment of a qualified successor for a term of six~~

1 ~~(6) years as aforesaid, except that the member shall~~
2 ~~serve until a successor is appointed and qualified.~~

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

5 ~~C. The chair and members of the Commission shall receive Thirty~~
6 ~~Dollars (\$30.00) for each and every day actually and necessarily~~
7 ~~spent in attending the meetings of the Commission, and shall be~~
8 ~~reimbursed for subsistence and traveling expenses incurred in the~~
9 ~~performance of their duties hereunder as provided by the State~~
10 ~~Travel Reimbursement Act; provided that such meeting payments shall~~
11 ~~not exceed the sum of Six Hundred Dollars (\$600.00) per annum to any~~
12 ~~one person.~~

13 ~~D. 1. a. The Commission shall appoint a qualified person to~~
14 ~~serve as Executive Director who shall have had~~
15 ~~sufficient management and organizational experience in~~
16 ~~the automotive industry to direct the functions of the~~
17 ~~Commission.~~

18 ~~b. The Executive Director shall be appointed for a term~~
19 ~~of six (6) years, and shall not be subject to~~
20 ~~dismissal or removal without cause.~~

21 ~~e. The Commission shall fix the salary and define and~~
22 ~~prescribe the duties of the Executive Director.~~

23 ~~d. The Executive Director shall be in charge of the~~
24 ~~Commission's office, shall devote such time as~~

1 ~~necessary to fulfill the duties thereof, and, before~~
2 ~~entering upon these duties, shall take and subscribe~~
3 ~~to the oath of office.~~

4 ~~2. The Commission may employ such clerical, technical, legal~~
5 ~~and other help and incur such expenses as may be necessary for the~~
6 ~~proper discharge of its duties under Section 581 et seq. of this~~
7 ~~title.~~

8 ~~3. The Commission shall maintain its office and transact its~~
9 ~~business in Oklahoma City, and is authorized to adopt and use a~~
10 ~~seal.~~

11 ~~E. 1. a. The Commission is hereby vested with the powers and~~
12 ~~duties necessary and proper to enable it to fully and~~
13 ~~effectively carry out the provisions and objectives of~~
14 ~~Section 581 et seq. of this title, and is hereby~~
15 ~~authorized and empowered, pursuant to the~~
16 ~~Administrative Procedures Act, to make and enforce all~~
17 ~~reasonable rules and to adopt and prescribe all forms~~
18 ~~necessary to accomplish said purpose.~~

19 ~~b. The Commission shall promulgate rules for the~~
20 ~~licensing of manufactured home installers and the~~
21 ~~installation, which is the blocking, anchoring and~~
22 ~~leveling of mobile and manufactured homes that meet~~
23 ~~the standards of the manufacturer's manual or the~~
24 ~~Commission.~~

1 ~~e. The Commission shall promulgate rules to prescribe the~~
2 ~~contents of manufactured home sales agreements and to~~
3 ~~require that each manufactured home manufacturer issue~~
4 ~~with each new manufactured home a warranty comparable~~
5 ~~to warranties generally in use in the industry~~
6 ~~warranting the manufactured home to be free from~~
7 ~~material defects.~~

8 ~~d. The enumeration of any power or authority herein shall~~
9 ~~not be construed to deny, impair, disparage or limit~~
10 ~~any others necessary to the attainment thereof.~~

11 ~~e. A copy of all rules adopted by the Commission shall be~~
12 ~~filed and recorded in the office of the Secretary of~~
13 ~~State and the State Librarian and Archivist, and same~~
14 ~~may be amended, modified or repealed from time to~~
15 ~~time.~~

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

18 ~~a. to license used motor vehicle dealers, used motor~~
19 ~~vehicle salespersons, wholesale used motor vehicle~~
20 ~~dealers, dismantlers, manufactured home dealers,~~
21 ~~manufactured home manufacturers, and manufactured home~~
22 ~~installers,~~

23 ~~b. to inspect used motor vehicle dealer, dismantler and~~
24 ~~manufactured home dealer locations, and manufactured~~

1 ~~home manufacturers' factories or assembly sites to~~
2 ~~ensure that they are in an approved location, meet~~
3 ~~local zoning or other municipal requirements, and have~~
4 ~~sufficient facilities which shall include, but not be~~
5 ~~limited to, for retail businesses, a business sign, a~~
6 ~~listed and usable telephone number, a restroom, and a~~
7 ~~sales office,~~

8 ~~c. to inspect wholesale used motor vehicle dealer~~
9 ~~locations to ensure that they are in an approved~~
10 ~~location, meet local zoning or other municipal~~
11 ~~requirements, and have sufficient facilities which~~
12 ~~shall include, but not be limited to, a listed and~~
13 ~~usable telephone number in the dealer's name and a~~
14 ~~business office where records of the business are~~
15 ~~kept,~~

16 ~~d. to require all dealer sales to have a condition of~~
17 ~~sale such as a warranty disclaimer, implied or written~~
18 ~~warranty or a service contract approved by the~~
19 ~~Commission,~~

20 ~~e. to work with consumers and dealers to hear complaints~~
21 ~~on used vehicles and manufactured homes, including~~
22 ~~installation, and~~

23 ~~f. to serve as a dispute resolution panel for binding~~
24 ~~arbitration in accordance with Section 801 et seq. of~~

1 ~~Title 15 of the Oklahoma Statutes in contract~~
2 ~~controversies between licensed used motor vehicle~~
3 ~~dealers, dismantlers and manufactured housing dealers,~~
4 ~~manufactured home dealers, installers, and~~
5 ~~manufacturers and their consumers when, by mutual~~
6 ~~written agreement executed after the dispute between~~
7 ~~the parties has arisen, both parties have agreed to~~
8 ~~use the Commission as their arbitration panel for~~
9 ~~contract disputes.~~

10 ~~F. 1. All fees and charges collected under the provisions of~~
11 ~~Section 581 et seq. of this title shall be deposited by the~~
12 ~~Executive Director in the State Treasury in accordance with the~~
13 ~~depository laws of this state in a special fund to be known as the~~
14 ~~"Oklahoma Used Motor Vehicle and Parts Commission Fund", which fund~~
15 ~~is hereby created. Except as hereinafter provided, the monies in~~
16 ~~the fund shall be used by the Commission for the purpose of carrying~~
17 ~~out and enforcing the provisions of Section 581 et seq. of this~~
18 ~~title. Expenditures from the fund shall be warrants issued by the~~
19 ~~State Treasurer against claims submitted by the Commission to the~~
20 ~~Director of the Office of Management and Enterprise Services for~~
21 ~~approval.~~

22 ~~2. At the close of each fiscal year, the Commission shall file~~
23 ~~with the Governor and the State Auditor and Inspector a true and~~
24 ~~correct report of all fees and charges collected and received by it~~

1 ~~during the preceding fiscal year and shall at the same time pay into~~
2 ~~the General Revenue Fund of the state a sum equal to ten percent~~
3 ~~(10%) of the gross fees and charges so collected and received.~~

4 3. ~~All expenses incurred by the Commission in carrying out the~~
5 ~~provisions of Section 581 et seq. of this title including, but not~~
6 ~~limited to, per diem, wages, salaries, rent, postage, advertising,~~
7 ~~supplies, bond premiums, travel and subsistence for the~~
8 ~~Commissioners, the Executive Director, employees, and legal counsel,~~
9 ~~and printing and utilities, shall be a proper charge against the~~
10 ~~fund, exclusive of the portion thereof to be paid into the General~~
11 ~~Revenue Fund as above set out; provided, that in no event shall~~
12 ~~liability ever accrue hereunder against the state in any sum~~
13 ~~whatsoever, or against the Oklahoma Used Motor Vehicle and Parts~~
14 ~~Commission Fund, in excess of the ninety percent (90%) of the fees~~
15 ~~and charges deposited therein is hereby abolished.~~

16 SECTION 6. AMENDATORY 47 O.S. 2011, Section 583, as last
17 amended by Section 1, Chapter 386, O.S.L. 2015 (47 O.S. Supp. 2015,
18 Section 583), is amended to read as follows:

19 Section 583. A. 1. It shall be unlawful and constitute a
20 misdemeanor for any person to engage in business as, or serve in the
21 capacity of, or act as a used motor vehicle dealer, used motor
22 vehicle salesperson, wholesale used motor vehicle dealer,
23 manufactured home dealer, restricted manufactured home park dealer,
24 manufactured home salesperson, manufactured home installer, or

1 manufactured home manufacturer selling directly to a licensed
2 manufactured home dealer in this state without first obtaining a
3 license or following other requirements therefor as provided in this
4 section.

