

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 2776

By: Osburn (Mike)

4  
5  
6 AS INTRODUCED

7 An Act relating to agency consolidation;  
8 consolidating the Oklahoma Motor Vehicle Commission  
9 and the Oklahoma Used Motor Vehicle and Parts  
10 Commission; providing for interpretation of certain  
11 statutory references; transferring personnel, funds,  
12 records, encumbrances, equipment, and other items;  
13 providing requirements pertaining to transfer of  
14 employees; providing for transition coordinators and  
15 a transition team; providing duties of the transition  
16 team; amending 47 O.S. 2011, Sections 581, as last  
17 amended by Section 1, Chapter 223, O.S.L. 2015, 582,  
18 as amended by Section 179, Chapter 304, O.S.L. 2012,  
19 583, as last amended by Section 1, Chapter 386,  
20 O.S.L. 2015, 584, as amended by Section 3, Chapter  
21 145, O.S.L. 2013 and 587, as amended by Section 180,  
22 Chapter 304, O.S.L. 2012 (47 O.S. Supp. 2017,  
23 Sections 581, 582, 583, 584 and 587), which relate to  
24 the Used Motor Vehicle and Parts Commission;  
modifying definition; eliminating references to  
Oklahoma Used Motor Vehicle and Parts Commission;  
modifying agency vested with authority; eliminating  
the Oklahoma Used Motor Vehicle and Parts Commission  
and related appointment process, compensation, powers  
and duties; eliminating position of Executive  
Director for Oklahoma Used Motor Vehicle and Parts  
Commission; modifying certain fund name; amending 47  
O.S. 2011, Sections 591.2, 591.4, as amended by  
Section 2, Chapter 386, O.S.L. 2015, 591.6, 591.8,  
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 and 591.13 (47 O.S. Supp. 2017, Sections  
591.4, 591.9 and 591.11), which relate to the  
Automotive Dismantlers and Parts Recycler Act;  
modifying definition; modifying agency vested with  
authority; amending Sections 2, 3, 9 and 10, Chapter

1 376, O.S.L. 2014 (47 O.S. Supp. 2017, Sections 592.2,  
2 592.3, 592.9 and 592.10), which relate to the  
3 Oklahoma Crusher Act; modifying definition; modifying  
4 agency vested with authority; amending 47 O.S. 2011,  
5 Section 1137.1, as last amended by Section 1, Chapter  
6 308, O.S.L. 2016 (47 O.S. Supp. 2017, Section  
7 1137.1), which relates to used dealer temporary  
8 license plates; modifying agency reference; amending  
9 74 O.S. 2011, Section 3601.1, as last amended by  
10 Section 11, Chapter 269, O.S.L. 2016 (74 O.S. Supp.  
11 2017, Section 3601.1), which relates to full-time-  
12 equivalent employee maximum allowances; increasing  
13 amount allowed for Oklahoma Motor Vehicle Commission;  
14 eliminating reference to Oklahoma Used Motor Vehicle  
15 and Parts Commission; providing for codification; and  
16 providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 582A of Title 47, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. The Oklahoma Used Motor Vehicle and Parts Commission is  
22 hereby consolidated with the Oklahoma Motor Vehicle Commission. Any  
23 reference in the Oklahoma Statutes to the Oklahoma Used Motor  
24 Vehicle and Parts Commission shall be deemed to be a reference to  
the Oklahoma Motor Vehicle Commission unless otherwise required by  
the context of the reference.

B. All assets, funds, liabilities, allotments, purchase orders,  
outstanding financial obligations, encumbrances, records, aircraft,  
vehicles, equipment and other property of the Oklahoma Used Motor

1 Vehicle and Parts Commission is hereby transferred to the Oklahoma  
2 Motor Vehicle Commission.

3 C. Personnel employed by the Oklahoma Used Motor Vehicle and  
4 Parts Commission on November 1, 2018, shall be transferred to the  
5 Oklahoma Motor Vehicle Commission pursuant to a transition plan  
6 implemented by the Oklahoma Used Motor Vehicle and Parts Commission  
7 as required by Section 2 of this act.

8 D. The classified and unclassified employees who are  
9 transferred pursuant to this section shall be subject to the  
10 following provisions:

11 1. Classified employees shall remain subject to the provisions  
12 of the Merit System of Personnel Administration, as provided in the  
13 Oklahoma Personnel Act;

14 2. Unclassified employees transferred to the Oklahoma Motor  
15 Vehicle Commission shall remain in the unclassified service and  
16 shall serve at the pleasure of the Executive Director of the  
17 Oklahoma Motor Vehicle Commission;

18 3. All employees who are transferred pursuant to this act shall  
19 retain leave, sick and annual time earned and any retirement and  
20 longevity benefits which have accrued during their employment with  
21 the state. The salaries of employees who are transferred shall not  
22 be reduced as a direct and immediate result of the transfer; and

23 4. If the Oklahoma Motor Vehicle Commission should implement a  
24 reduction in force, all employees transferred pursuant to this act

1 shall be credited for the time they were employed by the Oklahoma  
2 Used Motor Vehicle and Parts Commission.

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 582B of Title 47, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. The Executive Director of the Oklahoma Motor Vehicle  
7 Commission and the Executive Director of the Oklahoma Used Motor  
8 Vehicle and Parts Commission shall serve as transition coordinators  
9 and shall establish a transition team to coordinate the orderly  
10 transfer of duties, personnel, property, funds and encumbrances  
11 from, and consolidation of, the Oklahoma Used Motor Vehicle and  
12 Parts Commission to the Oklahoma Motor Vehicle Commission. Each  
13 Executive Director may assign personnel to the transition team from  
14 each Executive Director's respective agency as deemed necessary.

15 B. The transition team shall:

16 1. Oversee and administer the orderly transfer of  
17 responsibilities, assets, funds, liabilities, allotments, purchase  
18 orders, aircraft, vehicles and other property, records, personnel  
19 and any outstanding financial obligations or encumbrances to the  
20 Oklahoma Motor Vehicle Commission from the Oklahoma Used Motor  
21 Vehicle and Parts Commission;

22 2. Review functions currently assigned to or managed by the  
23 Oklahoma Used Motor Vehicle and Parts Commission and the Oklahoma  
24 Motor Vehicle Commission;

1           3. Establish a plan for the transfer of employees from the  
2 Oklahoma Used Motor Vehicle and Parts Commission to the Oklahoma  
3 Motor Vehicle Commission. The plan shall include a list of  
4 positions to be transferred. The plan also shall include a  
5 reduction-in-force plan and a severance benefits plan that conform  
6 with the requirements of the State Government Reduction-in-Force and  
7 Severance Benefits Act; and

8           4. Take such other action as may be reasonably necessary and  
9 appropriate to effectuate the orderly transition of functions as  
10 provided by this act.

