

1 ENGROSSED SENATE
2 BILL NO. 474

By: Leewright of the Senate

3 and

4 Kannady of the House

5
6 An Act relating to motor vehicle dealers; amending 47
7 O.S. 2011, Section 1128, which relates to dealer
8 license plates; removing certain penalty; and
9 providing an effective date.

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

11 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1128, is
12 amended to read as follows:

13 Section 1128. A. Every person manufacturing or having a
14 contract to sell new vehicles in this state shall file a verified
15 application for a general distinctive number for all new vehicles
16 owned or controlled by the manufacturer or dealer; provided, the
17 Oklahoma Tax Commission shall issue a license to sell such new motor
18 vehicles only for those types of new vehicles for which the
19 applicant has a sales contract or franchise; provided, further, that
20 no license shall be issued to any applicant that has not complied
21 with the provisions of Sections 561 through 568 of this title and
22 does not hold a current license issued by the Oklahoma Motor Vehicle
23 Commission pursuant thereto. A separate manufacturer's or dealer's
24 license shall be required for each separate county within which such

1 manufacturer or dealer has an established place of business and upon
2 payment of a license fee of Ten Dollars (\$10.00) there shall be
3 assigned and issued to such manufacturer or dealer a Certificate of
4 Registration and one license plate which shall be displayed upon
5 each vehicle of such manufacturer or dealer when same is operated,
6 driven, or displayed on any street, road, or highway, in the same
7 manner as hereinbefore provided for vehicles owned by other persons.
8 Such a manufacturer or dealer in new vehicles may obtain as many
9 additional license plates as may be desired, upon the payment of the
10 sum of Ten Dollars (\$10.00) for each additional plate; provided that
11 no such license plate issued to any manufacturer or dealer shall be
12 used or displayed upon any secondhand or used vehicle, or upon any
13 new vehicle which is used for a service car, or private use, or for
14 hire. Any person, with consent of the dealer, may operate a motor
15 vehicle, with the dealer's tag affixed, while contemplating
16 purchase, so long as this intent is limited to a consecutive
17 seventy-two-hour period, or a weekend. An individual holding a
18 valid salesman's license issued by the Oklahoma Motor Vehicle
19 Commission shall not be subject to this limitation. If such person
20 also buys and sells used vehicles, he shall, after obtaining his new
21 motor vehicle dealer's license from the Oklahoma Motor Vehicle
22 Commission, also obtain a used motor vehicle dealer's license, from
23 the Used Motor Vehicle and Parts Commission, the cost of which shall
24 be as prescribed in Section 1101 et seq. of this title.

1 B. Each dealer and used motor vehicle dealer shall keep a
2 record of the purchase and sale of each motor vehicle he buys or
3 sells, which shall show the name of the seller or buyer as the case
4 may be, and a complete description of the vehicle purchased or sold,
5 and such other information as the Commission may prescribe.

6 C. Application for manufacturer's or dealer's license must show
7 that such dealer or manufacturer has not violated any of the
8 provisions of this section; and such license shall be nonassignable;
9 and any such license may be suspended temporarily or revoked by the
10 Commission for violation or failure to comply with this section;
11 provided, the holder of such license shall be given ten (10) days'
12 notice of hearing to suspend or cancel such license. If any such
13 person subject to any of the licenses required in this section fails
14 to obtain it when due, a penalty of twenty-five cents (\$0.25) per
15 day on each such license shall be charged in the same manner as is
16 now provided on delinquent motor vehicle registrations, and after a
17 period of thirty (30) days such penalty shall be equal to the
18 license fee. It shall be the duty of every person licensed to sell
19 new or used motor vehicles to advise each purchaser in writing about
20 his title requirements and payment of any taxes due. Each used
21 motor vehicle must display a proper Oklahoma license plate or a used
22 dealer's license plate. ~~Dealers failing to comply with provisions~~
23 ~~of this section shall be responsible for all taxes due on such sales~~
24 ~~or on such vehicles.~~

1 D. Every person engaged in the business of transporting and
2 delivering new or used vehicles by driving, either singly or by
3 towbar, saddle mount or full mount method, engaging in drive-away
4 operations as defined in Section 3 of Title 85 of the Oklahoma
5 Statutes, or any combination thereof, from the manufacturer or
6 shipper to the dealer or consignee and using the public highways of
7 this state shall file with the Commission a verified application for
8 in-transit license plates to identify such vehicles. The
9 application shall provide for a general distinctive number for all
10 vehicles so transported. Upon payment of a license fee of Ten
11 Dollars (\$10.00) there shall be assigned and issued to such person
12 one in-transit plate. Such in-transit plate shall be used by such
13 person only on vehicles when so transported. Such person may obtain
14 as many additional in-transit plates as desired upon payment of a
15 fee of Ten Dollars (\$10.00) for each additional plate. Provided, a
16 used motor vehicle dealer shall use a used dealer license plate in
17 lieu of the in-transit license plate for transporting a used motor
18 vehicle and, in such cases, shall be exempt from making application
19 for an in-transit license plate. Provided further, only a person
20 who possesses a valid motor carrier authority issued by the Federal
21 Motor Carrier Safety Administration, or a valid for-hire authority
22 issued by the Corporation Commission may use the in-transit license
23 plates obtained by them as herein authorized for transporting new or
24 used manufactured homes from one location to another location within

1 Oklahoma or from a point in another state to a point in this state.
2 Nothing contained in this section shall relieve any person from the
3 payment of license fees otherwise provided by law. When the
4 Commission deems it advisable and in the public interest, it may
5 require the holder of any in-transit license, or any person making
6 application therefor, to file a proper surety bond in any amount it
7 deems proper, not to exceed Ten Thousand Dollars (\$10,000.00).

8 E. The Oklahoma Tax Commission shall issue dealer licenses to
9 new and used manufactured home dealers, new and used travel trailer
10 dealers and new and used commercial trailer dealers.

11 F. All licenses provided for in this section shall expire on
12 December 31 of each year.

13 SECTION 2. This act shall become effective November 1, 2017.

14 Passed the Senate the 20th day of March, 2017.

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Presiding Officer of the Senate

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18 Passed the House of Representatives the ____ day of _____,
19 2017.

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Presiding Officer of the House
of Representatives

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