5 2. a. Any person engaging, acting, or serving in the
6 capacity of a used motor vehicle dealer and/or a used
7 motor vehicle salesperson, a manufactured home dealer,
8 restricted manufactured home park dealer, manufactured
9 home salesperson, a manufactured home installer, or a
10 manufactured home manufacturer, or having more than
11 one place where any such business, or combination of
12 businesses, is carried on or conducted shall be
13 required to obtain and hold a current license for each
14 such business, in which engaged.

15 b. A used motor vehicle dealer's license shall authorize
16 one person to sell without a salesperson's license in
17 the event such person shall be the owner of a
18 proprietorship, or the person designated as principal
19 in the dealer's franchise or the managing officer or
20 one partner if no principal person is named in the
21 franchise.

22 c. If after a hearing in accordance with the provisions
23 of Section 585 of this title, the Oklahoma ~~Used~~ Motor
24 Vehicle ~~and Parts~~ Commission shall find any person

1 installing a mobile or manufactured home to be in
2 violation of any of the provisions of this act, such
3 person may be subject to an administrative fine of not
4 more than Five Hundred Dollars (\$500.00) for each
5 violation. Each day a person is in violation of this
6 act may constitute a separate violation. All
7 administrative fines collected pursuant to the
8 provisions of this subparagraph shall be deposited in
9 the fund established in Section ~~582~~ 563 of this title.
10 Administrative fines imposed pursuant to this
11 subparagraph may be enforceable in the district courts
12 of this state.

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

15 3. Any person except persons penalized by administrative fine
16 violating the provisions of this section shall, upon conviction, be
17 fined not to exceed Five Hundred Dollars (\$500.00). A second or
18 subsequent conviction shall be punished by a fine not to exceed One
19 Thousand Dollars (\$1,000.00); provided that each day such unlicensed
20 person violates this section shall constitute a separate offense,
21 and any vehicle involved in a violation of this subsection shall be
22 considered a separate offense.

23 B. 1. Applications for licenses required to be obtained under
24 the provisions of the Oklahoma ~~Used Motor Vehicle and Parts~~

1 Commission shall be verified by the oath or affirmation of the
2 applicant and shall be on forms prescribed by the Commission and
3 furnished to the applicants, and shall contain such information as
4 the Commission deems necessary to enable it to fully determine the
5 qualifications and eligibility of the several applicants to receive
6 the license or licenses applied for. The Commission shall require
7 in the application, or otherwise, information relating to:

- 8 a. the applicant's financial standing,
- 9 b. the applicant's business integrity,
- 10 c. whether the applicant has an established place of
11 business and is engaged in the pursuit, avocation, or
12 business for which a license, or licenses, is applied
13 for,
- 14 d. whether the applicant is able to properly conduct the
15 business for which a license, or licenses, is applied
16 for, and
- 17 e. such other pertinent information consistent with the
18 safeguarding of the public interest and the public
19 welfare.

20 2. All applications for license or licenses shall be
21 accompanied by the appropriate fee or fees in accordance with the
22 schedule hereinafter provided. In the event any application is
23 denied and the license applied for is not issued, the entire license
24 fee shall be returned to the applicant.

1 3. All bonds and licenses issued under the provisions of this
2 act shall expire on December 31, following the date of issue and
3 shall be nontransferable. All applications for renewal of licenses
4 shall be submitted by November 1 of each year of expiration, and
5 licenses for completed renewals received by November 1 shall be
6 issued by January 10. If applications have not been made for
7 renewal of licenses, such licenses shall expire on December 31 and
8 it shall be illegal for any person to represent himself or herself
9 and act as a dealer thereafter. Tag agents shall be notified not to
10 accept dealers' titles until such time as licenses have been issued.
11 Beginning January 1, 2016, all licenses shall be issued for a period
12 of two (2) years and the appropriate fees shall be assessed. The
13 Commission shall adopt rules necessary to implement the two-year
14 licensing provisions.

15 4. A used motor vehicle salesperson's license shall permit the
16 licensee to engage in the activities of a used motor vehicle
17 salesperson. Salespersons shall not be allowed to sell vehicles
18 unless applications and fees are on file with the Commission and the
19 motor vehicle salesperson's or temporary salesperson's license
20 issued. A temporary salesperson's license, salesperson's renewal or
21 reissue of salesperson's license shall be deemed to have been issued
22 when the appropriate application and fee have been properly
23 addressed and mailed to the Commission.
24

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

3 C. The schedule of license fees to be charged and received by
4 the Commission for the licenses issued hereunder shall be as
5 follows:

6 1. For each used motor vehicle dealer's license and each
7 wholesale used motor vehicle dealer's license, Six Hundred Dollars
8 (\$600.00). If a used motor vehicle dealer or a wholesale used motor
9 vehicle dealer has once been licensed by the Commission in the
10 classification for which he or she applies for a renewal of the
11 license, the fee for each subsequent renewal shall be Three Hundred
12 Dollars (\$300.00); provided, if an applicant holds a license to
13 conduct business as an automotive dismantler and parts recycler
14 issued pursuant to Section 591.1 et seq. of this title, the initial
15 fee shall be Two Hundred Dollars (\$200.00) and the renewal fee shall
16 be Two Hundred Dollars (\$200.00). If an applicant is applying
17 simultaneously for a license under this paragraph and a license
18 under paragraph 1 of Section 591.5 of this title, the initial
19 application fee shall be Four Hundred Dollars (\$400.00). For the
20 reinstatement of a used motor vehicle dealer's license after
21 revocation for cancellation or expiration of insurance pursuant to
22 subsection F of this section, the fee shall be Two Hundred Dollars
23 (\$200.00);
24

1 2. For a used motor vehicle dealer's license, for each place of
2 business in addition to the principal place of business, Two Hundred
3 Dollars (\$200.00);

4 3. For each used motor vehicle salesperson's license and
5 renewal, Fifty Dollars (\$50.00), and for a transfer, Fifty Dollars
6 (\$50.00);

7 4. For each holder who possesses a valid new motor vehicle
8 dealer's license from the ~~Oklahoma Motor Vehicle~~ Commission, Two
9 Hundred Dollars (\$200.00) shall be the initial fee for a used motor
10 vehicle license and the fee for each subsequent renewal shall be Two
11 Hundred Dollars (\$200.00);

12 5. a. For each manufactured home dealer's license or a
13 restricted manufactured home park dealer's license,
14 Six Hundred Dollars (\$600.00), and for each place of
15 business in addition to the principal place of
16 business, Four Hundred Dollars (\$400.00), and

17 b. For each renewal of a manufactured home dealer's
18 license or a restricted manufactured home park
19 dealer's license, and renewal for each place of
20 business in addition to the principal place of
21 business, Three Hundred Dollars (\$300.00);

22 6. a. For each manufactured home installer's license, Four
23 Hundred Dollars (\$400.00), and
24

1 b. For each renewal of a manufactured home installer's
2 license, Four Hundred Dollars (\$400.00);

3 7. a. For each manufactured home manufacturer selling
4 directly to a licensed manufactured home dealer in
5 this state, One Thousand Five Hundred Dollars
6 (\$1,500.00), and

7 b. For each renewal of a manufactured home manufacturer's
8 license, One Thousand Five Hundred Dollars
9 (\$1,500.00); and

10 8. For each manufactured home salesperson's license or renewal
11 thereof, Fifty Dollars (\$50.00), and for each transfer, Fifty
12 Dollars (\$50.00).