11           SECTION 3.        AMENDATORY        47 O.S. 2011, Section 581, as last  
12 amended by Section 1, Chapter 223, O.S.L. 2015 (47 O.S. Supp. 2017,  
13 Section 581), is amended to read as follows:

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

15           1. "Commission" means the Oklahoma ~~Used Motor Vehicle and Parts~~  
16 Commission;

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

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

1 4. "Factory" means a manufacturer, distributor, factory branch,  
2 distributor branch, factory representative or distributor  
3 representative, which manufactures or distributes vehicle products;

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

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

1 dealers shall be authorized to purchase manufactured  
2 homes at such auctions.

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

21 c. A holder of a lien on a manufactured home may  
22 sell, exchange, or transfer by lease-purchase the  
23 repossessed manufactured home and shall not be  
24 required to be licensed pursuant to this chapter.

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

7           d. "Manufactured home dealer" shall not include any  
8           person who sells mobile or manufactured homes  
9           located in a mobile or manufactured home park or  
10          community;

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

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

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

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

6        11. "Person" means an individual, business, corporation,  
7 partnership, association, limited liability corporation, trust,  
8 firm, or company or legal entity, but does not include any political  
9 subdivision;

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

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

17       14. "Restricted manufactured home park dealer" means any person  
18 operating a mobile or manufactured home park who, for a commission  
19 or with intent to make a profit or gain of money or other thing of  
20 value, sells, offers to sell, or attempts to negotiate a sale or  
21 exchange of interest in, new or used manufactured homes, or that is  
22 engaged wholly or in part in the business of selling any new and  
23 unused, or used, or both new and used manufactured homes; provided,  
24 every mobile or manufactured home sold pursuant to a restricted

1 manufactured home park dealer license shall be located in the  
2 licensed mobile or manufactured home park and ready for occupancy;

3 15. "Retail implement dealer" means a business engaged  
4 primarily in the sale of farm tractors as defined in Section 1-  
5 118 of this title or implements of husbandry as defined in  
6 Section 1-125 of this title or a combination thereof;

7 16. "Sale" or "sell" means the act of selling, brokering,  
8 exchanging, exchanging of an interest in, or renting with the  
9 option of purchasing, a new or used manufactured home for  
10 commission, profit, or gain of money or other thing of value;

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

24

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

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

15 b. "Used motor vehicle dealer" shall not include:  
16 (1) receivers, trustees, administrators, executors,  
17 guardians, or other persons appointed by or  
18 acting pursuant to the judgment or order of any  
19 court,  
20 (2) public officers while performing their official  
21 duties,  
22 (3) employees of persons enumerated in the definition  
23 of "used motor vehicle dealer" when engaged in  
24

1 the specific performance of their duties as such  
2 employees,

3 (4) mortgagees or secured parties as to sales of  
4 motor vehicles constituting collateral on a  
5 mortgage or security agreement, if the mortgagees  
6 or secured parties shall not realize for their  
7 own account from such sales any monies in excess  
8 of the outstanding balance secured by such  
9 mortgage or security agreement, plus the costs of  
10 collection,

11 (5) any person acting as an auctioneer who has been  
12 engaged by a seller to direct, conduct, control,  
13 or be responsible for the sale of used motor  
14 vehicles as part of an estate auction or  
15 liquidation,

16 (6) any person, firm, corporation, or other legal  
17 entity who sells, or contracts for the sale of,  
18 the vehicles of the person, firm, corporation, or  
19 other legal entity when such vehicles are sold in  
20 liquidation, and any person, firm, corporation,  
21 or other legal entity who serves as an agent in  
22 such sale. The exclusion provided in this  
23 paragraph shall not extend to any person, firm,  
24 corporation, or other legal entity whose business

1 is the purchase, sale, or rental with option to  
2 purchase, of motor vehicles, or to a location  
3 used for such purposes,

4 (7) any person acting as an auctioneer who has been  
5 engaged by a seller to direct, conduct, control,  
6 or be responsible for the sale of used motor  
7 vehicles as part of an auction held at a licensed  
8 used motor vehicle dealer location. The  
9 exclusion provided in this division shall not  
10 extend to a person who auctions five or more used  
11 motor vehicles in a nonliquidation sale held at a  
12 licensed used motor vehicle dealer location which  
13 is not regularly used as a vehicle auction, or

14 (8) any retail implement dealer that sells all-  
15 terrain vehicles, utility vehicles, and  
16 motorcycles used exclusively for off-road  
17 use;

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

23 a. uses the person's own funds for such  
24 transactions,

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

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

1 SECTION 4. AMENDATORY 47 O.S. 2011, Section 582, as  
2 amended by Section 179, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
3 2017, Section 582), is amended to read as follows:

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

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

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

23 ~~3. a. each of the members appointed from a congressional~~  
24 ~~district shall, at the time of appointment, be a~~

1           ~~resident in good faith of the congressional district~~  
2           ~~from which appointed, and~~

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

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

17           ~~5. Eight members plus the chair shall be engaged in the used~~  
18           ~~motor vehicle industry or the automotive dismantler industry. There~~  
19           ~~shall not be fewer than five members engaged in the principal~~  
20           ~~business of the sale of used motor vehicles and there shall not be~~  
21           ~~fewer than two members engaged in the principal business of~~  
22           ~~dismantling or disassembling motor vehicles for the purpose of~~  
23           ~~selling the parts thereof. One of the at-large members shall be~~  
24           ~~engaged in the principal business of selling manufactured homes as a~~

1 ~~licensed manufactured home dealer. Being engaged in one or more of~~  
2 ~~such pursuits shall not disqualify a person otherwise qualified from~~  
3 ~~serving on the Commission.~~

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

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

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

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

22 ~~c. except for the chair, the term of office of each~~  
23 ~~member of the Commission shall be for six (6) years,~~  
24

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

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

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

1 ~~not exceed the sum of Six Hundred Dollars (\$600.00) per annum to any~~  
2 ~~one person.~~

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

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

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

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

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

22 ~~3. The Commission shall maintain its office and transact its~~  
23 ~~business in Oklahoma City, and is authorized to adopt and use a~~  
24 ~~seal.~~

