

ENROLLED SENATE
BILL NO. 1701

By: Shurden of the Senate

and

Case and Turner of the
House

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 156, as amended by Section 13, Chapter 22, O.S.L. 2002, 562, as amended by Section 11, Chapter 284, O.S.L. 2005, 583, as amended by Section 3, Chapter 298, O.S.L. 2005, 591.5, as amended by Section 1, Chapter 163, O.S.L. 2005, 591.9 and 591.10, as amended by Sections 27 and 28, Chapter 519, O.S.L. 2004 and 591.11, as last amended by Section 1 of Enrolled House Bill No. 3085 of the 2nd Session of the 50th Oklahoma Legislature (47 O.S. Supp. 2005, Sections 156, 562, 583, 591.5, 591.9 and 591.10), which relate to the purchase of automobiles or buses with certain funds, the Oklahoma Motor Vehicle Commission, definitions, the Oklahoma Used Motor Vehicle and Parts Commission and certain licenses and fees; adding exception; modifying definition; modifying and adding certain fees; requiring certain bond; adding certain authority of the Oklahoma Used Motor Vehicle and Parts Commission; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 156, as amended by Section 13, Chapter 22, O.S.L. 2002 (47 O.S. Supp. 2005, Section 156), is amended to read as follows:

Section 156. A. Unless otherwise provided for by law, no state board, commission, department, institution, official, or employee, except the following, shall purchase any passenger automobile or bus with public funds:

1. The Department of Public Safety;
2. The Department of Human Services;
3. The State Department of Rehabilitation Services;
4. The Department of Wildlife Conservation;
5. The Department of Corrections;

6. The State Department of Education;
7. The Oklahoma School of Science and Mathematics;
8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;
9. The Oklahoma State Bureau of Investigation;
10. The Transportation Commission;
11. The Oklahoma Department of Agriculture, Food, and Forestry;
12. The State Department of Health;
13. The Department of Mental Health and Substance Abuse Services;
14. The J.D. McCarty Center for Children with Developmental Disabilities;
15. The Military Department of the State of Oklahoma;
16. The Oklahoma Tourism and Recreation Department;
17. The Oklahoma Conservation Commission;
18. The Oklahoma Water Resources Board;
19. The Department of Mines;
20. The Office of Juvenile Affairs;
21. The Oklahoma Department of Veteran Affairs; ~~and~~
22. The Oklahoma Supreme Court; and
23. The District Attorneys Council and Oklahoma district attorneys, provided adequate funding exists.

B. 1. The Oklahoma School for the Deaf at Sulphur, the Oklahoma School for the Blind at Muskogee, and any state institution of higher education may purchase, own, or keep if now owned, or acquire by lease or gift, and use and maintain such station wagons, automobiles, trucks, or buses as are reasonably necessary for the implementation of the educational programs of said institutions.

2. No bus operated, owned, or used by such educational institutions shall be permitted to carry any person other than students, faculty members, employees, or volunteers of such institutions. The provisions of this section shall not be construed to prohibit:

- a. the operation of intracampus buses or buses routed directly between portions of the campus of any institution not adjacent to each other, nor to

prohibit the collection of fares from such students, faculty members, or employees of such institutions, sufficient in amount to cover the reasonable cost of such transportation, or

- b. the Oklahoma School for the Blind or the Oklahoma School for the Deaf from entering into agreements with local public school districts pursuant to the Interlocal Cooperation Act for the mutual use of the schools' and the districts' vehicles. Such use may include, but is not limited to, the transportation of students from local school districts with students from the Oklahoma School for the Blind or the Oklahoma School for the Deaf in vehicles owned by the Oklahoma School for the Blind or the Oklahoma School for the Deaf when traveling to school-related activities.

C. The J.D. McCarty Center for Children with Developmental Disabilities, the Oklahoma Department of Libraries, the Oklahoma Department of Veterans Affairs, and the Oklahoma Veterans Centers may own and maintain such passenger vehicles as those institutions have acquired prior to May 1, 1981.

