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February 22, 2017

**AS AMENDED**

SENATE BILL NO. 474

By: Leewright of the Senate

and

## Kannady of the House

[ motor vehicle dealers - dealer license plates -  
effective date ]

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

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

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

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

1 the Used Motor Vehicle and Parts Commission, the cost of which shall  
2 be as prescribed in Section 1101 et seq. of this title.

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

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

1 ~~of this section shall be responsible for all taxes due on such sales~~  
2 ~~or on such vehicles.~~

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

1 plates obtained by them as herein authorized for transporting new or  
2 used manufactured homes from one location to another location within  
3 Oklahoma or from a point in another state to a point in this state.  
4 Nothing contained in this section shall relieve any person from the  
5 payment of license fees otherwise provided by law. When the  
6 Commission deems it advisable and in the public interest, it may  
7 require the holder of any in-transit license, or any person making  
8 application therefor, to file a proper surety bond in any amount it  
9 deems proper, not to exceed Ten Thousand Dollars (\$10,000.00).

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

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
17 February 22, 2017 - DO PASS AS AMENDED  
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