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

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

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

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

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

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

- 8           ~~a. to license used motor vehicle dealers, used motor~~  
9           ~~vehicle salespersons, wholesale used motor vehicle~~  
10           ~~dealers, dismantlers, manufactured home dealers,~~  
11           ~~manufactured home manufacturers, and manufactured home~~  
12           ~~installers,~~
- 13           ~~b. to inspect used motor vehicle dealer, dismantler and~~  
14           ~~manufactured home dealer locations, and manufactured~~  
15           ~~home manufacturers' factories or assembly sites to~~  
16           ~~ensure that they are in an approved location, meet~~  
17           ~~local zoning or other municipal requirements, and have~~  
18           ~~sufficient facilities which shall include, but not be~~  
19           ~~limited to, for retail businesses, a business sign, a~~  
20           ~~listed and usable telephone number, a restroom, and a~~  
21           ~~sales office,~~
- 22           ~~c. to inspect wholesale used motor vehicle dealer~~  
23           ~~locations to ensure that they are in an approved~~  
24           ~~location, meet local zoning or other municipal~~

1 ~~requirements, and have sufficient facilities which~~  
2 ~~shall include, but not be limited to, a listed and~~  
3 ~~usable telephone number in the dealer's name and a~~  
4 ~~business office where records of the business are~~  
5 ~~kept,~~

6 ~~d. to require all dealer sales to have a condition of~~  
7 ~~sale such as a warranty disclaimer, implied or written~~  
8 ~~warranty or a service contract approved by the~~  
9 ~~Commission,~~

10 ~~e. to work with consumers and dealers to hear complaints~~  
11 ~~on used vehicles and manufactured homes, including~~  
12 ~~installation, and~~

13 ~~f. to serve as a dispute resolution panel for binding~~  
14 ~~arbitration in accordance with Section 801 et seq. of~~  
15 ~~Title 15 of the Oklahoma Statutes in contract~~  
16 ~~controversies between licensed used motor vehicle~~  
17 ~~dealers, dismantlers and manufactured housing dealers,~~  
18 ~~manufactured home dealers, installers, and~~  
19 ~~manufacturers and their consumers when, by mutual~~  
20 ~~written agreement executed after the dispute between~~  
21 ~~the parties has arisen, both parties have agreed to~~  
22 ~~use the Commission as their arbitration panel for~~  
23 ~~contract disputes is hereby consolidated with the~~  
24 ~~Oklahoma Motor Vehicle Commission. All references in~~

1           the Oklahoma Statutes to the Oklahoma Used Motor  
2           Vehicle and Parts Commission shall be deemed to be a  
3           reference to the Oklahoma Motor Vehicle Commission  
4           unless otherwise required by the context of the  
5           reference.

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

18           2. At the close of each fiscal year, the Commission shall file  
19 with the Governor and the State Auditor and Inspector a true and  
20 correct report of all fees and charges collected and received by it  
21 during the preceding fiscal year and shall at the same time pay into  
22 the General Revenue Fund of the state a sum equal to ten percent  
23 (10%) of the gross fees and charges so collected and received.  
24

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

13           SECTION 5.           AMENDATORY           47 O.S. 2011, Section 583, as last  
14 amended by Section 1, Chapter 386, O.S.L. 2015 (47 O.S. Supp. 2017,  
15 Section 583), is amended to read as follows:

16           Section 583. A. 1. It shall be unlawful and constitute a  
17 misdemeanor for any person to engage in business as, or serve in the  
18 capacity of, or act as a used motor vehicle dealer, used motor  
19 vehicle salesperson, wholesale used motor vehicle dealer,  
20 manufactured home dealer, restricted manufactured home park dealer,  
21 manufactured home salesperson, manufactured home installer, or  
22 manufactured home manufacturer selling directly to a licensed  
23 manufactured home dealer in this state without first obtaining a  
24

1 license or following other requirements therefor as provided in this  
2 section.

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

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

20 c. If after a hearing in accordance with the provisions  
21 of Section 585 of this title, the Oklahoma ~~Used~~ Motor  
22 Vehicle ~~and Parts~~ Commission shall find any person  
23 installing a mobile or manufactured home to be in  
24 violation of any of the provisions of this act, such

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

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

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

21 B. 1. Applications for licenses required to be obtained under  
22 the provisions of the Oklahoma ~~Used Motor Vehicle and Parts~~  
23 Commission shall be verified by the oath or affirmation of the  
24 applicant and shall be on forms prescribed by the Commission and

1 furnished to the applicants, and shall contain such information as  
2 the Commission deems necessary to enable it to fully determine the  
3 qualifications and eligibility of the several applicants to receive  
4 the license or licenses applied for. The Commission shall require  
5 in the application, or otherwise, information relating to:

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

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

23 3. All bonds and licenses issued under the provisions of this  
24 act shall expire on December 31, following the date of issue and

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

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

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

24

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

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

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

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

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

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

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

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

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

23       7.    a. For each manufactured home manufacturer selling  
24            directly to a licensed manufactured home dealer in

1                   this state, One Thousand Five Hundred Dollars  
2                   (\$1,500.00), and

3           b.   For each renewal of a manufactured home manufacturer's  
4           license, One Thousand Five Hundred Dollars  
5           (\$1,500.00); and

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

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

20           2.   The license issued to each manufactured home installer, and  
21   each manufactured home manufacturer shall specify the location of  
22   the place of business.  If the business location is changed, the  
23   Oklahoma ~~Used Motor Vehicle and Parts~~ Commission shall be notified  
24   immediately of the change and the Commission may endorse the change

1 of location on the license without charge. The license of each  
2 licensee shall be posted in a conspicuous place in the place or  
3 places of business of the licensee.

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

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

18 E. 1. a. Each applicant for a used motor vehicle dealer's  
19 license shall procure and file with the Commission a  
20 good and sufficient bond in the amount of Twenty-five  
21 Thousand Dollars (\$25,000.00). Each new applicant for  
22 a used motor vehicle dealer's license for the purpose  
23 of conducting a used motor vehicle auction shall  
24 procure and file with the Commission a good and

1 sufficient bond in the amount of Fifty Thousand  
2 Dollars (\$50,000.00). An applicant who intends to  
3 conduct a used motor vehicle auction who provides  
4 proof that the applicant has check and title insurance  
5 in an amount not less than Fifty Thousand Dollars  
6 (\$50,000.00) shall only be required to have a bond in  
7 the amount of Twenty-five Thousand Dollars  
8 (\$25,000.00).

