

1 STATE OF OKLAHOMA

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

3 SENATE BILL 976

By: Thompson

6 AS INTRODUCED

7 An Act relating to motor license agents; amending 47
8 O.S. 2011, Section 1140, which relates to
9 qualifications and requirements; modifying
10 restrictions on ownership and related procedures
11 based on consanguinity or affinity of the applicant;
12 authorizing contingent letter of resignation under
13 specified circumstances; updating statutory
14 references; and providing an effective date.

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

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

16 Section 1140. A. The Oklahoma Tax Commission shall adopt rules
17 prescribing minimum qualifications and requirements for locating
18 motor license agencies and for persons applying for appointment as a
19 motor license agent; provided, after ~~the effective date of this act~~
20 July 1, 2009, such qualifications and requirements shall apply to
21 agents in all areas of this state. Such qualifications and
22 requirements shall include, but not be limited to, the following:

- 23 1. Necessary job skills and experience;
24 2. Minimum office hours;

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

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

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

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

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

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

14 9. That the location specified in the application for
15 appointment as a motor license agent not be owned by ~~a member of the~~
16 ~~Oklahoma Legislature~~ an employee of the Oklahoma Tax Commission or a
17 Tax Commissioner or any person related to a ~~member of the Oklahoma~~
18 ~~Legislature~~ Commissioner or employee of the Tax Commission within
19 the third degree by consanguinity or affinity and that the location
20 not be within a three-mile radius of an existing motor license
21 agency unless the applicant is assuming the location of an operating
22 agency. In the situation where the applicant is assuming the
23 location of an existing or operating agency, the current agent may
24 submit a letter of resignation contingent on the appointment of a

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

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

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

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

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

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~~ July 1, 2009, in all
8 counties of this state having a population of less than one hundred
9 thirty thousand (130,000) and in municipalities having a population
10 of less than eight thousand five hundred (8,500) located in a county
11 having a population in excess of one hundred thirty thousand
12 (130,000), according to the latest Federal Decennial Census, the Tax
13 Commission shall appoint as many motor license agents as it deems
14 necessary to carry out the provisions of the Motor Vehicle License
15 and Registration Act. Provided, that in counties with a population
16 in 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~~ July 1, 2009, may continue to serve until such agent
22 vacates the position by reason of resignation, removal, death or
23 otherwise.

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

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

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

22 E. When an application for registration is made with the Tax
23 Commission, Corporation Commission or a motor license agent, a
24 registration fee of One Dollar and seventy-five cents (\$1.75) shall

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

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

- 23 1. Any member of the Oklahoma ~~Legislature~~ Tax Commission;
- 24

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

4 ~~3.~~ 2. Any employee of the Tax Commission.

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

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

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