13 D. 1. The license issued to each used motor vehicle dealer,
14 each wholesale used motor vehicle dealer, each restricted
15 manufactured home park dealer and each manufactured home dealer
16 shall specify the location of the place of business. If the
17 business location is changed, the ~~Oklahoma Used Motor Vehicle and~~
18 ~~Parts~~ Commission shall be notified immediately of the change and the
19 Commission may endorse the change of location on the license. The
20 fee for a change of location shall be One Hundred Dollars (\$100.00),
21 and the fee for a change of name, Twenty-five Dollars (\$25.00). The
22 license of each licensee shall be posted in a conspicuous place in
23 the place or places of business of the licensee.
24

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

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

16 4. Every manufactured home installer shall have the license
17 available for inspection at the primary place of business of the
18 licensee. This license shall be valid for the licensee and all of
19 the employees of the licensee. Any person who is not an employee of
20 the licensee must obtain a separate manufactured home installer
21 license regardless of whether such person is acting in the capacity
22 of a contractor or subcontractor.

23 E. 1. a. Each applicant for a used motor vehicle dealer's
24 license shall procure and file with the Commission a

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

14 b. Each new applicant for a used motor vehicle dealer
15 license for the purpose of conducting a used motor
16 vehicle business which will consist primarily of non-
17 auction consignment sales which are projected to equal
18 Five Hundred Thousand Dollars (\$500,000.00) or more in
19 gross annual sales shall procure and file with the
20 Commission a good and sufficient bond in the amount of
21 Fifty Thousand Dollars (\$50,000.00). The Commission
22 shall prescribe by rule the method of operation of the
23 non-auction consignment dealer in order to properly
24 protect the interests of all parties to the

1 transaction and to provide sanctions against dealers
2 who fail to comply with the rules.

3 c. Each applicant for a wholesale used motor vehicle
4 dealer's license shall procure and file with the
5 Commission a good and sufficient bond in the amount of
6 Twenty-five Thousand Dollars (\$25,000.00).

7 d. Any used motor vehicle dealer who, for the purpose of
8 being a rebuilder, applies for a rebuilder
9 certificate, as provided in Section 591.5 of this
10 title, whether as a new application or renewal, shall
11 procure and file with the Commission a good and
12 sufficient bond in the amount of Fifteen Thousand
13 Dollars (\$15,000.00), in addition to any other bonds
14 required.

15 e. Each applicant for a manufactured home dealer's
16 license or a restricted manufactured home park
17 dealer's license shall procure and file with the
18 Commission a good and sufficient bond in the amount of
19 Thirty Thousand Dollars (\$30,000.00).

20 f. Each manufactured home manufacturing facility selling
21 directly to a licensed manufactured home dealer in
22 this state shall procure and file with the Commission
23 a good and sufficient bond in the amount of Thirty
24 Thousand Dollars (\$30,000.00). In addition to all

1 other conditions and requirements set forth herein,
2 the bond shall require the availability of prompt and
3 full warranty service by the manufacturer to comply
4 with all warranties expressed or implied in connection
5 with each manufactured home which is manufactured for
6 resale in this state. A manufacturer may not sell,
7 exchange, or lease-purchase a manufactured home to a
8 person in this state who is not a licensed
9 manufactured home dealer.

10 g. The bond shall be approved as to form by the Attorney
11 General and conditioned that the applicant shall not
12 practice fraud, make any fraudulent representation, or
13 violate any of the provisions of this act in the
14 conduct of the business for which the applicant is
15 licensed. One of the purposes of the bond is to
16 provide reimbursement for any loss or damage suffered
17 by any person by reason of issuance of a certificate
18 of title by a used motor vehicle dealer, a wholesale
19 used motor vehicle dealer, a restricted manufactured
20 home park dealer or a manufactured home dealer.

21 2. The bonds as required by this section shall be maintained
22 throughout the period of licensure. Should the bond be canceled for
23 any reason, the license shall be revoked as of the date of
24 cancellation unless a new bond is furnished prior to such date.

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

8 G. Any manufactured home dealer or restricted manufactured home
9 park dealer is required to furnish and keep in force a minimum of
10 One Hundred Thousand Dollars (\$100,000.00) of garage liability or
11 general liability with products and completed operations insurance
12 coverage.

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

17 SECTION 7. AMENDATORY 47 O.S. 2011, Section 584, as
18 amended by Section 3, Chapter 145, O.S.L. 2013 (47 O.S. Supp. 2015,
19 Section 584), is amended to read as follows:

20 Section 584. A. The Oklahoma ~~Used Motor Vehicle and Parts~~
21 Commission may deny an application for a license, impose a fine not
22 to exceed One Thousand Dollars (\$1,000.00) per occurrence and/or
23 revoke or suspend a license after it has been granted, when any
24

1 provision of Sections 581 through 588 of this title is violated or
2 for any of the following reasons:

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

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

9 3. For any willful failure to comply with any provision of
10 Section 581 et seq. of this title or with any rule promulgated by
11 the Commission under authority vested in it by Sections 581 through
12 588 of this title;

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

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

17 6. Being a used motor vehicle dealer, used motor vehicle
18 salesperson, a wholesale used motor vehicle dealer, or a
19 manufactured home dealer, a restricted manufactured home park
20 dealer, a manufactured home installer, manufactured home
21 manufacturer, or manufactured home salesperson who:

- 22 a. resorts to or uses any false or misleading advertising
23 in connection with business as a used motor vehicle
24 dealer or salesperson, wholesale used motor vehicle

1 dealer or a restricted manufactured home park dealer
2 or manufactured home dealer, installer or
3 manufacturer,

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

6 c. has been convicted of a crime involving moral
7 turpitude,

8 d. has committed a fraudulent act in selling, purchasing
9 or otherwise dealing in motor vehicles or manufactured
10 homes or has misrepresented the terms and conditions
11 of a sale, purchase or contract for sale or purchase
12 of a motor vehicle or manufactured home or any
13 interest therein including an option to purchase such
14 motor vehicles or manufactured homes,

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

19 f. has failed to meet or maintain the conditions and
20 requirements necessary to qualify for the issuance of
21 a license,

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

- 1 h. has installed or attempted to install a manufactured
2 home in an unworkmanlike manner, or
3 i. employs unlicensed salesperson or other unlicensed
4 persons in connection with the sale of manufactured
5 homes;

6 7. Being a used motor vehicle dealer who:

- 7 a. does not have an established place of business,
8 b. employs unlicensed salespersons or other unlicensed
9 persons in connection with the sale of used vehicles,
10 c. fails or refuses to furnish or keep in force single
11 limit liability insurance on any vehicle offered for
12 sale and otherwise required under the financial
13 responsibility laws of this state, or
14 d. is not operating from the address shown on the license
15 if this change has not been reported to the
16 Commission; or

17 8. Being a manufactured home dealer or a restricted
18 manufactured home park dealer who:

- 19 a. does not have an established place of business,
20 b. fails or refuses to furnish or keep in force garage
21 liability and completed operations insurance, or
22 c. is not operating from the address shown on the license
23 if this change has not been reported to the
24 Commission.

1 B. 1. The Commission shall deny an application for a license,
2 or revoke or suspend a license after it has been granted, if a
3 manufactured home dealer does not meet the following guidelines and
4 restrictions:

- 5 a. a display area for manufactured homes which is easily
6 accessible, with sufficient parking for the public,
- 7 b. an office for conducting business where the books,
8 records, and files are kept, with access to a restroom
9 for the public,
- 10 c. a place of business which meets all zoning occupancy
11 and other requirements of the appropriate local
12 government and regular occupancy by a person, firm, or
13 corporation engaged in the business of selling
14 manufactured homes, and
- 15 d. a place of business which is separate and apart from
16 any other dealer's location.

17 2. The Commission shall deny an application for a restricted
18 manufactured home park dealer license, or revoke or suspend a
19 license after it has been granted, if a manufactured home park
20 dealer does not satisfy the following guidelines and restrictions:

- 21 a. only mobile or manufactured homes that are "ready for
22 occupancy" are sold or offered for sale,
23
24

1 b. maintains an office for conducting business where the
2 books, records, and files are kept, with access to a
3 restroom for the public,

4 c. maintains a place of business which meets all zoning,
5 occupancy and other requirements of the appropriate
6 local government and regular occupancy by a person,
7 firm or corporation engaged in the business of selling
8 manufactured homes inside a park, and

9 d. maintains a place of business which is separate and
10 apart from any other dealer's location.