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

22 c. Each applicant for a wholesale used motor vehicle  
23 dealer's license shall procure and file with the  
24

1 Commission a good and sufficient bond in the amount of  
2 Twenty-five Thousand Dollars (\$25,000.00).

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

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

16 f. Each manufactured home manufacturing facility selling  
17 directly to a licensed manufactured home dealer in  
18 this state shall procure and file with the Commission  
19 a good and sufficient bond in the amount of Thirty  
20 Thousand Dollars (\$30,000.00). In addition to all  
21 other conditions and requirements set forth herein,  
22 the bond shall require the availability of prompt and  
23 full warranty service by the manufacturer to comply  
24 with all warranties expressed or implied in connection

1 with each manufactured home which is manufactured for  
2 resale in this state. A manufacturer may not sell,  
3 exchange, or lease-purchase a manufactured home to a  
4 person in this state who is not a licensed  
5 manufactured home dealer.

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

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

21 F. Any used motor vehicle dealer or wholesale used motor  
22 vehicle dealer is required to furnish and keep in force a minimum of  
23 Twenty-five Thousand Dollars (\$25,000.00) of single liability  
24 insurance coverage on all vehicles offered for sale or used in any

1 other capacity in demonstrating or utilizing the streets and  
2 roadways in accordance with the financial responsibility laws of  
3 this state.

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

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

13 SECTION 6. AMENDATORY 47 O.S. 2011, Section 584, as  
14 amended by Section 3, Chapter 145, O.S.L. 2013 (47 O.S. Supp. 2017,  
15 Section 584), is amended to read as follows:

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

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

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

4        3. For any willful failure to comply with any provision of  
5 Section 581 et seq. of this title or with any rule promulgated by  
6 the Commission under authority vested in it by Sections 581 through  
7 588 of this title;

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

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

12       6. Being a used motor vehicle dealer, used motor vehicle  
13 salesperson, a wholesale used motor vehicle dealer, or a  
14 manufactured home dealer, a restricted manufactured home park  
15 dealer, a manufactured home installer, manufactured home  
16 manufacturer, or manufactured home salesperson who:

- 17           a. resorts to or uses any false or misleading advertising  
18           in connection with business as a used motor vehicle  
19           dealer or salesperson, wholesale used motor vehicle  
20           dealer or a restricted manufactured home park dealer  
21           or manufactured home dealer, installer or  
22           manufacturer,  
23           b. has committed any unlawful act which resulted in the  
24           revocation of any similar license in another state,

- 1 c. has been convicted of a crime involving moral  
2 turpitude,
- 3 d. has committed a fraudulent act in selling, purchasing  
4 or otherwise dealing in motor vehicles or manufactured  
5 homes or has misrepresented the terms and conditions  
6 of a sale, purchase or contract for sale or purchase  
7 of a motor vehicle or manufactured home or any  
8 interest therein including an option to purchase such  
9 motor vehicles or manufactured homes,
- 10 e. has engaged in business under a past or present  
11 license issued pursuant to Sections 581 through 588 of  
12 this title, in such a manner as to cause injury to the  
13 public or to those with whom the licensee is dealing,
- 14 f. has failed to meet or maintain the conditions and  
15 requirements necessary to qualify for the issuance of  
16 a license,
- 17 g. has failed or refused to furnish and keep in force any  
18 bond required under Sections 581 through 588 of this  
19 title,
- 20 h. has installed or attempted to install a manufactured  
21 home in an unworkmanlike manner, or
- 22 i. employs unlicensed salesperson or other unlicensed  
23 persons in connection with the sale of manufactured  
24 homes;

1 7. Being a used motor vehicle dealer who:

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

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

5 c. fails or refuses to furnish or keep in force single  
6 limit liability insurance on any vehicle offered for  
7 sale and otherwise required under the financial  
8 responsibility laws of this state, or

9 d. is not operating from the address shown on the license  
10 if this change has not been reported to the  
11 Commission; or

12 8. Being a manufactured home dealer or a restricted  
13 manufactured home park dealer who:

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

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

17 c. is not operating from the address shown on the license  
18 if this change has not been reported to the  
19 Commission.

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

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

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

- 17 a. only mobile or manufactured homes that are "ready for
- 18 occupancy" are sold or offered for sale,
- 19 b. maintains an office for conducting business where the
- 20 books, records, and files are kept, with access to a
- 21 restroom for the public,
- 22 c. maintains a place of business which meets all zoning,
- 23 occupancy and other requirements of the appropriate
- 24 local government and regular occupancy by a person,

1 firm or corporation engaged in the business of selling  
2 manufactured homes inside a park, and

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

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

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

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

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

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

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

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

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

21 The suspension, revocation or refusal to issue or renew a  
22 license or the imposition of any other penalty by the Commission  
23 shall be in addition to any penalty which might be imposed upon any  
24

1 licensee upon a conviction at law for any violation of Sections 581  
2 through 588 of this title.

3 SECTION 7. AMENDATORY 47 O.S. 2011, Section 587, as  
4 amended by Section 180, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
5 2017, Section 587), is amended to read as follows:

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

10 B. The Director of the Office of Management and Enterprise  
11 Services is authorized to prescribe forms, systems and procedures  
12 for its administration. The petty cash fund may be reimbursed from  
13 time to time by the filing of proper claims, accompanied by valid  
14 receipts for expenditures made.

15 ~~€.~~

16 SECTION 8. AMENDATORY 47 O.S. 2011, Section 591.2, is  
17 amended to read as follows:

18 Section 591.2 As used in Section 591.1 et seq. of this title:

19 1. "Automotive dismantler and parts recycler" means a person,  
20 firm or corporation engaged in the business of purchasing,  
21 dismantling, or disassembling used motor vehicles for the purpose of  
22 selling the parts thereof, but shall not include a person who is  
23 primarily engaged in the business of rebuilding repairable motor  
24 vehicles;

1       2. "Motor vehicle" means every automobile, motorcycle, mobile  
2 trailer, semitrailer, truck, truck-tractor, trailer and other device  
3 which is self-propelled or drawn, in, upon, or by which any person  
4 or property is or may be transported or drawn upon a public highway,  
5 except such as is moved by animal power or used exclusively upon  
6 stationary rails or tracks, or an implement of husbandry;

7       3. "Place of business" means the place owned or leased and  
8 regularly occupied by a person, firm or corporation engaged in the  
9 business of an automotive dismantler and parts recycler, where the  
10 products for sale are displayed and offered for sale, and where the  
11 books and records required for the conduct of the business are  
12 maintained and kept;

13       4. "Salvage pool" means any person or business which regularly  
14 conducts a salvage disposal sale;

15       5. "Salvage disposal sale" means a scheduled sale at auction or  
16 by private bid of wrecked or repairable motor vehicles by insurance  
17 underwriters, or insurance companies, used motor vehicle dealers or  
18 automotive dismantlers and parts recyclers, either retail or  
19 wholesale; and

20       6. "Commission" means the Oklahoma ~~Used Motor Vehicle and Parts~~  
21 Commission; and

22       7. "License" means the license issued pursuant to Section 591.1  
23 et seq. of this title to operate an automotive dismantler and parts  
24 recycler business.

