

05/01/2018 11:12:26 AM

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB3278**

By: Kannady of the House and Treat of the Senate

Title: Motor vehicles; motor license agents; qualification; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its Amendment No. 1; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

HB3278 CCR (A)  
**HOUSE CONFEREES**

Babinec, Greg



Cleveland, Bobby

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Fetgatter, Scott



Ford, Ross

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Humphrey, Justin

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Lepak, Mark



Loring, Ben

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McDugle, Kevin

---

Newton, Carl



Ownbey, Pat



Renegar, Brian



Ritze, Mike

---

Rosecrants, Jacob

---

Virgin, Emily



West, Tammy



Williams, Cory



HB3278 CCR A

**SENATE CONFEREES**

Treat

David

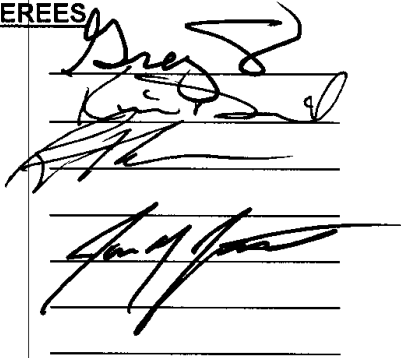
Thompson

Smalley

Leewright

Sparks

Floyd

Handwritten signatures of the Senate conferees: Treat, David, Thompson, Smalley, Leewright, Sparks, and Floyd. Each signature is written on a horizontal line.

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_



1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3278

By: Kannady of the House  
and  
Treat of the Senate

7  
8  
9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; amending 47 O.S.  
12 2011, Section 1140, which relates to qualification of  
13 motor license agents; modifying requirements for  
14 qualification; and providing an effective date.

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

16 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1140, is  
17 amended to read as follows:

18 Section 1140. A. The Oklahoma Tax Commission shall adopt rules  
19 prescribing minimum qualifications and requirements for locating  
20 motor license agencies and for persons applying for appointment as a  
21 motor license agent; provided, after the effective date of this act  
22 such qualifications and requirements shall apply to agents in all  
23 areas of this state. Such qualifications and requirements shall  
24 include, but not be limited to, the following:

- 1        1. Necessary job skills and experience;
- 2        2. Minimum office hours;
- 3        3. Provision for sufficient staffing, equipment, office space
- 4 and parking to provide maximum efficiency and maximum convenience to
- 5 the public;
- 6        4. Obtainment of a faithful performance surety bond as provided
- 7 for by law;
- 8        5. A requirement that operation of a motor license agency be
- 9 the primary source of income for said agent;
- 10       6. That the applicant has not been convicted of a felony and
- 11 that no felony charges are pending against the applicant;
- 12       7. That a complete financial statement be submitted by the
- 13 applicant on forms provided by the Tax Commission;
- 14       8. That a report of the applicant's credit history be obtained
- 15 through the appropriate credit bureau; and
- 16       9. That the location specified in the application for
- 17 appointment as a motor license agent not be owned by a member of the
- 18 Oklahoma Legislature or any person related to a member of the
- 19 Oklahoma Legislature within the third degree by consanguinity or
- 20 affinity and that the location not be within a three-mile radius of
- 21 an existing motor license agency unless the applicant is assuming
- 22 the location of an operating agency. If the applicant is assuming
- 23 the location of an existing or operating agency, the current agent
- 24 may submit a letter of resignation contingent upon the appointment

1 of the applicant regardless of the population of the municipality in  
2 which the agency is located. The Tax Commission may, at its  
3 discretion, approve the relocation of an existing agency within a  
4 three-mile radius of another existing agency only if a naturally  
5 intervening geographic barrier within that radius causes the  
6 locations to be separated by not less than three (3) miles of  
7 roadway by the most direct route.

8 After the necessary information has been forwarded to the Tax  
9 Commission, each applicant shall be interviewed by the Tax  
10 Commission or its designees and each item of information shall be  
11 reviewed.

12 Any person making application to the Tax Commission for the  
13 purpose of becoming a motor license agent shall pay when submitting  
14 the application, a nonrefundable application fee of One Hundred  
15 Dollars (\$100.00). All such application fees shall be deposited in  
16 the Oklahoma Tax Commission Revolving Fund.

17 Upon application by a person to serve as a motor license agent,  
18 in such counties, the Tax Commission shall make a determination  
19 whether such person and such location meets the qualifications and  
20 requirements prescribed herein and, if such be the case, shall  
21 appoint such person to serve as a motor license agent.

22 A motor license agent, appointed pursuant to this subsection  
23 shall be permitted to operate a motor license agency at a single  
24 location and shall be prohibited from operating subagencies or

1 branch agencies, unless such subagencies or branch agencies were  
2 established prior to June 1, 1985.

3 Unless otherwise specifically provided, motor license agents  
4 appointed pursuant to this subsection shall be subject to all laws  
5 relating to motor license agents and shall be subject to removal at  
6 the will of the Tax Commission.