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

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

17 2. Violates or fails to comply with any applicable rule as
18 promulgated by the Commission concerning manufactured home
19 installers.

20 D. The Commission shall deny an application for a license, or
21 revoke or suspend a license after it has been granted, if a
22 manufactured home manufacturer violates or fails to comply with any
23 applicable rule as promulgated by the Commission concerning
24 manufactured home manufacturers.

1 E. The Commission shall deny an application for a license by a
2 motor vehicle manufacturer or factory if the application is for the
3 purpose of selling used motor vehicles to any retail consumer in the
4 state, other than through its retail franchised dealers, or acting
5 as a broker between a seller and a retail buyer. This subsection
6 does not prohibit a manufacturer from selling used motor vehicles
7 where the retail customer is a nonprofit organization or a federal,
8 state, or local government or agency. This subsection does not
9 prohibit a manufacturer from providing information to a consumer for
10 the purpose of marketing or facilitating the sale of used motor
11 vehicles or from establishing a program to sell or offer to sell
12 used motor vehicles through the manufacturer's retail franchised
13 dealers as provided for in Sections 561 through 580.2 of this title.
14 This subsection shall not prevent a factory from obtaining a
15 wholesale used motor vehicle dealer's license or the factory's
16 financing subsidiary from obtaining a wholesale used motor vehicle
17 dealer's license.

18 F. If the Commission denies issuance of a license the
19 Commission shall provide the grounds for the action to the applicant
20 in writing and allow the applicant sixty (60) days to resolve any
21 issues that are the grounds for the action.

22 G. Each of the aforementioned grounds for suspension,
23 revocation, or denial of issuance or renewal of license shall also
24 constitute a violation of Sections 581 through 588 of this title,

1 unless the person involved has been tried and acquitted of the
2 offense constituting such grounds.

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

8 SECTION 8. AMENDATORY 47 O.S. 2011, Section 587, as
9 amended by Section 180, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
10 2015, Section 587), is amended to read as follows:

11 Section 587. A. There is hereby created a petty cash fund not
12 to exceed One Hundred Dollars (\$100.00) for the Oklahoma ~~Used~~ Motor
13 Vehicle ~~and Parts~~ Commission, which may be expended for small
14 authorized expenses of the Commission.

15 B. The Director of the Office of Management and Enterprise
16 Services is authorized to prescribe forms, systems and procedures
17 for its administration. The petty cash fund may be reimbursed from
18 time to time by the filing of proper claims, accompanied by valid
19 receipts for expenditures made.

20 €.

21 SECTION 9. AMENDATORY 47 O.S. 2011, Section 591.4, as
22 amended by Section 2, Chapter 386, O.S.L. 2015 (47 O.S. Supp. 2015,
23 Section 591.4), is amended to read as follows:
24

1 Section 591.4. A. Every person, firm or corporation desiring
2 to engage in the business of an automotive dismantler and parts
3 recycler shall apply in writing, on a form to be prescribed by the
4 Oklahoma ~~Used Motor Vehicle and Parts~~ Commission, which form shall
5 contain:

6 1. The name of the applicant;

7 2. The street address of the applicant's principal place of
8 business;

9 3. The type of business organization of the applicant;

10 4. The applicant's financial statement;

11 5. The legal description of the proposed place of business,
12 together with written verification from the appropriate local
13 authorities that the place of business meets the licensing and
14 zoning requirements of the municipality or county where located; and

15 6. Such additional information as may be required by the
16 Commission.

17 B. Notwithstanding subsection A of this section, the Commission
18 may decline to issue an original license to any person, firm or
19 corporation that does not, in good faith, meet the requirements of
20 the Automotive Dismantlers and Parts Recycler Act; or whose proposed
21 place of business does not meet the applicable zoning requirements;
22 or whose proposed use is deemed inappropriate by the Commission due
23 to surrounding property uses or objections from the immediate
24 surrounding neighbors, such that the place of business would be

1 deemed to be a private or public nuisance; or whose place of
2 business is not properly screened by natural objects, plantings,
3 opaque fences of a height not less than six (6) nor more than eight
4 (8) feet or other appropriate sightproofing, so as to screen where
5 possible vehicles and parts stored outside of buildings from view
6 from immediately adjacent property.

7 SECTION 10. AMENDATORY 47 O.S. 2011, Section 591.5, as
8 amended by Section 3, Chapter 386, O.S.L. 2015 (47 O.S. Supp. 2015,
9 Section 591.5), is amended to read as follows:

10 Section 591.5. An application for a license shall be
11 accompanied by the following fees:

12 1. Six Hundred Dollars (\$600.00) for an initial license for an
13 applicant's established principal place of business, Three Hundred
14 Dollars (\$300.00) for a renewal license for an applicant's
15 established place of business and Two Hundred Dollars (\$200.00) for
16 each additional place of business, if any, to which the application
17 pertains; provided, if an applicant holds a used motor vehicle
18 dealer's license issued pursuant to paragraph 1 of subsection C of
19 Section 583 of this title, for an applicant's established place of
20 business the initial license fee shall be Two Hundred Dollars
21 (\$200.00) and the renewal fee shall be Two Hundred Dollars
22 (\$200.00); provided further, if an applicant is applying
23 simultaneously for a license under this paragraph and under
24 paragraph 1 of subsection C of Section 583 of this title, the

1 initial application fee shall be Four Hundred Dollars (\$400.00). If
2 an applicant for or holder of a used motor vehicle dealer's license
3 also applies for a rebuilder certificate, the initial fee for the
4 certificate shall be Six Hundred Dollars (\$600.00) and the renewal
5 fee shall be Three Hundred Dollars (\$300.00). License fees shall be
6 returnable only in the event that the application is denied by the
7 Motor Vehicle Commission.

8 2. Any change which renders no longer accurate any information
9 contained in an application for a license filed with the Commission
10 shall be amended within thirty (30) days after the occurrence of the
11 change on a form prescribed by the Commission by rule, accompanied
12 by a fee of One Hundred Dollars (\$100.00), provided, the fee for a
13 change of name shall be Fifty Dollars (\$50.00).

14 3. Every license issued to an automobile dismantler and parts
15 recycler shall expire on December 31 of each year and shall be
16 renewed on or before January 1 of the following year.

17 SECTION 11. AMENDATORY 47 O.S. 2011, Section 591.6, is
18 amended to read as follows:

19 Section 591.6. Every automotive dismantler and parts recycler
20 shall keep a register of all purchases and sales of motor vehicles
21 for three (3) years from the date of purchase or sale, showing the
22 make, model, year, style, vehicle identification number, and name
23 and address of the purchaser or seller of the motor vehicle. Such
24 registers shall be made available for inspection by properly

1 identified employees or agents of the Oklahoma ~~Used~~ Motor Vehicle
2 ~~and Parts~~ Commission or identified law enforcement officers of the
3 state, county and municipality where the business of the automotive
4 dismantler and parts recycler is located, during reasonable business
5 hours on business days. The inspection authority shall include the
6 right to inspect any motor vehicle or parts thereof owned by or
7 stored at the automotive dismantler and parts recycler's place of
8 business.

9 SECTION 12. AMENDATORY 47 O.S. 2011, Section 591.9, as
10 amended by Section 4, Chapter 386, O.S.L. 2015 (47 O.S. Supp. 2015,
11 Section 591.9), is amended to read as follows:

12 Section 591.9. The Oklahoma ~~Used~~ Motor Vehicle ~~and Parts~~
13 Commission is authorized to refuse, cancel, suspend or revoke a
14 license to any person, firm or corporation for the following
15 reasons:

16 1. Failure to meet the requirements of the Automotive
17 Dismantlers and Parts Recycler Act;

18 2. Failure to continue to meet the requirements of this act or
19 of the rules promulgated by the Commission pursuant to the
20 provisions of the Automotive Dismantlers and Parts Recycler Act;

21 3. Upon satisfactory proof of unfitness of the applicant or the
22 licensee, as the case may be, under the standards established by the
23 Automotive Dismantlers and Parts Recycler Act;

1 4. For the felony conviction of a state or federal law by an
2 applicant, licensee, partner of an applicant or licensee, director,
3 officer, or stockholder in the case of a corporate applicant or
4 licensee, or an employee, manager, or any person having a pecuniary
5 interest in the business involving:

- 6 a. theft,
- 7 b. violation of the Oklahoma certificate of title law or
8 similar laws of other states,
- 9 c. alteration, obliteration, or removal of a vehicle
10 identification number, or
- 11 d. any other act directly relating to the ability of the
12 applicant or licensee to conduct an automotive
13 dismantler and parts recycling business;

14 5. Commission of any unlawful act which resulted in the
15 revocation of any similar license in another state; or

16 6. Engaging in business under a past or present license issued
17 pursuant to the Automotive Dismantlers and Parts Recycler Act in
18 such a manner as to cause injury to the public or to those with whom
19 the licensee has dealt.