1 SECTION 9. AMENDATORY 47 O.S. 2011, Section 591.4, as  
2 amended by Section 2, Chapter 386, O.S.L. 2015 (47 O.S. Supp. 2017,  
3 Section 591.4), is amended to read as follows:

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

- 9 1. The name of the applicant;
- 10 2. The street address of the applicant's principal place of  
11 business;
- 12 3. The type of business organization of the applicant;
- 13 4. The applicant's financial statement;
- 14 5. The legal description of the proposed place of business,  
15 together with written verification from the appropriate local  
16 authorities that the place of business meets the licensing and  
17 zoning requirements of the municipality or county where located; and  
18 6. Such additional information as may be required by the  
19 Commission.

20 B. Notwithstanding subsection A of this section, the Commission  
21 may decline to issue an original license to any person, firm or  
22 corporation that does not, in good faith, meet the requirements of  
23 the Automotive Dismantlers and Parts Recycler Act; or whose proposed  
24 place of business does not meet the applicable zoning requirements;

1 or whose proposed use is deemed inappropriate by the Commission due  
2 to surrounding property uses or objections from the immediate  
3 surrounding neighbors, such that the place of business would be  
4 deemed to be a private or public nuisance; or whose place of  
5 business is not properly screened by natural objects, plantings,  
6 opaque fences of a height not less than six (6) nor more than eight  
7 (8) feet or other appropriate sightproofing, so as to screen where  
8 possible vehicles and parts stored outside of buildings from view  
9 from immediately adjacent property.

10 SECTION 10. AMENDATORY 47 O.S. 2011, Section 591.6, is  
11 amended to read as follows:

12 Section 591.6 Every automotive dismantler and parts recycler  
13 shall keep a register of all purchases and sales of motor vehicles  
14 for three (3) years from the date of purchase or sale, showing the  
15 make, model, year, style, vehicle identification number, and name  
16 and address of the purchaser or seller of the motor vehicle. Such  
17 registers shall be made available for inspection by properly  
18 identified employees or agents of the Oklahoma ~~Used~~ Motor Vehicle  
19 ~~and Parts~~ Commission or identified law enforcement officers of the  
20 state, county and municipality where the business of the automotive  
21 dismantler and parts recycler is located, during reasonable business  
22 hours on business days. The inspection authority shall include the  
23 right to inspect any motor vehicle or parts thereof owned by or  
24

1 stored at the automotive dismantler and parts recycler's place of  
2 business.

3 SECTION 11. AMENDATORY 47 O.S. 2011, Section 591.8, is  
4 amended to read as follows:

5 Section 591.8 A. An automotive dismantler and parts recycler,  
6 duly licensed by this act, shall have the authority to transfer the  
7 certificate of title to a motor vehicle as a dealer. Prior to the  
8 sale of any motor vehicles at salvage pools or salvage disposal  
9 sales, a salvage title or junked title shall be issued for any  
10 salvage or junked vehicle as defined in Section 1105 of this title.

11 B. Any and all certificates of title, whether original,  
12 salvage, rebuilt, or junked titles, salvage certificates, other  
13 certificates of ownership, or ownership records, as approved by the  
14 Oklahoma Tax Commission, to vehicles owned by a licensed automotive  
15 dismantler and parts recycler, which vehicles have been dismantled,  
16 destroyed, or otherwise processed so that the vehicles are no longer  
17 capable of being used as motor vehicles, shall be inspected by  
18 properly identified employees or agents of the Oklahoma ~~Used Motor~~  
19 ~~Vehicle and Parts~~ Commission, at least annually, at the place of  
20 business of the licensed automotive dismantler and parts recycler.  
21 Upon verification that the vehicle is no longer capable of being  
22 used as a motor vehicle, the employee or agent of the Commission  
23 shall remove the license plate and the certificate of title, salvage  
24 certificate, other certificate of ownership or ownership record from

1 the licensed automotive dismantler and parts recycler. The  
2 Commission shall destroy the license plate and deliver the  
3 certificates and ownership records to the Oklahoma Tax Commission.

4 C. Each licensed automotive dismantler and parts recycler that  
5 dismantles, destroys, or otherwise processes vehicles so that the  
6 vehicles are no longer capable of being used as motor vehicles, each  
7 month, shall report the vehicle identification numbers of the  
8 vehicles to the Oklahoma Tax Commission, upon forms prescribed by  
9 the Oklahoma Tax Commission. The report shall include any vehicle  
10 which is a hull, junked, abandoned or not a complete, self-  
11 propelling vehicle, if there is a vehicle identification number for  
12 the incomplete vehicle. The Oklahoma Tax Commission shall cancel  
13 said certificates of title. The vehicle identification numbers on  
14 the certificates of titles, salvage titles, other certificates of  
15 ownership or ownership records to motor vehicles no longer capable  
16 of being used as motor vehicles shall be preserved in the computer  
17 files of the Oklahoma Tax Commission for at least five (5) years  
18 from the date the certificates of title are delivered by the  
19 Commission to the Oklahoma Tax Commission.

20 D. Each vehicle or incomplete vehicle required to be reported  
21 to the Oklahoma Tax Commission by this section shall be reported on  
22 or before the fifteenth day of the next succeeding month after the  
23 month in which the vehicle or incomplete vehicle was received by the  
24 licensed automotive dismantler and parts recycler. Each vehicle or

1 incomplete vehicle, which is incapable of operation or use on the  
2 public roads or has no resale value except as a source of parts,  
3 scrap or junk or has an eighty percent (80%) loss in fair market  
4 value, possessed by a licensed automotive dismantler and parts  
5 recycler on the effective date of this act shall be reported to the  
6 Oklahoma Tax Commission within ninety (90) days. The vehicle  
7 identification numbers on all reported vehicles shall be preserved  
8 in the computer of the Oklahoma Tax Commission for at least five (5)  
9 years, even if the ownership records may have been previously  
10 destroyed or surrendered to the Oklahoma Tax Commission.

