

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 998 By: Standridge of the Senate
3 and
4 Osburn of the House
5

6
7 An Act relating to the Oklahoma Vehicle License and
8 Registration Act; requiring the Oklahoma Tax
9 Commission to implement a program for electronic
10 certificates of title and associated liens; requiring
11 designation of a vendor; providing date to establish
12 program; requiring the Commission to promulgate
13 rules; requiring certain program procedures; adding
14 definitions; requiring certain electronic documents
15 and signatures be considered valid; requiring certain
16 certified copies of Oklahoma Tax Commission records
17 to be considered admissible evidence; providing for
18 codification; and providing an effective date.

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20 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
21 and replace with:

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23 "An Act relating to the Oklahoma Vehicle License and
24 Registration Act; requiring the Oklahoma Tax
Commission to implement a program for electronic
certificates of title and associated liens;
requiring certain competitive contracts; providing
date to establish program; requiring the Commission
to promulgate rules; requiring certain program
procedures; adding definitions; requiring certain
electronic documents and signatures be considered
valid; requiring certain certified copies of
Oklahoma Tax Commission records to be considered
admissible evidence; requiring certain consultation;
providing for codification; and providing an
effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 1105A of Title 47, unless there
4 is created a duplication in numbering, reads as follows:

5 A. On or before July 1, 2022, the Oklahoma Tax Commission shall
6 implement a program which will permit the electronic filing, storage
7 and delivery of motor vehicle certificates of title and allow a
8 lienholder to perfect, assign and release a lien on a motor vehicle
9 in lieu of submission and maintenance of paper documents as
10 otherwise provided in the provisions of Section 1101 et seq. of
11 Title 47 of the Oklahoma Statutes. The Tax Commission shall enter
12 into a competitive contract with a qualified third-party service
13 provider (System Developer), subject to the provisions of the
14 Oklahoma Central Purchasing Act, Section 85.1 et seq. of Title 74 of
15 the Oklahoma Statutes, to provide necessary hardware, software and
16 services facilitating the interconnection between motor license
17 agents and electronic title service providers described in
18 subsection B of this section for a certificate of title and for
19 filing or releasing a lien pursuant to the procedures prescribed by
20 the Oklahoma Tax Commission. The provisions of this section shall
21 apply to applications for certificates of title and liens filed
22 after June 30, 2022. The Tax Commission shall promulgate rules to
23 implement the provisions of this section.

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1 B. The program authorized under subsection A of this section
2 shall include, but not be limited to, procedures:

3 1. For the delivery of a certificate of title, on a paper
4 document or in an electronic format, to the secured party having the
5 primary perfected security interest in a vehicle in lieu of delivery
6 to the record owner, notwithstanding the provisions of Section 1101
7 et seq. of Title 47 of the Oklahoma Statutes. Provided, when
8 electronic transmission of liens and lien satisfactions is used, a
9 certificate of title need not be issued or printed until the last
10 lien is satisfied and a clear certificate of title is issued to the
11 owner of the vehicle at their request;

12 2. Establishing qualifications for third-party electronic title
13 service providers offering electronic lien services. The vendor
14 selected in subsection A of this section shall not be considered an
15 electronic title service provider and shall not operate or own an
16 electronic title service provider.

17 3. Establishing reasonable fees, if necessary, to be charged by
18 service providers or contractors for the establishment, maintenance
19 and operation of the electronic lien title program;

20 4. Providing access to the electronic certificate of title
21 records including liens on record, for licensed motor vehicle
22 dealers and lienholders who participate in the program
23 notwithstanding the provisions of Section 1109 of Title 47 of the
24 Oklahoma Statutes;

1 5. Allowing motor license agents to participate in the
2 electronic lien title program. Participating motor license agents
3 shall receive all fees provided by the Oklahoma Vehicle License and
4 Registration Act unless otherwise provided in Section 1132A of Title
5 47 of the Oklahoma Statutes; and

6 6. For the acceptance and use of electronic or digital
7 signatures.

8 C. As used in this section and Section 1101 et seq. of Title 47
9 of the Oklahoma Statutes:

10 1. "Deliver" or "delivery" means, with respect to a certificate
11 of title or lien, either the physical delivery of a paper document
12 or the electronic delivery of a document in an electronic format;

13 2. "Electronic format" means an electronic or digital format or
14 medium of any document, record or other information; and

15 3. "Possess" or "possession" means, with respect to a
16 certificate of title or lien, to hold or otherwise exercise control
17 over a document which is in either a physical or electronic format.

18 D. Any documents created, stored or delivered under the
19 electronic lien title program as provided in this section shall be
20 considered valid including any signatures which are generated
21 electronically or contained on a scanned copy. A certified copy of
22 the Oklahoma Tax Commission's electronic record of a motor vehicle
23 certificate of title or lien is admissible in any civil, criminal or
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1 administrative proceeding in this state as evidence of the existence
2 and contents of the certificate of title or lien.

3 E. The Tax Commission is authorized to expend funds necessary
4 for the implementation of the program provided in subsection A of
5 this section from available monies in the Oklahoma Tax Commission
6 and Office of Management and Enterprise Services Joint Computer
7 Enhancement Fund created pursuant to Section 265 of Title 68 of the
8 Oklahoma Statutes.