20 SECTION 13. AMENDATORY 47 O.S. 2011, Section 591.11, as
21 amended by Section 6, Chapter 386, O.S.L. 2015 (47 O.S. Supp. 2015,
22 Section 591.11), is amended to read as follows:

23 Section 591.11. A. Sales at a salvage pool or salvage disposal
24 sale may be opened only to:

1 1. A person who is a resident of this state;

2 2. A company representative of a business that is based in this
3 state; or

4 3. A person who may legally purchase salvage vehicles in his or
5 her home state or country.

6 B. It shall be the duty of the owner, manager or person in
7 charge of any salvage pool or salvage disposal sale to prohibit the
8 bidding by any person who is not qualified to purchase salvage
9 vehicles as provided in subsection A of this section and, further,
10 to refuse to sell to any person any wrecked or repairable motor
11 vehicle if such person is not qualified to purchase salvage vehicles
12 as provided in subsection A of this section.

13 C. Any salvage pool or salvage disposal sale that is
14 facilitating in the sale of a motor vehicle for an insurance company
15 must provide on its website the full seventeen-digit vehicle
16 identification number (VIN) and the name of the insurance company
17 that is selling the motor vehicle.

18 D. The salvage pool or salvage disposal sale shall show the
19 buyer's identification number of the winning bidder on any sale that
20 takes place on the Internet or by online bidding for all salvage
21 motor vehicles being sold for an insurance company.

22 E. It shall be the duty of the owner, manager or person in
23 charge of any salvage pool or salvage disposal sale to remit
24 payments to the Oklahoma ~~Used Motor Vehicle and Parts~~ Commission.

1 Such payments shall be calculated by multiplying the total number of
2 salvage vehicle sales transactions during a certain period times Two
3 Dollars (\$2.00). The first payment shall not be calculated on any
4 sales transactions prior to November 1, 2007. The payments shall
5 not be made more often than one payment each month. The payments
6 shall be transmitted to the Oklahoma Used Motor Vehicle and Parts
7 Commission at any time during the thirty (30) days immediately
8 following the period for which the payment was calculated.

9 F. Every salvage pool shall keep a register of all sales of
10 salvage vehicles showing the make, model, year, style, vehicle
11 identification number, and names and addresses of the purchaser and
12 seller of the motor vehicle. Such registers shall be submitted to
13 the Oklahoma ~~Used Motor Vehicle and Parts~~ Commission on a regular
14 basis.

15 G. The provisions of this section shall not apply to a
16 regularly scheduled vehicle consignment auction conducted by a used
17 motor vehicle dealer which sells salvage vehicles, damaged vehicles,
18 wrecked vehicles or repairable vehicles for someone other than a
19 public insurance company. Such auction may sell these vehicles as
20 an incident to the sale of operable vehicles, but shall not
21 constitute a primary part of the business.

22 SECTION 14. AMENDATORY 47 O.S. 2011, Section 591.13, is
23 amended to read as follows:
24

1 Section 591.13. Any person violating any provision of the
2 Automotive Dismantlers and Parts Recycler Act or operating as a
3 rebuilder as used in Section 581 et seq. of this title without a
4 rebuilder certificate shall be guilty of a misdemeanor and upon the
5 first conviction thereof shall be punished by a fine of not less
6 than Five Hundred Dollars (\$500.00) with impoundment of the vehicle
7 until all taxes and fees are paid and upon the second conviction
8 thereof shall be punished by a fine of not less than One Thousand
9 Dollars (\$1,000.00) with impoundment of the vehicle until all taxes
10 and fees are paid and upon the third or subsequent conviction
11 thereof shall be punished by a fine of not less than One Thousand
12 Five Hundred Dollars (\$1,500.00) with impoundment of the vehicle
13 until all taxes and fees are paid or by imprisonment in the county
14 jail for not more than one (1) year, or by both such fine and
15 imprisonment. If a vehicle is impounded pursuant to the provisions
16 of this section, the vehicle shall not be released to the owner
17 until the owner provides proof of security or an affidavit that the
18 vehicle will not be used on public highways or public streets, as
19 required pursuant to Section 7-600 et seq. of this title. Each
20 vehicle involved in a violation of this section shall be considered
21 a separate offense. The penalties collected from the payment of the
22 fines shall, after deduction of court costs, be paid to the Oklahoma
23 ~~Used Motor Vehicle and Parts~~ Commission Fund as created by Section
24 ~~582~~ 563 of this title.

1 SECTION 15. AMENDATORY 47 O.S. 2011, Section 591.14, is
2 amended to read as follows:

3 Section 591.14. When any person, firm or corporation is engaged
4 in the business of an automotive dismantler and parts recycler
5 without being licensed as required by Section 591.4 of Title 47 of
6 the Oklahoma Statutes, the Oklahoma ~~Used Motor Vehicle and Parts~~
7 Commission may institute, in the name of the State of Oklahoma ex
8 rel. Oklahoma ~~Used Motor Vehicle and Parts~~ Commission, any necessary
9 action to enjoin such person, firm or corporation from continuing in
10 the business of an automotive dismantler and parts recycler until a
11 license has been issued to such person, firm or corporation by the
12 Oklahoma ~~Used Motor Vehicle and Parts~~ Commission. Upon proper
13 evidence, a temporary restraining order shall be issued. An
14 injunction shall issue without requirement of a bond of any kind
15 from the state. The venue of any action authorized by this section
16 shall be in the county wherein the business activity complained of
17 is conducted.

18 SECTION 16. AMENDATORY 47 O.S. 2011, Section 1102, as
19 last amended by Section 1, Chapter 229, O.S.L. 2014 (47 O.S. Supp.
20 2015, Section 1102), is amended to read as follows:

21 Section 1102. As used in the Oklahoma Vehicle License and
22 Registration Act:
23
24

1 1. "All-terrain vehicle" means a vehicle manufactured and used
2 exclusively for off-highway use traveling on four or more non-
3 highway tires, and being fifty (50) inches or less in width;

4 2. "Carrying capacity" means the carrying capacity of a vehicle
5 as determined or declared in tons of cargo or payload by the owner;
6 provided, that such declared capacity shall not be less than the
7 minimum tonnage capacity fixed, listed or advertised by the
8 manufacturer of any vehicle;

9 3. "Certificate of title" means a document which is proof of
10 legal ownership of a motor vehicle as described and provided for in
11 Section 1105 of this title;

12 4. "Chips and oil" or the term "road oil and crushed rock"
13 means, with respect to materials authorized for use in the surfacing
14 of roads or highways in this title or in any equivalent statute
15 pertaining to road or highway surfacing in the State of Oklahoma,
16 any asphaltic materials. Wherever chips and oil or road oil and
17 crushed rock are authorized for use in the surfacing of roads or
18 highways in this state, whether by the Department of Transportation,
19 or by the county commissioners, or other road building authority
20 subject to the Oklahoma Vehicle License and Registration Act,
21 asphaltic materials are also authorized for use in such surfacing
22 and construction;

23 5. "Combined laden weight" means the weight of a truck or
24 station wagon and its cargo or payload transported thereon, or the

1 weight of a truck or truck-tractor plus the weight of any trailers
2 or semitrailers together with the cargo or payload transported
3 thereon;

4 6. "Commercial trailer" means any trailer, as defined in
5 Section 1-180 of this title, or semitrailer, as defined in Section
6 1-162 of this title, when such trailer or semitrailer is used
7 primarily for business or commercial purposes;

