

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL 1605

By: Quinn and Bullard of the
Senate

and

Kerbs and Osburn of the
House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2021, Section 1107, as last amended by Section 115 of Enrolled House Bill No. 3419 of the 2nd Session of the 58th Legislature, which relates to the sale or transfer of ownership of a vehicle; authorizing the use of an electronic signature on documents required for the transfer of ownership of a vehicle resulting from the settlement of a total loss claim; conforming language; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 1107, as last amended by Section 115 of Enrolled House Bill No. 3419 of the 2nd Session of the 58th Legislature, is amended to read as follows:

Section 1107. A. In the event of the sale or transfer of the ownership of a vehicle for which a certificate of title has been issued as provided by Section 1105 of this title, the holder of such certificate shall endorse on the back of same a complete assignment thereof with warranty of title in form printed thereon with a

1 statement of all liens or encumbrances on the vehicle, sworn to
2 before a notary public or some other person authorized by law to
3 take acknowledgments, and deliver same to the purchaser or
4 transferee at the time of delivery to the purchaser or transferee of
5 the vehicle; provided, a transfer of the ownership of a vehicle to
6 an insurer resulting from the settlement of a total loss claim shall
7 not require a notarized signature on the certificate of title. In
8 the event that any other documents required for the transfer of
9 ownership of a vehicle to an insurer resulting from the settlement
10 of a total loss claim require a notarized signature, such documents
11 shall be permitted to be signed electronically pursuant to Section
12 15-109 of Title 12A of the Oklahoma Statutes in lieu of such
13 requirement. The purchaser or transferee, unless such person is a
14 bona fide used motor vehicle dealer licensed by this state, a retail
15 implement dealer in connection with the purchase or transfer of off-
16 road vehicles or a charitable organization shall, within thirty (30)
17 days from the time of delivery to the purchaser or transferee of the
18 vehicle, present the assigned certificate of title and the insurance
19 security verification to the vehicle to Service Oklahoma, or one of
20 its licensed operators, accompanied by a fee of Eleven Dollars
21 (\$11.00), together with any motor vehicle excise tax or license fee
22 that may be due, whereupon a new certificate of title, shall be
23 issued to the assignee. One Dollar (\$1.00) of each fee shall be
24 deposited in the Oklahoma Tax Commission Reimbursement Fund through

1 December 31, 2022, and beginning January 1, 2023, this fee shall be
2 deposited in the Service Oklahoma Reimbursement Fund. Any
3 charitable organization utilizing the exemption authorized by this
4 subsection shall receive training as prescribed by the Oklahoma Used
5 Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing
6 Commission.

7 B. A licensed dealer, a retail implement dealer in connection
8 with the sale or disposal of off-road vehicles or a charitable
9 organization shall, on selling or otherwise disposing of a vehicle,
10 execute and deliver to the purchaser thereof the certificate of
11 title properly and completely reassigned. Thereupon, the purchaser
12 of the vehicle shall present the reassigned certificate to Service
13 Oklahoma, or a licensed operator, accompanied by a fee of Eleven
14 Dollars (\$11.00), and any motor vehicle excise tax or license fee
15 that may be due, whereupon a new certificate of title will be issued
16 to the purchaser. One Dollar (\$1.00) of each fee shall be deposited
17 in the Oklahoma Tax Commission Reimbursement Fund through December
18 31, 2022, and beginning January 1, 2023, this fee shall be deposited
19 in the Service Oklahoma Reimbursement Fund. The certificate, when
20 so assigned and returned to the Commission, together with any
21 subsequent assignment or reissue thereof, shall be appropriately
22 filed and indexed so that at all times it will be possible to trace
23 title to the vehicle designated therein. Provided, when the
24 ownership of any motor vehicle shall pass by operation of law, the

1 person owning the vehicle may, upon furnishing satisfactory proof to
2 the Commission of ownership, procure a title to the motor vehicle,
3 regardless of whether a certificate of title has ever been issued.
4 The dealer shall execute and deliver to the purchaser bills of sale
5 on forms prescribed by the Commission for all new vehicles sold by
6 the dealer. On presentation of a bill of sale executed on forms
7 prescribed by the Commission, by a manufacturer or dealer for a new
8 vehicle sold in this state, accompanied by remittance in the sum of
9 Eleven Dollars (\$11.00), together with any motor vehicle excise tax
10 or license fee that may be due, a certificate of title shall be
11 issued in accordance with the provisions of the Oklahoma Vehicle
12 License and Registration Act. One Dollar (\$1.00) of each fee shall
13 be deposited in the Oklahoma Tax Commission Reimbursement Fund
14 through December 31, 2022, and beginning January 1, 2023, this fee
15 shall be deposited in the Service Oklahoma Reimbursement Fund. For
16 purposes of this subsection, "charitable organization" shall mean
17 any organization which is exempt from taxation pursuant to the
18 provisions of the Internal Revenue Code, 26 U.S.C., Section
19 501(c)(3) and which is registered as a charitable organization with
20 the Oklahoma Secretary of State and the Oklahoma Attorney General's
21 office; "off-road vehicles" means all-terrain vehicles, utility
22 vehicles, and motorcycles used exclusively for off-road use; "retail
23 implement dealer" means a business engaged primarily in the sale of
24 farm tractors as defined in Section 1-118 of this title or

1 implements of husbandry as defined in Section 1-125 of this title or
2 a combination thereof.

3 C. Any person violating the provisions of this section shall be
4 guilty of a misdemeanor and upon the first conviction thereof shall
5 be punished by a fine not to exceed Five Hundred Dollars (\$500.00),
6 with impoundment of the vehicle until all taxes and fees are paid.
7 A second or subsequent conviction shall be punished by a fine not to
8 exceed One Thousand Dollars (\$1,000.00), with impoundment of the
9 vehicle until all taxes and fees are paid. If a vehicle is
10 impounded pursuant to the provisions of this section, the vehicle
11 shall not be released to the owner until the owner provides proof of
12 security or an affidavit that the vehicle will not be used on public
13 highways or public streets, as required pursuant to Section 7-600 et
14 seq. of this title. Each vehicle involved in a violation of this
15 section shall be considered a separate offense.

16 SECTION 2. This act shall become effective November 1, 2022.

17
18 58-2-3903 RD 5/20/2022 7:38:34 PM
19
20
21
22
23
24