

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 607

By: Rader

AS INTRODUCED

An Act relating to motor license agents; amending 47 O.S. 2011, Section 1140, as last amended by Section 2, Chapter 195, O.S.L. 2019 (47 O.S. Supp. 2020, Section 1140), which relates to motor license agencies; making requirement to establish additional agencies in certain locations permissive; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1140, as last amended by Section 2, Chapter 195, O.S.L. 2019 (47 O.S. Supp. 2020, Section 1140), is amended to read as follows:

Section 1140. A. The Oklahoma Tax Commission shall adopt rules prescribing minimum qualifications and requirements for locating motor license agencies and for persons applying for appointment as a motor license agent. Such qualifications and requirements shall include, but not be limited to, the following:

1. Necessary job skills and experience;
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. In counties with a population in excess of thirty thousand  
7 (30,000) persons according to the latest Federal Decennial Census, a  
8 requirement that operation of a motor license agency be the primary  
9 source of income for the agent;

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

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

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

16       9. That the location specified in the application for  
17 appointment as a motor license agent not be owned by a member of the  
18 Oklahoma Tax Commission or an employee of the Oklahoma Tax  
19 Commission or any person related to a member of the Oklahoma Tax  
20 Commission or an employee of the Tax Commission within the third  
21 degree by consanguinity or affinity and that the location not be  
22 within a three-mile radius of an existing motor license agency  
23 unless the applicant is assuming the location of an operating  
24 agency. If the applicant is assuming the location of an existing or

1 operating agency, the current agent may submit a letter of  
2 resignation contingent upon the appointment of the applicant  
3 regardless of the population of the municipality in which the agency  
4 is located. The Tax Commission may, at its discretion, approve the  
5 relocation of an existing agency within a three-mile radius of  
6 another existing agency only if a naturally intervening geographic  
7 barrier within that radius causes the locations to be separated by  
8 not less than three (3) miles of roadway by the most direct route.

9 B. After the necessary information has been forwarded to the  
10 Tax Commission, the Tax Commission or its designees may select  
11 applicants to be interviewed and each item of information shall be  
12 reviewed.

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

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

23 D. A motor license agent, appointed pursuant to this  
24 subsection, shall be permitted to operate a motor license agency at

1 a single location and shall be prohibited from operating subagencies  
2 or branch agencies.

3 Motor license agents appointed pursuant to this section shall be  
4 subject to all laws relating to motor license agents and shall be  
5 subject to removal at the will of the Tax Commission.

6 The Tax Commission shall appoint as many motor license agents as  
7 it deems necessary to carry out the provisions of the Motor Vehicle  
8 License and Registration Act. Provided, that in counties with a  
9 population in excess of twenty-five thousand (25,000) persons,  
10 according to the latest Federal Decennial Census, having only one  
11 motor license agent serving the county, the Tax Commission ~~shall~~ may  
12 establish at least one additional agency to serve the county.

13 E. All motor license agents shall be self-employed independent  
14 contractors and shall be under the supervision of the Tax  
15 Commission; provided, any agent authorized to issue registrations  
16 pursuant to the International Registration Plan shall also be under  
17 the supervision of the Corporation Commission, subject to rules  
18 promulgated by the Corporation Commission pursuant to the provisions  
19 of subsection E of Section 1166 of this title. Any such agent, upon  
20 being appointed, shall furnish and file with the Tax Commission a  
21 bond in such amount as may be fixed by the Tax Commission. Such  
22 agent shall be removable at the will of the Tax Commission. Such  
23 agent shall perform all duties and do such things in the  
24 administration of the laws of this state as shall be enjoined upon

1 and required by the Tax Commission or the Corporation Commission.  
2 Provided, the Tax Commission may operate a motor license agency in  
3 any county where a vacancy occurs.

4 F. In the event of a vacancy existing by reason of resignation,  
5 removal, death or otherwise, in the position of any motor license  
6 agent, the Tax Commission is hereby empowered and authorized to take  
7 any and all actions it deems appropriate in order to provide for the  
8 orderly transition and for the maintenance of operations of the  
9 motor license agency including but not limited to the designation of  
10 one of its regular employees to serve as "acting agent" without  
11 bond, and to receive and expend all fees or charges authorized or  
12 provided by law and exercise the same powers and authority as a  
13 regularly appointed motor license agent. An acting agent may be  
14 authorized by the Tax Commission equally as the preceding agent to  
15 make disbursements from any balances in the preceding motor license  
16 agent's operating account and the agent's operating funds for the  
17 payment of expenses of operations and salaries and other overhead.  
18 If such funds are insufficient, the Tax Commission is authorized to  
19 expend from funds appropriated for the operation of the Tax  
20 Commission such amounts as are necessary to maintain and continue  
21 the operation of any such motor license agency until a successor  
22 agent is appointed and qualified. The Tax Commission may require a  
23 blanket fiduciary bond of the agency employees.

1       G. Any motor license agency operated by a motor license agent  
2 who has been charged with a felony shall be closed immediately. The  
3 Tax Commission shall determine whether the motor license agency  
4 shall be reopened and operated by the motor license agent. The  
5 determination shall be effected as soon as possible to prevent  
6 additional inconvenience to the public.

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

1 motor license agents shall charge only such fees as are specifically  
2 provided for by law, and all such authorized fees shall be posted in  
3 such a manner that any person shall have notice of all fees that are  
4 imposed by law.

5 I. No person shall be appointed as a motor license agent unless  
6 the person has attested under oath that the person is not related by  
7 affinity or consanguinity within the third degree to:

- 8 1. Any member of the Oklahoma Tax Commission; or
- 9 2. Any employee of the Tax Commission.

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

15 SECTION 2. This act shall become effective November 1, 2021.

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