8 7. "Commercial trailer dealer" means any person, firm or
9 corporation engaged in the business of selling any new and unused,
10 or used, or both new and used commercial trailers;

11 8. "Commercial vehicle" means any vehicle over eight thousand
12 (8,000) pounds combined laden weight used primarily for business or
13 commercial purposes. Each motor vehicle being registered pursuant
14 to the provisions of this section shall have the name of the
15 commercial establishment or the words "Commercial Vehicle"
16 permanently and prominently displayed upon the outside of the
17 vehicle in letters not less than two (2) inches high. Such letters
18 shall be in sharp contrast to the background and shall be of
19 sufficient shape and color as to be readily legible during daylight
20 hours, from a distance of fifty (50) feet while the vehicle is not
21 in motion;

22 9. "Commission" or "Tax Commission" means the Oklahoma Tax
23 Commission;

1 10. "Construction machinery" means machines or devices drawn as
2 trailers which are designed and used for construction, tree trimming
3 and waste maintenance projects, which derive no revenue from the
4 transportation of persons or property, whose use of the highway is
5 only incidental and which are not mounted or affixed to another
6 vehicle; provided, construction machinery shall not include
7 implements of husbandry as defined in Section 1-125 of this title;

8 11. "Dealer" means any person, firm, association, corporation
9 or trust who sells, solicits or advertises the sale of new and
10 unused motor vehicles and holds a bona fide contract or franchise in
11 effect with a manufacturer or distributor of a particular make of
12 new or unused motor vehicle or vehicles for the sale of same;

13 12. "Mini-truck" means a foreign-manufactured import or
14 domestic-manufactured vehicle powered by an internal combustion
15 engine with a piston or rotor displacement of one thousand cubic
16 centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches
17 or less in width, with an unladen dry weight of three thousand four
18 hundred (3,400) pounds or less, traveling on four or more tires,
19 having a top speed of approximately fifty-five (55) miles per hour,
20 equipped with a bed or compartment for hauling, and having an
21 enclosed passenger cab;

22 13. "Interstate commerce" means any commerce moving between any
23 place in a state and any place in another state or between places in
24 the same state through another state;

1 14. "Laden weight" means the combined weight of a vehicle when
2 fully equipped for use and the cargo or payload transported thereon;
3 provided, that in no event shall the laden weight be less than the
4 unladen weight of the vehicle fully equipped for use, plus the
5 manufacturer's rated carrying capacity;

6 15. "Local authorities" means every county, municipality or
7 local board or body having authority to adopt police regulations
8 under the Constitution and laws of this state;

9 16. "Low-speed electrical vehicle" means any four-wheeled
10 electrical vehicle that is powered by an electric motor that draws
11 current from rechargeable storage batteries or other sources of
12 electrical current and whose top speed is greater than twenty (20)
13 miles per hour but not greater than twenty-five (25) miles per hour
14 and is manufactured in compliance with the National Highway Traffic
15 Safety Administration standards for low-speed vehicles in 49 C.F.R.
16 571.500;

17 17. "Manufactured home" means a residential dwelling built in
18 accordance with the National Manufactured Housing Construction and
19 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and
20 rules promulgated pursuant thereto and the rules promulgated by the
21 Oklahoma ~~Used Motor Vehicle and Parts~~ Commission pursuant to Section
22 ~~582~~ 563 of this title;

23 18. "Manufactured home dealer" means any person, firm or
24 corporation engaged in the business of selling any new and unused,

1 or used, or both new and used manufactured homes. Such information
2 and a valid franchise letter as proof of authorization to sell any
3 such new manufactured home product line or lines shall be attached
4 to the application for a dealer license to sell manufactured homes.
5 "Manufactured home dealer" shall not include any person, firm or
6 corporation who sells or contracts for the sale of the dealer's own
7 personally titled manufactured home or homes. No person, firm or
8 corporation shall be considered a manufactured home dealer as to any
9 manufactured home purchased or acquired by such person, firm or
10 corporation for purposes other than resale; provided, that the
11 restriction set forth in this sentence shall not prevent an
12 otherwise qualified person, firm or corporation from utilizing a
13 single manufactured home as a sales office;

14 19. "Medium-speed electrical vehicle" means any self-propelled,
15 electrically powered four-wheeled motor vehicle, equipped with a
16 roll cage or crush-proof body design, whose speed attainable in one
17 (1) mile is more than thirty (30) miles per hour but not greater
18 than thirty-five (35) miles per hour;

19 20. "Motor license agent" means any person appointed,
20 designated or authorized by the Oklahoma Tax Commission to collect
21 the fees and to enforce the provisions provided for in the Oklahoma
22 Vehicle License and Registration Act;

23 21. "New vehicle" or "unused vehicle" means a vehicle which has
24 been in the possession of the manufacturer, distributor or

1 wholesaler or has been sold only by the manufacturer, distributor or
2 wholesaler to a dealer;

3 22. "Nonresident" means any person who is not a resident of
4 this state;

5 23. "Off-road motorcycle" means any motorcycle, as defined in
6 Section 1-135 of this title, when such motorcycle has been
7 manufactured for and used exclusively off roads, highways and any
8 other paved surfaces;

9 24. "Owner" means any person owning, operating or possessing
10 any vehicle herein defined;

11 25. "Person" means any individual, copartner, joint venture,
12 association, corporation, limited liability company, estate, trust,
13 business trust, syndicate, the State of Oklahoma, or any county,
14 city, municipality, school district or other political subdivision
15 thereof, or any group or combination acting as a unit, or any
16 receiver appointed by the state or federal court;

17 26. "Rebodied vehicle" means a vehicle:

- 18 a. which has been assembled using a new body or new major
19 component which is of the identical type as the
20 original vehicle and is licensed by the manufacturer
21 of the original vehicle and other original, new or
22 reconditioned parts. For purposes of this paragraph,
23 "new body or new major component" means a new body,
24 cab, frame, front end clip or rear end clip,

1 b. which is not a salvage, rebuilt, or junked vehicle as
2 defined by paragraph 1, 2, or 6 of subsection A of
3 Section 1105 of this title, and

4 c. for which the Tax Commission has assigned or will
5 assign a new identifying number;

6 27. "Recreational off-highway vehicle" means a vehicle
7 manufactured and used exclusively for off-highway use, traveling on
8 four or more non-highway tires, and being sixty-five (65) inches or
9 less in width;

10 28. "Recreational vehicle" means every vehicle which is built
11 on or permanently attached to a self-propelled motor chassis or
12 chassis cab which becomes an integral part of the completed vehicle
13 and is capable of being operated on the highways. In order to
14 qualify as a recreational vehicle pursuant to this paragraph such
15 vehicle shall be permanently constructed and equipped for human
16 habitation, having its own sleeping and kitchen facilities,
17 including permanently affixed cooking facilities, water tanks and
18 holding tank with permanent toilet facilities. Recreational vehicle
19 shall not include manufactured homes or any vehicle with portable
20 sleeping, toilet and kitchen facilities which are designed to be
21 removed from such vehicle;

22 29. "Remanufactured vehicle" means a vehicle which has been
23 assembled by a vehicle remanufacturer using a new body and which may
24 include original, reconditioned, or remanufactured parts, and which

1 is not a salvage, rebuilt, or junked vehicle as defined by
2 paragraphs 1, 2, and 6, respectively, of subsection A of Section
3 1105 of this title;

4 30. "Rental trailer" means all small or utility trailers or
5 semitrailers constructed and suitable for towing by a passenger
6 automobile and designed only for carrying property, when the
7 trailers or semitrailers are owned by, or are in the possession of,
8 any person engaged in renting or leasing such trailers or
9 semitrailers for intrastate or interstate use or combined intrastate
10 and interstate use;

11 31. "Special mobilized machinery" means special purpose
12 machines or devices, either self-propelled or drawn as trailers or
13 semitrailers, which derive no revenue from the transportation of
14 persons or property, whose use of the highway is only incidental,
15 and whose useful revenue producing service is performed at
16 destinations in an area away from the traveled surface of an
17 established open highway;

18 32. "State" means the State of Oklahoma;