11 E. If the vehicle identification number for a vehicle, which is  
12 incapable of operation or use on the public roads and has no resale  
13 value except as a source of parts, scrap or junk or has an eighty  
14 percent (80%) loss in fair market value, is not reported to the  
15 Oklahoma Tax Commission, the licensed automotive dismantler and  
16 parts recycler shall be required to obtain a junked title for said  
17 vehicle. An Oklahoma licensed automotive dismantler and parts  
18 recycler shall not be required to obtain a junked title for a junked  
19 vehicle or any other vehicle which is dismantled, destroyed or  
20 otherwise processed so that the vehicle is no longer capable of  
21 being operated or used on the public roads, if the vehicle is  
22 reported to the Oklahoma Tax Commission.

23  
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1 SECTION 12. AMENDATORY 47 O.S. 2011, Section 591.9, as  
2 amended by Section 4, Chapter 386, O.S.L. 2015 (47 O.S. Supp. 2017,  
3 Section 591.9), is amended to read as follows:

4 Section 591.9 The Oklahoma ~~Used~~ Motor Vehicle ~~and Parts~~  
5 Commission is authorized to refuse, cancel, suspend or revoke a  
6 license to any person, firm or corporation for the following  
7 reasons:

- 8 1. Failure to meet the requirements of the Automotive  
9 Dismantlers and Parts Recycler Act;
- 10 2. Failure to continue to meet the requirements of this act or  
11 of the rules promulgated by the Commission pursuant to the  
12 provisions of the Automotive Dismantlers and Parts Recycler Act;
- 13 3. Upon satisfactory proof of unfitness of the applicant or the  
14 licensee, as the case may be, under the standards established by the  
15 Automotive Dismantlers and Parts Recycler Act;
- 16 4. For the felony conviction of a state or federal law by an  
17 applicant, licensee, partner of an applicant or licensee, director,  
18 officer, or stockholder in the case of a corporate applicant or  
19 licensee, or an employee, manager, or any person having a pecuniary  
20 interest in the business involving:
  - 21 a. theft,
  - 22 b. violation of the Oklahoma certificate of title law or  
23 similar laws of other states,

24

1 c. alteration, obliteration, or removal of a vehicle  
2 identification number, or

3 d. any other act directly relating to the ability of the  
4 applicant or licensee to conduct an automotive  
5 dismantler and parts recycling business;

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

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

12 SECTION 13. AMENDATORY 47 O.S. 2011, Section 591.11, as  
13 amended by Section 6, Chapter 386, O.S.L. 2015 (47 O.S. Supp. 2017,  
14 Section 591.11), is amended to read as follows:

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

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

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

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

22 B. It shall be the duty of the owner, manager or person in  
23 charge of any salvage pool or salvage disposal sale to prohibit the  
24 bidding by any person who is not qualified to purchase salvage

1 vehicles as provided in subsection A of this section and, further,  
2 to refuse to sell to any person any wrecked or repairable motor  
3 vehicle if such person is not qualified to purchase salvage vehicles  
4 as provided in subsection A of this section.

5 C. Any salvage pool or salvage disposal sale that is  
6 facilitating in the sale of a motor vehicle for an insurance company  
7 must provide on its website the full seventeen-digit vehicle  
8 identification number (VIN) and the name of the insurance company  
9 that is selling the motor vehicle.

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

14 E. It shall be the duty of the owner, manager or person in  
15 charge of any salvage pool or salvage disposal sale to remit  
16 payments to the Oklahoma ~~Used~~ Motor Vehicle ~~and Parts~~ Commission.  
17 Such payments shall be calculated by multiplying the total number of  
18 salvage vehicle sales transactions during a certain period times Two  
19 Dollars (\$2.00). The first payment shall not be calculated on any  
20 sales transactions prior to November 1, 2007. The payments shall  
21 not be made more often than one payment each month. The payments  
22 shall be transmitted to the Oklahoma ~~Used~~ Motor Vehicle ~~and Parts~~  
23 Commission at any time during the thirty (30) days immediately  
24 following the period for which the payment was calculated.

1 F. Every salvage pool shall keep a register of all sales of  
2 salvage vehicles showing the make, model, year, style, vehicle  
3 identification number, and names and addresses of the purchaser and  
4 seller of the motor vehicle. Such registers shall be submitted to  
5 the Oklahoma ~~Used Motor Vehicle and Parts~~ Commission on a regular  
6 basis.

7 G. The provisions of this section shall not apply to a  
8 regularly scheduled vehicle consignment auction conducted by a used  
9 motor vehicle dealer which sells salvage vehicles, damaged vehicles,  
10 wrecked vehicles or repairable vehicles for someone other than a  
11 public insurance company. Such auction may sell these vehicles as  
12 an incident to the sale of operable vehicles, but shall not  
13 constitute a primary part of the business.

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

16 Section 591.13 Any person violating any provision of the  
17 Automotive Dismantlers and Parts Recycler Act or operating as a  
18 rebuilder as used in Section 581 et seq. of this title without a  
19 rebuilder certificate shall be guilty of a misdemeanor and upon the  
20 first conviction thereof shall be punished by a fine of not less  
21 than Five Hundred Dollars (\$500.00) with impoundment of the vehicle  
22 until all taxes and fees are paid and upon the second conviction  
23 thereof shall be punished by a fine of not less than One Thousand  
24 Dollars (\$1,000.00) with impoundment of the vehicle until all taxes

1 and fees are paid and upon the third or subsequent conviction  
2 thereof shall be punished by a fine of not less than One Thousand  
3 Five Hundred Dollars (\$1,500.00) with impoundment of the vehicle  
4 until all taxes and fees are paid or by imprisonment in the county  
5 jail for not more than one (1) year, or by both such fine and  
6 imprisonment. If a vehicle is impounded pursuant to the provisions  
7 of this section, the vehicle shall not be released to the owner  
8 until the owner provides proof of security or an affidavit that the  
9 vehicle will not be used on public highways or public streets, as  
10 required pursuant to Section 7-600 et seq. of this title. Each  
11 vehicle involved in a violation of this section shall be considered  
12 a separate offense. The penalties collected from the payment of the  
13 fines shall, after deduction of court costs, be paid to the Oklahoma  
14 ~~Used Motor Vehicle and Parts~~ Commission Revolving Fund as created by  
15 Section 582 of this title.