9 F. In the development of the program provided in subsection A
10 of this section, the Oklahoma Tax Commission shall consult
11 interested parties including, but not limited to, representatives of
12 the Oklahoma Automobile Dealers Association, the Oklahoma Bankers
13 Association, the Oklahoma Credit Union Association and the Oklahoma
14 Tag Agent Coalition.

15 SECTION 2. This act shall become effective November 1, 2021."

16 Passed the House of Representatives the 22nd day of April, 2021.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2021.

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Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 998

By: Standridge of the Senate

and

Osburn of the House

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6 An Act relating to the Oklahoma Vehicle License and
7 Registration Act; requiring the Oklahoma Tax
8 Commission to implement a program for electronic
9 certificates of title and associated liens; requiring
10 designation of a vendor; providing date to establish
11 program; requiring the Commission to promulgate
12 rules; requiring certain program procedures; adding
13 definitions; requiring certain electronic documents
14 and signatures be considered valid; requiring certain
15 certified copies of Oklahoma Tax Commission records
16 to be considered admissible evidence; providing for
17 codification; and providing an effective date.

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

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1105A of Title 47, unless there
21 is created a duplication in numbering, reads as follows:

22 A. On or before July 1, 2022, the Oklahoma Tax Commission shall
23 implement a program which will permit the electronic filing, storage
24 and delivery of motor vehicle certificates of title and allow a
lienholder to perfect, assign and release a lien on a motor vehicle
in lieu of submission and maintenance of paper documents as
otherwise provided in the provisions of Section 1101 et seq. of
Title 47 of the Oklahoma Statutes. The Tax Commission shall

1 designate a vendor or vendors, subject to the provisions of the
2 Oklahoma Central Purchasing Act, Section 85.1 et seq. of Title 74 of
3 the Oklahoma Statutes, to provide necessary hardware, software and
4 services to motor license agents who shall provide an electronic
5 filing, storage and delivery system to be used by applicants for a
6 certificate of title and for filing or releasing a lien pursuant to
7 the procedures prescribed by the Oklahoma Tax Commission. The
8 provisions of this section shall apply to applications for
9 certificates of title and liens filed after June 30, 2022. The Tax
10 Commission shall promulgate rules to implement the provisions of
11 this section.

12 B. The program authorized under subsection A of this section
13 shall include, but not be limited to, procedures:

14 1. For the delivery of a certificate of title, on a paper
15 document or in an electronic format, to the secured party having the
16 primary perfected security interest in a vehicle in lieu of delivery
17 to the record owner, notwithstanding the provisions of Section 1101
18 et seq. of Title 47 of the Oklahoma Statutes. Provided, when
19 electronic transmission of liens and lien satisfactions is used, a
20 certificate of title need not be issued or printed until the last
21 lien is satisfied and a clear certificate of title is issued to the
22 owner of the vehicle at their request;

23 2. Establishing qualifications for third-party service
24 providers offering electronic lien services;

1 3. Establishing reasonable fees, if necessary, to be charged by
2 service providers or contractors for the establishment, maintenance
3 and operation of the electronic lien title program;

4 4. Providing access to the electronic certificate of title
5 records including liens on record, for licensed motor vehicle
6 dealers and lienholders who participate in the program
7 notwithstanding the provisions of Section 1109 of Title 47 of the
8 Oklahoma Statutes;

9 5. Allowing motor license agents to participate in the
10 electronic lien title program. Participating motor license agents
11 shall receive all fees provided by the Oklahoma Vehicle License and
12 Registration Act unless otherwise provided in Section 1132A of Title
13 47 of the Oklahoma Statutes; and

14 6. For the acceptance and use of electronic or digital
15 signatures.

16 C. As used in this section and Section 1101 et seq. of Title 47
17 of the Oklahoma Statutes:

18 1. "Deliver" or "delivery" means, with respect to a certificate
19 of title or lien, either the physical delivery of a paper document
20 or the electronic delivery of a document in an electronic format;

21 2. "Electronic format" means an electronic or digital format or
22 medium of any document, record or other information; and

1 3. "Possess" or "possession" means, with respect to a
2 certificate of title or lien, to hold or otherwise exercise control
3 over a document which is in either a physical or electronic format.

4 D. Any documents created, stored or delivered under the
5 electronic lien title program as provided in this section shall be
6 considered valid including any signatures which are generated
7 electronically or contained on a scanned copy. A certified copy of
8 the Oklahoma Tax Commission's electronic record of a motor vehicle
9 certificate of title or lien is admissible in any civil, criminal or
10 administrative proceeding in this state as evidence of the existence
11 and contents of the certificate of title or lien.

12 E. The Tax Commission is authorized to expend funds necessary
13 for the implementation of the program provided in subsection A of
14 this section from available monies in the Oklahoma Tax Commission
15 and Office of Management and Enterprise Services Joint Computer
16 Enhancement Fund created pursuant to Section 265 of Title 68 of the
17 Oklahoma Statutes.

18 SECTION 4. This act shall become effective November 1, 2021.
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1 Passed the Senate the 8th day of March, 2021.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2021.

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8 _____
9 Presiding Officer of the House
10 of Representatives