19 33. "Station wagon" means any passenger vehicle which does not
20 have a separate luggage compartment or trunk and which does not have
21 open beds, and has one or more rear seats readily lifted out or
22 folded, whether same is called a station wagon or ranch wagon;

23 34. "Travel trailer" means any vehicular portable structure
24 built on a chassis, used as a temporary dwelling for travel,

1 recreational or vacational use, and, when factory-equipped for the
2 road, it shall have a body width not exceeding eight (8) feet and an
3 overall length not exceeding forty (40) feet, including the hitch or
4 coupling;

5 35. "Travel trailer dealer" means any person, firm or
6 corporation engaged in the business of selling any new and unused,
7 or used, or both new and used travel trailers. Such information and
8 a valid franchise letter as proof of authorization to sell any such
9 new travel trailer product line or lines shall be attached to the
10 application for a dealer license to sell travel trailers. "Travel
11 trailer dealer" shall not include any person, firm or corporation
12 who sells or contracts for the sale of his or her own personally
13 titled travel trailer or trailers. No person, firm or corporation
14 shall be considered as a travel trailer dealer as to any travel
15 trailer purchased or acquired by such person, firm or corporation
16 for purposes other than resale;

17 36. "Used motor vehicle dealer" means "used motor vehicle
18 dealer" as defined in Section 581 of this title;

19 37. "Used vehicle" means any vehicle which has been sold,
20 bargained, exchanged or given away, or used to the extent that it
21 has become what is commonly known, and generally recognized, as a
22 "secondhand" vehicle. This shall also include any vehicle other
23 than a remanufactured vehicle, regardless of age, owned by any
24 person who is not a dealer;

1 38. "Utility vehicle" means a vehicle powered by an internal
2 combustion engine, manufactured and used exclusively for off-highway
3 use, equipped with seating for two or more people and a steering
4 wheel, traveling on four or more wheels;

5 39. "Vehicle" means any type of conveyance or device in, upon
6 or by which a person or property is or may be transported from one
7 location to another upon the avenues of public access within the
8 state. "Vehicle" does not include bicycles, trailers except travel
9 trailers and rental trailers, or implements of husbandry as defined
10 in Section 1-125 of this title. All implements of husbandry used as
11 conveyances shall be required to display the owner's driver license
12 number or license plate number of any vehicle owned by the owner of
13 the implement of husbandry on the rear of the implement in numbers
14 not less than two (2) inches in height. The use of the owner's
15 social security number on the rear of the implement of husbandry
16 shall not be required; and

17 40. "Vehicle remanufacturer" means a commercial entity which
18 assembles remanufactured vehicles.

19 SECTION 17. AMENDATORY 47 O.S. 2011, Section 1105.4, is
20 amended to read as follows:

21 Section 1105.4. A. The Oklahoma Tax Commission shall provide
22 informational publications to the Oklahoma Motor Vehicle Commission,
23 ~~Oklahoma Used Motor Vehicle and Parts Commission,~~ and every person
24 and business licensed by the Oklahoma Motor Vehicle Commission ~~or~~

1 ~~Oklahoma Used Motor Vehicle and Parts Commission~~ concerning any
2 amendment, repeal or addition in the Oklahoma Statutes or the rules
3 and regulations of such Commission relating to motor vehicle titles
4 or motor vehicle inspections within forty-five (45) days of the
5 effective date of any such amendment, repeal or addition.

6 B. The Oklahoma Tax Commission shall publish a booklet every
7 two (2) years concerning state laws and rules and regulations
8 concerning motor vehicle titles and motor vehicle inspections. This
9 publication shall be made available to any person upon request.

10 C. The Oklahoma Tax Commission shall provide informational
11 publications to financial institutions concerning any amendment,
12 repeal or addition in the Oklahoma Statutes relating to motor
13 vehicle titles within forty-five (45) days of the effective date of
14 any such amendment.

15 SECTION 18. AMENDATORY 47 O.S. 2011, Section 1107, as
16 amended by Section 1, Chapter 318, O.S.L. 2015 (47 O.S. Supp. 2015,
17 Section 1107), is amended to read as follows:

18 Section 1107. A. In the event of the sale or transfer of the
19 ownership of a vehicle for which a certificate of title has been
20 issued as provided by Section 1105 of this title, the holder of such
21 certificate shall endorse on the back of same a complete assignment
22 thereof with warranty of title in form printed thereon with a
23 statement of all liens or encumbrances on the vehicle, sworn to
24 before a notary public or some other person authorized by law to

1 take acknowledgments, and deliver same to the purchaser or
2 transferee at the time of delivery to the purchaser or transferee of
3 the vehicle; provided, a transfer of the ownership of a vehicle to
4 an insurer resulting from the settlement of a total loss claim shall
5 not require a notarized signature on the certificate of title. The
6 purchaser or transferee, unless such person is a bona fide used
7 motor vehicle dealer licensed by this state, or a charitable
8 organization shall, within thirty (30) days from the time of
9 delivery to the purchaser or transferee of the vehicle, present the
10 assigned certificate of title and the insurance security
11 verification to the vehicle to the Oklahoma Tax Commission, or one
12 of its motor license agents, accompanied by a fee of Eleven Dollars
13 (\$11.00), together with any motor vehicle excise tax or license fee
14 that may be due, whereupon a new certificate of title, shall be
15 issued to the assignee. One Dollar (\$1.00) of each fee shall be
16 deposited in the Oklahoma Tax Commission Reimbursement Fund. Any
17 charitable organization utilizing the exemption authorized by this
18 subsection shall receive training as prescribed by the Oklahoma ~~Used~~
19 Motor Vehicle ~~and Parts~~ Commission.

20 B. A licensed dealer or charitable organization shall, on
21 selling or otherwise disposing of a vehicle, execute and deliver to
22 the purchaser thereof the certificate of title properly and
23 completely reassigned. Thereupon, the purchaser of the vehicle
24 shall present the reassigned certificate to the Commission, or a

1 motor license agent, accompanied by a fee of Eleven Dollars
2 (\$11.00), and any motor vehicle excise tax or license fee that may
3 be due, whereupon a new certificate of title will be issued to the
4 purchaser. One Dollar (\$1.00) of each fee shall be deposited in the
5 Oklahoma Tax Commission Reimbursement Fund. The certificate, when
6 so assigned and returned to the Commission, together with any
7 subsequent assignment or reissue thereof, shall be appropriately
8 filed and indexed so that at all times it will be possible to trace
9 title to the vehicle designated therein. Provided, when the
10 ownership of any motor vehicle shall pass by operation of law, the
11 person owning the vehicle may, upon furnishing satisfactory proof to
12 the Commission of ownership, procure a title to the motor vehicle,
13 regardless of whether a certificate of title has ever been issued.
14 The dealer shall execute and deliver to the purchaser bills of sale
15 on forms prescribed by the Commission for all new vehicles sold by
16 the dealer. On presentation of a bill of sale executed on forms
17 prescribed by the Commission, by a manufacturer or dealer for a new
18 vehicle sold in this state, accompanied by remittance in the sum of
19 Eleven Dollars (\$11.00), together with any motor vehicle excise tax
20 or license fee that may be due, a certificate of title shall be
21 issued in accordance with the provisions of the Oklahoma Vehicle
22 License and Registration Act. One Dollar (\$1.00) of each fee shall
23 be deposited in the Oklahoma Tax Commission Reimbursement Fund. For
24 purposes of this subsection, "charitable organization" shall mean

1 any organization which is exempt from taxation pursuant to the
2 provisions of the Internal Revenue Code, 26 U.S.C., Section
3 501(c)(3) and which is registered as a charitable organization with
4 the Oklahoma Secretary of State and the Oklahoma Attorney General's
5 office.

6 C. Any person violating the provisions of this section shall be
7 guilty of a misdemeanor and upon the first conviction thereof shall
8 be punished by a fine not to exceed Five Hundred Dollars (\$500.00),
9 with impoundment of the vehicle until all taxes and fees are paid.
10 A second or subsequent conviction shall be punished by a fine not to
11 exceed One Thousand Dollars (\$1,000.00), with impoundment of the
12 vehicle until all taxes and fees are paid. If a vehicle is
13 impounded pursuant to the provisions of this section, the vehicle
14 shall not be released to the owner until the owner provides proof of
15 security or an affidavit that the vehicle will not be used on public
16 highways or public streets, as required pursuant to Section 7-600 et
17 seq. of this title. Each vehicle involved in a violation of this
18 section shall be considered a separate offense.