D. The use of station wagons, automobiles, and buses, other than as provided for in this section, shall be permitted only upon written request for such use by heads of departments of the institution, approved in writing by the president of said institution or by some administrative official of said institution authorized by the president to grant said approval. Such use shall be permitted only for official institutional business or activities connected therewith. Such use shall be subject to the provisions of ~~Sections~~ Section 156.1 and ~~159.7~~ of this title forbidding personal use of such vehicles, and to the penalties therein declared.

E. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, or both, as provided for in Section 156.1 of this title.

F. For the purpose of this section and Section 156.3 of this title, a station wagon is classified as a passenger automobile and may not be purchased solely for the use of transporting property. Such vehicles shall include, but not be limited to, all vehicles which have no separate luggage compartment or trunk but which do not have open beds, whether the same are called station wagons, vans, suburbans, town and country, blazers, or any other names. All state boards, commissions, departments, and institutions may own and maintain station wagons purchased solely for the purpose of transporting property if acquired prior to July 1, 1985.

G. The provisions of this section and Section 156.1 of this title shall not apply to public officials who are statewide elected commissioners.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 562, as amended by Section 11, Chapter 284, O.S.L. 2005 (47 O.S. Supp. 2005, Section 562), is amended to read as follows:

Section 562. The following words, terms and phrases, when used in Sections 561 through 567, 572, 578.1, 579 and 579.1 of this title, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Motor vehicle" means any motor-driven vehicle required to be registered under the Oklahoma Vehicle License and Registration Act ~~and beginning November 1, 2005, except~~ all-terrain vehicles and motorcycles used exclusively ~~off-roads and highways~~ for off-road use;

2. "New motor vehicle dealer" means any person, firm, association, corporation or trust not excluded by this paragraph who sells, offers for sale, advertises to sell, leases or displays new, unused or remanufactured motor vehicles and holds a bona fide contract or franchise in effect with a manufacturer, remanufacturer or distributor authorized by the manufacturer or remanufacturer to make predelivery preparation of such vehicles sold to purchasers and to perform post-sale work pursuant to the manufacturer's, remanufacturer's or distributor's warranty. As used herein, "authorized predelivery preparation" means the rendition by the dealer of services and safety adjustments on each new, unused or remanufactured motor vehicle in accordance with the procedure and safety standards required by the manufacturer or remanufacturer of the vehicle to be made before its delivery to the purchaser. "Performance of authorized post-sale work pursuant to the warranty", as used herein, means the rendition of services which are required by the terms of the warranty that stands extended to the vehicle at the time of its sale and are to be made in accordance with the safety standards prescribed by the manufacturer or remanufacturer. The term includes premises or facilities at which a person engages only in the repair of motor vehicles if repairs are performed pursuant to the terms of a franchise and motor vehicle manufacturer's or remanufacturer's warranty. However, the term shall not include premises or facilities at which a new motor vehicle dealer or dealers within the area of responsibility of such dealer or dealers as defined in the manufacturer's or remanufacturer's franchise agreement of such dealer or dealers performs motor vehicle repairs pursuant to the terms of a franchise and motor vehicle manufacturer's or remanufacturer's warranty. For the purpose of Sections 561 through 567, 572, 578.1, 579 and 579.1 of this title, the terms "new motor vehicle dealer" and "new motor vehicle dealership" shall be synonymous. The term "new motor vehicle dealer" does not include:

- a. receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment or order of any court,
- b. public officers while performing or in operation of their duties, or
- c. employees of persons, corporations or associations enumerated in subparagraph a of this paragraph when

engaged in the specific performance of their duties as such employees;

3. "Motor vehicle salesperson" means any person who, for gain or compensation of any kind, either directly or indirectly, regularly or occasionally, by any form of agreement or arrangement, sells or negotiates for the sale of any new or unused motor vehicle for any new, unused or remanufactured motor vehicle dealer to any one or more third parties;

