

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 998

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Vehicle License and
8 Registration Act; requiring the Oklahoma Tax
9 Commission to implement a program for electronic
10 certificates of title and associated liens; requiring
11 designation of a vendor; providing date to establish
12 program; requiring the Commission to promulgate
13 rules; requiring certain program procedures; adding
14 definitions; requiring certain electronic documents
15 and signatures be considered valid; requiring certain
16 reports of transaction or recording to be considered
17 admissible evidence; providing for codification; and
18 providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1105A of Title 47, unless there
22 is created a duplication in numbering, reads as follows:

23 A. On or before July 1, 2022, the Oklahoma Tax Commission shall
24 implement a program which will permit the electronic filing, storage
and delivery of motor vehicle certificates of title and allow a
lienholder to perfect, assign and release a lien on a motor vehicle
in lieu of submission and maintenance of paper documents as
otherwise provided in the provisions of Section 1101 et seq. of

1 Title 47 of the Oklahoma Statutes. The Tax Commission shall
2 designate a vendor or vendors, subject to the provisions of the
3 Oklahoma Central Purchasing Act, Section 85.1 et seq. of Title 74 of
4 the Oklahoma Statutes, to provide necessary hardware, software and
5 services to motor license agents who shall provide an electronic
6 filing, storage and delivery system to be used by applicants for a
7 certificate of title and for filing or releasing a lien pursuant to
8 the procedures prescribed by the Oklahoma Tax Commission. The
9 provisions of this section shall apply to applications for
10 certificates of title and liens filed after June 30, 2022. The Tax
11 Commission shall promulgate rules to implement the provisions of
12 this section.

13 B. The program authorized under subsection A of this section
14 shall include, but not be limited to, procedures:

15 1. For the delivery of a certificate of title, on a paper
16 document or in an electronic format, to the secured party having the
17 primary perfected security interest in a vehicle in lieu of delivery
18 to the record owner, notwithstanding the provisions of Section 1101
19 et seq. of Title 47 of the Oklahoma Statutes. Provided, when
20 electronic transmission of liens and lien satisfactions is used, a
21 certificate of title need not be issued or printed until the last
22 lien is satisfied and a clear certificate of title is issued to the
23 owner of the vehicle at their request;

1 2. Establishing qualifications for third-party service
2 providers offering electronic lien services;

3 3. Establishing reasonable fees, if necessary, to be charged by
4 service providers or contractors for the establishment, maintenance
5 and operation of the electronic lien title program;

6 4. Providing access to the electronic certificate of title
7 records including liens on record, for licensed motor vehicle
8 dealers and lienholders who participate in the program
9 notwithstanding the provisions of Section 1109 of Title 47 of the
10 Oklahoma Statutes;

11 5. Allowing motor license agents to participate in the
12 electronic lien title program; and

13 6. For the acceptance and use of electronic or digital
14 signatures.

15 C. As used in this section and Section 1101 et seq. of Title 47
16 of the Oklahoma Statutes:

17 1. "Deliver" or "delivery" means, with respect to a certificate
18 of title or lien, either the physical delivery of a paper document
19 or the electronic delivery of a document in an electronic format;

20 2. "Electronic format" means an electronic or digital format or
21 medium of any document, record or other information; and

22 3. "Possess" or "possession" means, with respect to a
23 certificate of title or lien, to hold or otherwise exercise control
24 over a document which is in either a physical or electronic format.

1 D. Any documents created, stored or delivered under the
2 electronic lien title program as provided in this section shall be
3 considered valid including any signatures which are generated
4 electronically or contained on a scanned copy. A written or printed
5 report of a transaction or recording related to vehicles in an
6 electronic format, if certified as true and correct by the Oklahoma
7 Tax Commission, shall serve as evidence of any signature
8 acknowledgment, or information which was provided to or by the Tax
9 Commission through electronic means, and the certification shall be
10 admissible in any legal proceeding as evidence of the facts stated
11 therein.

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

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