19 SECTION 19. AMENDATORY 68 O.S. 2011, Section 2101, is
20 amended to read as follows:

21 Section 2101. For the purpose of this article:

22 1. The term "motor vehicle" means and includes every
23 automobile, truck, truck-tractor, all-terrain vehicle, utility
24

1 vehicle or any motor bus or any self-propelled vehicle not operated
2 or driven upon fixed rails or tracks or in the air or on water;

3 2. The term "vehicle" means and includes every device in, upon,
4 or by which any person or property is, or may be, transported or
5 drawn, excepting devices moved by human or animal power, when not
6 used upon fixed rails or tracks, or in the air or on water;

7 3. The term "low-speed electrical vehicle" means and includes
8 any four-wheeled electrical vehicle that is powered by an electric
9 motor that draws current from rechargeable storage batteries or
10 other sources of electrical current and whose top speed is greater
11 than twenty (20) miles per hour but not greater than twenty-five
12 (25) miles per hour and is manufactured in compliance with the
13 National Highway Traffic Safety Administration standards for low-
14 speed vehicles in 49 C.F.R. 571.500;

15 4. The term "automobile" means and includes every motor vehicle
16 constructed and used solely for the transportation of persons for
17 purposes other than for hire or compensation;

18 5. The term "motorcycle" means and includes every motor vehicle
19 designed to travel on not more than three wheels other than an all-
20 terrain vehicle;

21 6. The term "truck" means and includes every motor vehicle
22 constructed or used for the transportation of property not falling
23 within the definition of truck-tractor, trailer or semitrailer, as
24 herein defined;

1 7. The term "truck-tractor" means and includes every motor
2 vehicle of the truck type designed to draw or support the front end
3 of a semitrailer;

4 8. The term "trailer" means and includes any vehicle designed
5 to be drawn by a truck, tractor or a truck-tractor, but supported
6 upon its own wheels;

7 9. The term "semitrailer" means and includes any vehicle
8 designed to be attached to, and having its front end supported by a
9 truck, tractor, or truck-tractor;

10 10. The term "motor bus" means and includes every motor vehicle
11 constructed so as to carry persons, and which is used or rented to
12 carry persons for compensation;

13 11. The term "manufactured home" means a residential dwelling
14 built in accordance with the National Manufactured Housing
15 Construction and Safety Standards Act of 1974, 42 U.S.C., Section
16 5401 et seq., and rules promulgated pursuant thereto and the rules
17 promulgated by the Oklahoma ~~Used Motor Vehicle and Parts~~ Commission
18 pursuant to Section ~~582~~ 563 of Title 47 of the Oklahoma Statutes;

19 12. The term "farm tractor" means and includes any vehicle of
20 tractor type owned and operated by the purchaser and used
21 exclusively for agricultural purposes;

22 13. The term "all-terrain vehicle" means and includes every
23 vehicle defined as an all-terrain vehicle in Section 1102 of Title
24 47 of the Oklahoma Statutes;

1 14. The terms "legal ownership" and "legally owned" mean the
2 right to possession, whether acquired by purchase, barter, exchange,
3 assignment, gift, operation of law, or in any other manner;

4 15. The term "person" means and includes natural persons,
5 individuals, partnerships, firms, associations, limited liability
6 companies, corporations, estates, trustees, business trusts,
7 syndicates, this state, any county, city, municipality, school
8 district or other political subdivision of the state, or any
9 corporation or combination acting as a unit or any receiver
10 appointed by any state or federal court; and the use of the singular
11 number shall include the plural number;

12 16. The term "Tax Commission" means the Oklahoma Tax
13 Commission;

14 17. The term "utility vehicle" means every vehicle defined as a
15 utility vehicle in Section 1102 of Title 47 of the Oklahoma
16 Statutes; and

17 18. The term "medium-speed electrical vehicle" means any self-
18 propelled, electrically powered four-wheeled motor vehicle, equipped
19 with a roll cage or crush-proof body design, whose speed attainable
20 in one (1) mile is more than thirty (30) miles per hour but not
21 greater than thirty-five (35) miles per hour.

22 SECTION 20. AMENDATORY 74 O.S. 2011, Section 3601.1, as
23 last amended by Section 19, Chapter 405, O.S.L. 2013 (74 O.S. Supp.
24 2015, Section 3601.1), is amended to read as follows:

1 Section 3601.1. A. For purposes of Sections 3601.1 through
2 3603 of this title, the term "employee" means a full-time employee
3 or any number of part-time employees whose combined weekly hours of
4 employment equal those of a full-time employee, but shall not
5 include temporary employees working on a seasonal basis between May
6 1 and October 31.

7 B. Beginning July 1, 2008, the maximum number of full-time-
8 equivalent employees for each of the following agencies, boards,
9 commissions, departments, or programs shall not exceed the numbers
10 specified in this section, except as may be authorized pursuant to
11 the provisions of Section 3603 of this title.

12 MAXIMUM NUMBER OF
13 FULL-TIME-EQUIVALENT
14 EMPLOYEES

15 Oklahoma Employment Security Commission	1150
16 Oklahoma Accountancy Board	11
17 Board of Governors of the Licensed Architects, 18 Landscape Architects and Interior Designers of 19 Oklahoma	4
20 Board of Chiropractic Examiners	3
21 State Board of Cosmetology	16
22 Board of Dentistry	10
23 Oklahoma State Board of Embalmers and Funeral 24 Directors	5

1	State Board of Registration for Professional	
2	Engineers and Land Surveyors	10
3	State Board of Medical Licensure and Supervision/	
4	Board of Podiatric Medical Examiners/State	
5	Board of Examiners of Perfusionists	29
6	Commission on Marginally Producing Oil and Gas	
7	Wells	5
8	Oklahoma Motor Vehicle Commission	€ <u>18</u>
9	Oklahoma Board of Nursing	30
10	Oklahoma State Board of Examiners for Nursing	
11	Home Administrators	4
12	Board of Examiners in Optometry	3
13	State Board of Osteopathic Examiners	7
14	Oklahoma Peanut Commission	2
15	Oklahoma State Board of Pharmacy	10
16	State Board of Examiners of Psychologists	2
17	Oklahoma Real Estate Commission	26
18	Board of Examiners for Speech-Language Pathology	
19	and Audiology	2
20	Oklahoma Used Motor Vehicle and Parts Commission	12
21	State Board of Veterinary Medical Examiners	6
22	Oklahoma Wheat Utilization, Research and Market	
23	Development Commission	7
24		

1	Oklahoma Firefighters Pension and Retirement	
2	System	13
3	Oklahoma Police Pension and Retirement System	12
4	Teachers' Retirement System of Oklahoma	52
5	Oklahoma Public Employees Retirement System	63
6	Oklahoma Student Loan Authority	85
7	Oklahoma Industrial Finance Authority/Oklahoma	
8	Development Finance Authority	10
9	State and Education Employees Group Insurance	
10	Board	178
11	Oklahoma Capital Investment Board	4
12	State Board of Licensed Social Workers	1
13	Oklahoma State Employees Benefits Council	38
14	Oklahoma State Banking Department	46
15	Liquefied Petroleum Gas Administration	10

16 C. The duties and compensation of employees, not otherwise
17 prescribed by law, necessary to perform the duties imposed upon the
18 Oklahoma Public Employees Retirement System Board of Trustees by law
19 shall be set by the Board of Trustees.

20 D. Temporary employees of the Oklahoma Used Motor Vehicle and
21 Parts Commission between the dates of November 1 and January 31
22 annually shall not be counted toward the maximum number of full-
23 time-equivalent employees provided for in this section.

24

1 SECTION 21. Sections 1 and 3 through 20 of this act shall
2 become effective January 1, 2017.

3 SECTION 22. Section 2 of this act shall become effective July
4 1, 2016.

5 SECTION 23. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

9
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