4. "Commission" means the Oklahoma Motor Vehicle Commission;

5. "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused motor vehicles or who engages in the fabrication or assembly of motorized vehicles of a type required to be registered in the State of Oklahoma;

6. "Distributor" means any person, firm, association, corporation or trust, resident or nonresident, who, being authorized by the original manufacturer, in whole or in part sells or distributes new and unused motor vehicles to motor vehicle dealers, or who maintains distributor representatives;

7. "Factory branch" means any branch office maintained by a person, firm, association, corporation or trust who manufactures or assembles motor vehicles for the sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives;

8. "Distributor branch" means any branch office similarly maintained by a distributor for the same purposes a factory branch is maintained;

9. "Factory representative" means any officer or agent engaged as a representative of a manufacturer of motor vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers;

10. "Distributor representative" means any person, firm, association, corporation or trust and each officer and employee thereof engaged as a representative of a distributor or distributor branch of motor vehicles, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers;

11. "Franchise" means any contract or agreement between a motor vehicle dealer and a manufacturer of a new motor vehicle or its distributor or factory branch by which the dealer is authorized to engage in the business of selling any specified make or makes of new motor vehicles;

12. "New or unused motor vehicle" means a vehicle which is in the possession of the manufacturer or distributor or has been sold only to the holder of a valid selling agreement, franchise or contract, granted by the manufacturer or distributor for the sale of

that make of new vehicle so long as the manufacturer's statement of origin has not been assigned to anyone other than a licensed franchised new motor vehicle dealer of the same line-make;

13. "Area of responsibility" means the geographical area, as designated by the manufacturer, factory branch, factory representative, distributor, distributor branch or distributor representative, in which the new motor vehicle dealer is held responsible for the promotion and development of sales and rendering of service for the make of motor vehicle for which the motor vehicle dealer holds a franchise or selling agreement;

14. "Off premises" means at a location other than the address designated on the new motor vehicle dealer's license;

15. "Sponsoring entity" means any person, firm, association, corporation or trust which has control, either permanently or temporarily, over the real property upon which the off-premise sale or display is conducted;

16. "Remanufactured vehicle" means a motor vehicle which has been assembled by a vehicle remanufacturer using a new body and which may include original, reconditioned or remanufactured parts, and which is not a salvage, rebuilt or junked vehicle as defined by paragraphs 1, 2 and 5, respectively, of subsection A of Section 1105 of this title;

17. "Vehicle remanufacturer" means a commercial entity which assembles remanufactured vehicles;

18. "Product" means new motor vehicles and new motor vehicle parts;

19. "Service" means motor vehicle warranty repairs including both parts and labor;

20. "Lead" means a consumer contact in response to a factory program designed to generate interest in purchasing or leasing a new motor vehicle;

21. "Sell or sale" means to sell or lease; and

22. "Factory" means a manufacturer, distributor, factory branch, distributor branch, factory representative or distributor representative, which manufactures or distributes vehicle products.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 583, as amended by Section 3, Chapter 298, O.S.L. 2005 (47 O.S. Supp. 2005, Section 583), is amended to read as follows:

Section 583. A. 1. It shall be unlawful and constitute a misdemeanor for any person to engage in business as, or serve in the capacity of, or act as a used motor vehicle dealer, used motor vehicle salesperson, wholesale used motor vehicle dealer, manufactured home dealer, manufactured home salesperson, manufactured home installer, or manufactured home manufacturer selling directly to a licensed manufactured home dealer in this

state without first obtaining a license or following other requirements therefor as provided in this section.