7 B. Before the effective date of this act, in all counties of  
8 this state having a population of less than one hundred thirty  
9 thousand (130,000) and in municipalities having a population of less  
10 than eight thousand five hundred (8,500) located in a county having  
11 a population in excess of one hundred thirty thousand (130,000),  
12 according to the latest Federal Decennial Census, the Tax Commission  
13 shall appoint as many motor license agents as it deems necessary to  
14 carry out the provisions of the Motor Vehicle License and  
15 Registration Act. Provided, that in counties with a population in  
16 excess of twenty-five thousand (25,000) persons, according to the  
17 latest Federal Decennial Census, having only one motor license agent  
18 serving the county, the Tax Commission shall establish at least one  
19 additional agency to serve the county. Any motor license agent  
20 appointed pursuant to this subsection before the effective date of  
21 this act may continue to serve until such agent vacates the position  
22 by reason of resignation, removal, death or otherwise.

23 All motor license agents shall be self-employed independent  
24 contractors and shall be under the supervision of the Tax



1 Commission; provided, any agent authorized to issue registrations  
2 pursuant to the International Registration Plan shall also be under  
3 the supervision of the Corporation Commission, subject to rules  
4 promulgated by the Corporation Commission pursuant to the provisions  
5 of subsection E of Section 1166 of this title. Any such agent, upon  
6 being appointed, shall furnish and file with the Tax Commission a  
7 bond in such amount as may be fixed by the Tax Commission. Such  
8 agent shall be removable at the will of the Tax Commission. Such  
9 agent shall perform all duties and do such things in the  
10 administration of the laws of this state as shall be enjoined upon  
11 and required by the Tax Commission or the Corporation Commission.  
12 Provided, the Tax Commission may operate a motor license agency in  
13 any county where a vacancy occurs.

14 C. In the event of a vacancy existing by reason of resignation,  
15 removal, death or otherwise, in the position of any motor license  
16 agent, the Tax Commission is hereby empowered and authorized to take  
17 any and all actions it deems appropriate in order to provide for the  
18 orderly transition and for the maintenance of operations of the  
19 motor license agency including but not limited to the designation of  
20 one of its regular employees to serve as "acting agent" without  
21 bond, and to receive and expend all fees or charges authorized or  
22 provided by law and exercise the same powers and authority as a  
23 regularly appointed motor license agent. An acting agent may be  
24 authorized by the Tax Commission equally as the preceding agent to

1 make disbursements from any balances in the preceding motor license  
2 agent's operating account and the agent's operating funds for the  
3 payment of expenses of operations and salaries and other overhead.  
4 If such funds are insufficient, the Tax Commission is authorized to  
5 expend from funds appropriated for the operation of the Tax  
6 Commission such amounts as are necessary to maintain and continue  
7 the operation of any such motor license agency until a successor  
8 agent is appointed and qualified. The Tax Commission may require a  
9 blanket fiduciary bond of the agency employees.

10 D. Any motor license agency operated by a motor license agent  
11 who has been charged with a felony shall be closed immediately. The  
12 State Auditor and Inspector shall immediately conduct an audit of  
13 such motor license agency and forward the report of the audit to the  
14 Tax Commission for review. The Tax Commission shall determine  
15 whether the motor license agency shall be reopened and operated by  
16 the motor license agent or whether the agency shall be reopened and  
17 operated by the Tax Commission. The review of the audit and the Tax  
18 Commission determination shall be effected as soon as possible to  
19 prevent additional inconvenience to the public.

20 E. When an application for registration is made with the Tax  
21 Commission, Corporation Commission or a motor license agent, a  
22 registration fee of One Dollar and seventy-five cents (\$1.75) shall  
23 be collected for each license plate or decal issued. Such fees  
24 shall be in addition to the registration fees on motor vehicles and

1 when an application for registration is made to the motor license  
2 agent such motor license agent shall retain a fee as provided in  
3 Section 1141.1 of this title. When the fee is paid by a person  
4 making application directly with the Tax Commission or Corporation  
5 Commission, as applicable, the registration fees shall be in the  
6 same amount as provided for motor license agents and the fee  
7 provided by Section 1141.1 of this title shall be deposited in the  
8 Oklahoma Tax Commission Revolving Fund or as provided in Section  
9 1167 of this title, as applicable. The Tax Commission shall prepare  
10 schedules of registration fees and charges for titles which shall  
11 include the fees for such agents and all fees and charges paid by a  
12 person shall be listed separately on the application and  
13 registration and totaled on the application and registration. The  
14 motor license agents shall charge only such fees as are specifically  
15 provided for by law, and all such authorized fees shall be posted in  
16 such a manner that any person shall have notice of all fees that are  
17 imposed by law.

18 F. No person shall be appointed as a motor license agent unless  
19 the person has attested under oath that the person is not related by  
20 affinity or consanguinity within the third degree to:

- 21 1. Any member of the Oklahoma Legislature;
- 22 2. Any person who has served as a member of the Oklahoma  
23 Legislature within the two-year period preceding the date of  
24 appointment as motor license agent; or

1        3. Any employee of the Tax Commission.

2        G. Any motor license agent appointed under the provisions of  
3 this title shall be responsible for all costs incurred by the Tax  
4 Commission when relocating an existing motor license agency. The  
5 Tax Commission may waive payment of such costs in case of unforeseen  
6 business or emergency conditions beyond the control of the agent.

7        SECTION 2. This act shall become effective November 1, 2018.

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9        56-2-10512        JBH        04/30/18  
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