16 SECTION 15. AMENDATORY Section 2, Chapter 376, O.S.L.  
17 2014 (47 O.S. Supp. 2017, Section 592.2), is amended to read as  
18 follows:

19 Section 592.2 As used in the Oklahoma Crusher Act:

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

22 2. "Crusher" means a person engaged in the business of crushing  
23 or shredding used motor vehicles, trailers, or nonmotorized  
24 recreational vehicles; and

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

4        SECTION 16.        AMENDATORY        Section 3, Chapter 376, O.S.L.  
5 2014 (47 O.S. Supp. 2017, Section 592.3), is amended to read as  
6 follows:

7        Section 592.3 A. No person shall engage in business as a  
8 crusher without first obtaining a license from the Oklahoma ~~Used~~  
9 Motor Vehicle ~~and Parts~~ Commission specifically authorizing  
10 engagement in such business.

11        B. A person licensed as a scrap metal dealer in this state who  
12 is engaged primarily in the business of a scrap metal dealer and who  
13 crushes vehicles only at its licensed scrap metal dealer location  
14 shall be exempt from the licensing requirements of this act. A  
15 person licensed as a scrap metal dealer who fails to keep records of  
16 crushed vehicles as required by the Scrap Metal Dealers Act shall  
17 not be entitled to the exemption herein. Any crusher who is an  
18 independent contractor employed to crush vehicles for a scrap metal  
19 dealer shall not be exempt from the requirements of this act. Any  
20 law enforcement officer or employee of the Used Motor Vehicle and  
21 Parts Commission shall be authorized to inspect the records of any  
22 licensed scrap metal dealer pertaining to crushed vehicles to verify  
23 compliance with this provision.

24

1 SECTION 17. AMENDATORY Section 9, Chapter 376, O.S.L.  
2 2014 (47 O.S. Supp. 2017, Section 592.9), is amended to read as  
3 follows:

4 Section 592.9 A. Rulemaking Power. The Oklahoma ~~Used~~ Motor  
5 Vehicle ~~and Parts~~ Commission may adopt, amend and repeal such rules  
6 as are necessary for the enforcement of the provisions of the  
7 Oklahoma Crusher Act and consistent with its provisions.

8 B. Criminal Penalties.

9 1. Any person who engages in the business of operating as a  
10 crusher without first obtaining the license prescribed in the  
11 Oklahoma Crusher Act or any person who receives, obtains or  
12 possesses and crushes any vehicle or other property which the person  
13 knows to be subject to an outstanding lien shall be guilty of a  
14 misdemeanor and upon conviction thereof shall be punished by a fine  
15 not in excess of One Thousand Dollars (\$1,000.00), by confinement in  
16 the county jail for not more than six (6) months, or by both.

17 2. Any person who engages in the business of operating as a  
18 crusher without first obtaining the license prescribed in the  
19 Oklahoma Crusher Act and who receives, obtains or possesses any  
20 vehicle or other property which he or she knows to be stolen shall  
21 be guilty of a felony offense of receiving, obtaining or possessing  
22 stolen property and, upon conviction, shall be subject to the  
23 penalties which may be imposed for such crime.

24

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

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

18           C. Injunctive Action. The Commission may institute, in the  
19 name of the State of Oklahoma ex rel. Oklahoma ~~Used~~ Motor Vehicle  
20 ~~and Parts~~ Commission, any necessary action to enjoin any person,  
21 firm, or corporation from engaging in the business of a crusher  
22 without a license, or for any violations of this act. An injunction  
23 shall issue without the requirement of a bond of any kind from the  
24 state. The venue of any action authorized by this section shall be

1 in the county wherein the business activity complained of is  
2 conducted.

3 SECTION 18. AMENDATORY Section 10, Chapter 376, O.S.L.  
4 2014 (47 O.S. Supp. 2017, Section 592.10), is amended to read as  
5 follows:

6 Section 592.10 The ~~Used~~ Oklahoma Motor Vehicle ~~and Parts~~  
7 Commission may deny an application for a license, impose a fine not  
8 to exceed One Thousand Dollars (\$1,000.00) per occurrence, or revoke  
9 or suspend a license after it has been granted, when any provision  
10 of this act is violated or for any of the following reasons:

11 1. On satisfactory proof of unfitness of the applicant or  
12 licensee, as the case may be;

13 2. For fraud practices or any material misstatement made by an  
14 applicant in any application for licensure pursuant to this act;

15 3. For willful failure to comply with any provisions of this  
16 act or with any rule promulgated by the Commission pursuant to this  
17 act;

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

20 5. Continued or flagrant violation of any of the rules of the  
21 Commission promulgated pursuant to this act; or

22 6. Being a crusher or shredder who:  
23  
24

- 1 a. has committed any unlawful act which resulted in the  
2 revocation of any similar license in this state or  
3 another state,  
4 b. has been convicted of a crime involving moral  
5 turpitude,  
6 c. has committed a fraudulent act in buying, selling or  
7 otherwise dealing in used motor vehicles, trailers, or  
8 nonmotorized vehicles to be crushed or shredded, or  
9 disposed of as crushed or shredded,  
10 d. has engaged in business under a past or present  
11 license in such a manner as to cause injury to the  
12 public or to those with whom the licensee is dealing,  
13 or  
14 e. has failed to meet or maintain the conditions and  
15 requirements necessary to qualify for the issuance of  
16 a license.

17 SECTION 19. AMENDATORY 47 O.S. 2011, Section 1137.1, as  
18 last amended by Section 1, Chapter 308, O.S.L. 2016 (47 O.S. Supp.  
19 2017, Section 1137.1), is amended to read as follows:

20 Section 1137.1 A. Except for vehicles, travel trailers or  
21 commercial trailers which display a current Oklahoma license tag,  
22 upon the purchase or transfer of ownership of a used motor vehicle,  
23 travel trailer or commercial trailer, including an out-of-state  
24 purchase or transfer of the same, to a licensed used motor vehicle

1 dealer, wholesale used motor vehicle dealer, used travel trailer  
2 dealer or used commercial trailer dealer, subsequently referred to  
3 in this section as "dealer", the dealer shall affix a used dealer's  
4 plate visible from the rear of the vehicle, travel trailer or  
5 commercial trailer. Such license plate shall expire on December 31  
6 of each year. When the vehicle, travel trailer or commercial  
7 trailer is parked on the dealer's licensed place of business, it  
8 shall not be required to have a license plate of any kind affixed.  
9 A dealer shall obtain from the Oklahoma Tax Commission at a cost of  
10 Ten Dollars (\$10.00) a dealer license plate for demonstrating,  
11 transporting or any other normal business of a dealer including use  
12 by an individual holding a valid salesperson's license issued by the  
13 Oklahoma ~~Used Motor Vehicle and Parts~~ Commission. Any dealer who  
14 operates a wrecker or towing service licensed pursuant to Sections  
15 951 through 957 of this title shall register each wrecker vehicle  
16 and display a wrecker license plate on each vehicle as required by  
17 Section 1134.3 of this title. A dealer may obtain as many  
18 additional license plates as may be desired upon the payment of Ten  
19 Dollars (\$10.00) for each additional license plate. Use of the used  
20 dealer license plate by a licensed dealer for other than the  
21 purposes as set forth herein shall constitute grounds for revocation  
22 of the dealer's license. The Oklahoma Tax Commission shall design  
23 the official used dealer license plate to include the used dealer's  
24

1 license number issued to him or her each year by the Commission or  
2 the ~~Used~~ Oklahoma Motor Vehicle ~~and Parts~~ Commission.