2. a. Any person engaging, acting, or serving in the capacity of a used motor vehicle dealer and/or a used motor vehicle salesperson, a manufactured home dealer, manufactured home salesperson, a manufactured home installer, or a manufactured home manufacturer, or having more than one place where any such business, or combination of businesses, is carried on or conducted shall be required to obtain and hold a current license for each such business, in which engaged.
- b. A used motor vehicle dealer's license shall authorize one person to sell without a salesperson's license in the event such person shall be the owner of a proprietorship, or the person designated as principal in the dealer's franchise or the managing officer or one partner if no principal person is named in the franchise.
- c. If after a hearing in accordance with the provisions of Section 585 of this title, the Oklahoma Used Motor Vehicle and Parts Commission shall find any person installing a mobile or manufactured home to be in violation of any of the provisions of this act, such person may be subject to an administrative fine of not more than Five Hundred Dollars (\$500.00) for each violation. Each day a person is in violation of this act may constitute a separate violation. The maximum fine shall not exceed One Thousand Dollars (\$1,000.00). All administrative fines collected pursuant to the provisions of this subparagraph shall be deposited in the fund established in Section 582 of this title. Administrative fines imposed pursuant to this subparagraph may be enforceable in the district courts of this state.
- d. A salesperson's license may not be issued under a wholesale used motor vehicle dealer's license.

3. Any person except persons penalized by administrative fine violating the provisions of this section shall, upon conviction, be fined not to exceed Five Hundred Dollars (\$500.00). A second or subsequent conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00); provided that each day such unlicensed person violates this section shall constitute a separate offense, and any vehicle involved in a violation of this subsection shall be considered a separate offense.

B. 1. Applications for licenses required to be obtained under provisions of this act, Section 581 et seq. of this title, which creates the Oklahoma Used Motor Vehicle and Parts Commission shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to the applicants, and shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications

and eligibility of the several applicants to receive the license or licenses applied for. The Commission shall require in the application, or otherwise, information relating to:

- a. the applicant's financial standing,
- b. the applicant's business integrity,
- c. whether the applicant has an established place of business and is engaged in the pursuit, avocation, or business for which a license, or licenses, is applied for,
- d. whether the applicant is able to properly conduct the business for which a license, or licenses, is applied for, and
- e. such other pertinent information consistent with the safeguarding of the public interest and the public welfare.

2. All applications for license or licenses shall be accompanied by the appropriate fee or fees in accordance with the schedule hereinafter provided. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant.

3. All bonds and licenses issued under the provisions of this act shall expire on December 31, following the date of issue and shall be nontransferable. All applications for renewal of licenses should be submitted by November 1 of each year, and licenses shall be issued by January 10. If applications have not been made for renewal of licenses, such licenses shall expire on December 31 and it shall be illegal for any person to represent himself or herself and act as a dealer thereafter. Tag agents shall be notified not to accept dealers' titles until such time as licenses have been issued.

4. A used motor vehicle salesperson's license shall permit the licensee to engage in the activities of a used motor vehicle salesperson. Salespersons shall not be allowed to sell vehicles unless applications, bonds, and fees are on file with the Commission and the motor vehicle salesperson's or temporary salesperson's license issued. A temporary salesperson's license, salesperson's renewal or reissue of salesperson's license shall be deemed to have been issued when the appropriate application, bond, and fee have been properly addressed and mailed to the Commission.

Dealers' payrolls and other evidence will be checked to ascertain that all salespersons for such dealers are licensed.

C. The schedule of license fees to be charged and received by the Commission for the licenses issued hereunder shall be as follows:

1. For each used motor vehicle dealer's license and each wholesale used motor vehicle dealer's license, ~~Two Hundred Dollars (\$200.00)~~ Three Hundred Dollars (\$300.00). If a used motor vehicle

dealer or a wholesale used motor vehicle dealer has once been licensed by the Commission in the classification for which he or she applies for a renewal of the license, the fee for each subsequent renewal shall be ~~One Hundred Dollars (\$100.00)~~ One Hundred Fifty Dollars (\$150.00); provided, if an applicant holds a license to conduct business as an automotive dismantler and parts recycler issued pursuant to Section 591.1 et seq. of this title, the initial fee shall be One Hundred Dollars (\$100.00) and the renewal fee shall be ~~Seventy-five Dollars (\$75.00)~~ One Hundred Dollars (\$100.00). If an applicant is applying simultaneously for a license under this paragraph and a license under paragraph 1 of Section 591.5 of this title, the initial application fee shall be ~~One Hundred Fifty Dollars (\$150.00)~~ Two Hundred Dollars (\$200.00). For the reinstatement of a used motor vehicle dealer's license after revocation for cancellation or expiration of insurance pursuant to subsection F of this section, the fee shall be One Hundred Dollars (\$100.00);

