

## FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB298

			Of the printed Bill
Page	<u>1</u>	Section	<u>1</u>
		Lines	<u>13</u>
			Of the Engrossed Bill

By inserting a new Section 1 into the bill:

(see attached)

and by renumbering the subsequent sections of the bill.

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Jon Echols

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 "SECTION 2. AMENDATORY 47 O.S. 2011, Section 1140, is  
2 amended to read as follows:

3 Section 1140. A. The Oklahoma Tax Commission shall adopt rules  
4 prescribing minimum qualifications and requirements for locating  
5 motor license agencies and for persons applying for appointment as a  
6 motor license agent; provided, after the effective date of this act  
7 such qualifications and requirements shall apply to agents in all  
8 areas of this state. Such qualifications and requirements shall  
9 include, but not be limited to, the following:

10 1. Necessary job skills and experience;

11 2. Minimum office hours;

12 3. Provision for sufficient staffing, equipment, office space  
13 and parking to provide maximum efficiency and maximum convenience to  
14 the public;

15 4. Obtainment of a faithful performance surety bond as provided  
16 for by law;

17 5. A requirement that operation of a motor license agency be  
18 the primary source of income for said agent;

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

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

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

1        9. That the location specified in the application for  
2 appointment as a motor license agent not be owned by ~~a member of the~~  
3 ~~Oklahoma Legislature~~ an employee of the Tax Commission or Tax  
4 Commissioners or any person related to a ~~member~~ Commissioner or  
5 employee of the ~~Oklahoma Legislature~~ Tax Commission within the third  
6 degree by consanguinity or affinity and that the location not be  
7 within a three-mile radius of an existing motor license agency  
8 unless the applicant is assuming the location of an operating  
9 agency. The Tax Commission may, at its discretion, approve the  
10 relocation of an existing agency within a three-mile radius of  
11 another existing agency only if a naturally intervening geographic  
12 barrier within that radius causes the locations to be separated by  
13 not less than three (3) miles of roadway by the most direct route.

14        After the necessary information has been forwarded to the Tax  
15 Commission, each applicant shall be interviewed by the Tax  
16 Commission or its designees and each item of information shall be  
17 reviewed.

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

23        Upon application by a person to serve as a motor license agent,  
24 in such counties, the Tax Commission shall make a determination

1 whether such person and such location meets the qualifications and  
2 requirements prescribed herein and, if such be the case, shall  
3 appoint such person to serve as a motor license agent.

4 A motor license agent, appointed pursuant to this subsection  
5 shall be permitted to operate a motor license agency at a single  
6 location and shall be prohibited from operating subagencies or  
7 branch agencies, unless such subagencies or branch agencies were  
8 established prior to June 1, 1985.

9 Unless otherwise specifically provided, motor license agents  
10 appointed pursuant to this subsection shall be subject to all laws  
11 relating to motor license agents and shall be subject to removal at  
12 the will of the Tax Commission.

13 B. Before the effective date of this act, in all counties of  
14 this state having a population of less than one hundred thirty  
15 thousand (130,000) and in municipalities having a population of less  
16 than eight thousand five hundred (8,500) located in a county having  
17 a population in excess of one hundred thirty thousand (130,000),  
18 according to the latest Federal Decennial Census, the Tax Commission  
19 shall appoint as many motor license agents as it deems necessary to  
20 carry out the provisions of the Motor Vehicle License and  
21 Registration Act. Provided, that in counties with a population in  
22 excess of twenty-five thousand (25,000) persons, according to the  
23 latest Federal Decennial Census, having only one motor license agent  
24 serving the county, the Tax Commission shall establish at least one

1 additional agency to serve the county. Any motor license agent  
2 appointed pursuant to this subsection before the effective date of  
3 this act may continue to serve until such agent vacates the position  
4 by reason of resignation, removal, death or otherwise.

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

20 C. In the event of a vacancy existing by reason of resignation,  
21 removal, death or otherwise, in the position of any motor license  
22 agent, the Tax Commission is hereby empowered and authorized to take  
23 any and all actions it deems appropriate in order to provide for the  
24 orderly transition and for the maintenance of operations of the

1 motor license agency including but not limited to the designation of  
2 one of its regular employees to serve as "acting agent" without  
3 bond, and to receive and expend all fees or charges authorized or  
4 provided by law and exercise the same powers and authority as a  
5 regularly appointed motor license agent. An acting agent may be  
6 authorized by the Tax Commission equally as the preceding agent to  
7 make disbursements from any balances in the preceding motor license  
8 agent's operating account and the agent's operating funds for the  
9 payment of expenses of operations and salaries and other overhead.  
10 If such funds are insufficient, the Tax Commission is authorized to  
11 expend from funds appropriated for the operation of the Tax  
12 Commission such amounts as are necessary to maintain and continue  
13 the operation of any such motor license agency until a successor  
14 agent is appointed and qualified. The Tax Commission may require a  
15 blanket fiduciary bond of the agency employees.

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

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

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

4 1. Any member of the ~~Oklahoma Legislature~~ Tax Commission; or

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

8 ~~3.~~ Any employee of the Tax Commission.

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

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