

1 ENGROSSED SENATE
2 BILL NO. 1439

By: Schulz of the Senate

3 and

4 McCall of the House

5
6 An Act relating to motor license agents; amending 47
7 O.S. 2011, Section 1140, which relates to
8 qualifications and requirements of motor license
9 agents; deleting obsolete language; adding population
10 requirement for certain agent requirement; modifying
11 method of selecting applicants for interviews;
12 modifying authorization of the Oklahoma Tax
13 Commission; deleting certain population requirement;
14 deleting authorization to serve as a motor license
15 agent upon certain occurrence; deleting certain
16 requirement for an audit by the State Auditor and
17 Inspector; modifying certain determination made by
18 the Oklahoma Tax Commission; renumbering paragraphs;
19 updating statutory language; and providing an
20 effective date.

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

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

24 Section 1140. A. The Oklahoma Tax Commission shall adopt rules
prescribing minimum qualifications and requirements for locating
motor license agencies and for persons applying for appointment as a
motor license agent; ~~provided, after the effective date of this act~~
~~such qualifications and requirements shall apply to agents in all~~

1 ~~areas of this state.~~ Such qualifications and requirements shall
2 include, but not be limited to, the following:

3 1. Necessary job skills and experience;

4 2. Minimum office hours;

5 3. Provision for sufficient staffing, equipment, office space
6 and parking to provide maximum efficiency and maximum convenience to
7 the public;

8 4. Obtainment of a faithful performance surety bond as provided
9 for by law;

10 5. A In counties with a population in excess of thirty thousand
11 (30,000) persons according to the latest Federal Decennial Census, a
12 requirement that operation of a motor license agency be the primary
13 source of income for ~~said~~ the agent;

14 6. That the applicant has not been convicted of a felony and
15 that no felony charges are pending against the applicant;

16 7. That a complete financial statement be submitted by the
17 applicant on forms provided by the Tax Commission;

18 8. That a report of the applicant's credit history be obtained
19 through the appropriate credit bureau; and

20 9. That the location specified in the application for
21 appointment as a motor license agent not be owned by a member of the
22 Oklahoma Legislature or any person related to a member of the
23 Oklahoma Legislature within the third degree by consanguinity or
24 affinity and that the location not be within a three-mile radius of

1 an existing motor license agency unless the applicant is assuming
2 the location of an operating agency. 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 B. After the necessary information has been forwarded to the
9 Tax Commission, ~~each applicant shall be interviewed by~~ the Tax
10 Commission or its designees may select applicants to be interviewed
11 and each item of information shall be 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 C. Upon application by a person to serve as a motor license
18 agent, in such counties, the Tax Commission ~~shall~~ is authorized to
19 make a determination whether such person and such location meets the
20 qualifications and requirements prescribed herein and, if such be
21 the case, ~~shall~~ may appoint such person to serve as a motor license
22 agent.

23 D. A motor license agent, appointed pursuant to this subsection
24 shall be permitted to operate a motor license agency at a single

1 location and shall be prohibited from operating subagencies or
2 branch agencies, ~~unless such subagencies or branch agencies were~~
3 ~~established prior to June 1, 1985.~~

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

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

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

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

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

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

23 ~~E.~~ H. When an application for registration is made with the Tax
24 Commission, Corporation Commission or a motor license agent, a

1 registration fee of One Dollar and seventy-five cents (\$1.75) shall
2 be collected for each license plate or decal issued. Such fees
3 shall be in addition to the registration fees on motor vehicles and
4 when an application for registration is made to the motor license
5 agent such motor license agent shall retain a fee as provided in
6 Section 1141.1 of this title. When the fee is paid by a person
7 making application directly with the Tax Commission or Corporation
8 Commission, as applicable, the registration fees shall be in the
9 same amount as provided for motor license agents and the fee
10 provided by Section 1141.1 of this title shall be deposited in the
11 Oklahoma Tax Commission Revolving Fund or as provided in Section
12 1167 of this title, as applicable. The Tax Commission shall prepare
13 schedules of registration fees and charges for titles which shall
14 include the fees for such agents and all fees and charges paid by a
15 person shall be listed separately on the application and
16 registration and totaled on the application and registration. The
17 motor license agents shall charge only such fees as are specifically
18 provided for by law, and all such authorized fees shall be posted in
19 such a manner that any person shall have notice of all fees that are
20 imposed by law.

21 ~~F.~~ I. No person shall be appointed as a motor license agent
22 unless the person has attested under oath that the person is not
23 related by affinity or consanguinity within the third degree to:

24 1. Any member of the Oklahoma Legislature;

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

3. Any employee of the Tax Commission.

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

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

Passed the Senate the 7th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2018.

Presiding Officer of the House
of Representatives