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

14 C. Upon sale or transfer of ownership of the used motor vehicle  
15 or travel trailer, the dealer shall place upon the reassignment  
16 portion of the certificate of title a tax stamp issued by the county  
17 treasurer of the county in which the dealer has his or her primary  
18 place of business. The tax stamp shall be issued upon payment of a  
19 fee of Three Dollars and fifty cents (\$3.50) and shall be in lieu of  
20 the dealer's ad valorem tax on the inventories of used motor  
21 vehicles or travel trailers but shall not relieve any other property  
22 of the dealer from ad valorem taxation.

23 D. Upon sale of a used motor vehicle or travel trailer to  
24 another licensed dealer, the selling dealer shall place the tax

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

15 E. The purchaser of every used motor vehicle, travel trailer or  
16 commercial trailer, except as otherwise provided by law, shall  
17 obtain registration and title for the vehicle or trailer within  
18 thirty (30) days from the date of purchase of same. It shall be the  
19 responsibility of the selling dealer to place a temporary license  
20 plate, in size similar to the permanent Oklahoma license plate but  
21 of a weatherproof plastic-impregnated substance approved by the ~~Used~~  
22 Oklahoma Motor Vehicle and Parts Commission, upon a used motor  
23 vehicle, travel trailer or commercial trailer when a transaction is  
24 completed for the sale of said vehicle. The temporary license plate

1 under this subsection shall be placed at the location provided for  
2 the permanent motor vehicle license plate. The temporary license  
3 plate shall show the license number which is issued to the dealer  
4 each year by the Oklahoma Tax Commission or the ~~Used~~ Oklahoma Motor  
5 Vehicle ~~and Parts~~ Commission, the date the used motor vehicle,  
6 travel trailer or commercial trailer was purchased and the company  
7 name of the selling dealer. The ~~Used~~ Oklahoma Motor Vehicle ~~and~~  
8 ~~Parts~~ Commission is hereby directed to develop the temporary license  
9 plate design to incorporate these requirements in a manner that will  
10 permit law enforcement personnel to readily identify the dealer  
11 license number and date of the vehicle purchase. The ~~Used~~ Oklahoma  
12 Motor Vehicle ~~and Parts~~ Commission is hereby authorized to develop  
13 additional requirements and parameters as deemed appropriate to  
14 discourage or prevent illegal duplication and use of the temporary  
15 license plate. Such temporary license plate shall be valid for a  
16 period of thirty (30) days from the date of purchase. Use of the  
17 temporary license by a dealer for other than the purposes set forth  
18 herein shall constitute grounds for revocation of the dealer's  
19 license to conduct business. Purchasers of a commercial trailer  
20 shall affix the temporary license plate to the rear of the  
21 commercial trailer. The purchaser shall display the temporary  
22 license plate for a period not to exceed thirty (30) days or until  
23 registration and title are obtained as provided in this section.

24

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

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

19       G. Dealers following the procedure set forth herein shall not  
20 be required to register vehicles, travel trailers or commercial  
21 trailers to which this section applies, nor will the registration  
22 fee otherwise required be assessed. Provided, dealers shall not  
23 purchase or trade for a used motor vehicle, travel trailer or  
24 commercial trailer on which the registration therefor has been

1 expired for a period exceeding thirty (30) days without obtaining  
2 current registration therefor.

3 H. A nonprofit charitable organization which is exempt from  
4 taxation pursuant to the provisions of the Internal Revenue Code, 26  
5 U.S.C., Section 501(c)(3), and which accepts donations of used motor  
6 vehicles previously titled in Oklahoma to be subsequently  
7 transferred to another owner, upon the qualifying organization  
8 providing sufficient documentation of its tax-exempt status, may  
9 obtain from the Oklahoma Tax Commission charitable nonprofit  
10 organization license plates for demonstrating, transporting or test-  
11 driving donated vehicles, provided that no organization shall  
12 possess or use at any one time more than eight such plates. The Tax  
13 Commission shall design distinctive license plates for that purpose.  
14 The cost for said plates shall be the same as provided in subsection  
15 A of this section for dealer plates.

16 I. The transfer of ownership from the vehicle donor to the  
17 qualifying nonprofit organization described in subsection H of this  
18 section shall be made without the payment of motor vehicle excise  
19 tax levied pursuant to Section 2103 of Title 68 of the Oklahoma  
20 Statutes.

21 SECTION 20. AMENDATORY 74 O.S. 2011, Section 3601.1, as  
22 last amended by Section 11, Chapter 269, O.S.L. 2016 (74 O.S. Supp.  
23 2017, Section 3601.1), is amended to read as follows:

24

1 Section 3601.1 A. For purposes of Sections 3601.1 through 3603  
 2 of this title, the term "employee" means a full-time employee or any  
 3 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.

	MAXIMUM NUMBER OF FULL-TIME-EQUIVALENT 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 State Board of Pharmacy	10
15	State Board of Examiners of Psychologists	2
16	Oklahoma Real Estate Commission	26
17	Board of Examiners for Speech-Language Pathology	
18	and Audiology	2
19	<del>Oklahoma Used Motor Vehicle and Parts Commission</del>	<del>12</del>
20	State Board of Veterinary Medical Examiners	6
21	Oklahoma Firefighters Pension and Retirement	
22	System	13
23	Oklahoma Police Pension and Retirement System	12
24	Teachers' Retirement System of Oklahoma	52

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

12 C. The duties and compensation of employees, not otherwise  
13 prescribed by law, necessary to perform the duties imposed upon the  
14 Oklahoma Public Employees Retirement System Board of Trustees by law  
15 shall be set by the Board of Trustees.

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

20 SECTION 21. This act shall become effective November 1, 2018.

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22 56-2-8686 JM 01/10/18

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