2. For a used motor vehicle dealer's license, for each place of business in addition to the principal place of business, ~~Fifty Dollars (\$50.00)~~ One Hundred Dollars (\$100.00);

3. For each used motor vehicle salesperson's license and renewal, Ten Dollars (\$10.00) Twenty-five Dollars (\$25.00), and for a transfer, Twenty-five Dollars (\$25.00);

4. For each holder who possesses a valid new motor vehicle dealer's license from the Oklahoma Motor Vehicle Commission, One Hundred Dollars (\$100.00) shall be the initial fee for a used motor vehicle license and the fee for each subsequent renewal shall be One Hundred Dollars (\$100.00);

5. a. For each manufactured home dealer's license, Three Hundred Dollars (\$300.00), and for each place of business in addition to the principal place of business, Two Hundred Dollars (\$200.00).

b. For each renewal of a manufactured home dealer's license, and renewal for each place of business in addition to the principal place of business, ~~One Hundred Dollars (\$100.00)~~ One Hundred Fifty Dollars (\$150.00);

6. a. For each manufactured home installer's license, Two Hundred Dollars (\$200.00).

b. For each renewal of a manufactured home installer's license, Two Hundred Dollars (\$200.00);

7. a. For each manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state, Seven Hundred Fifty Dollars (\$750.00).

b. For each renewal of a manufactured home manufacturer's license, Seven Hundred Fifty Dollars (\$750.00); and

8. For each manufactured home salesperson's license or renewal thereof, ~~Ten Dollars (\$10.00)~~ Twenty-five Dollars (\$25.00), and for each transfer, Twenty-five Dollars (\$25.00).

D. 1. The license issued to each used motor vehicle dealer, each wholesale used motor vehicle dealer, ~~and each manufactured home dealer, each manufactured home installer, and each manufactured home manufacturer~~ shall specify the location of the place of business. If the business location is changed, the Oklahoma Used Motor Vehicle and Parts Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license ~~without charge~~. The fee for a change of location shall be One Hundred Dollars (\$100.00), and the fee for a change of name, Twenty-five Dollars (\$25.00). The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

2. The license issued to each manufactured home installer, and each manufactured home manufacturer shall specify the location of the place of business. If the business location is changed, the Oklahoma Used Motor Vehicle and Parts Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license without charge. The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

3. Every used motor vehicle salesperson shall have the license upon his or her person when engaged in business, and shall display same upon request. The name of the employer of the salesperson shall be stated on the license and if there is a change of employer, the license holder shall immediately mail the license to the Commission for its endorsement of the change thereon. There shall be no charge for endorsement of change of employer on the license or penalty for not having a license upon his or her person.

~~3.~~ 4. Every manufactured home installer shall have the license available for inspection at the primary place of business of the licensee. This license shall be valid for the licensee and all of the employees of the licensee. Any person who is not an employee of the licensee must obtain a separate manufactured home installer license regardless of whether such person is acting in the capacity of a contractor or subcontractor.

E. 1. a. Each applicant for a used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Fifteen Thousand Dollars (\$15,000.00). Each new applicant for a used motor vehicle dealer's license for the purpose of conducting a used motor vehicle auction shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000.00). An applicant who intends to conduct a used motor vehicle auction who provides proof that the applicant has check and title insurance in an amount not less than Fifty Thousand Dollars (\$50,000.00) shall only be required to have a bond in

the amount of Twenty-five Thousand Dollars (\$25,000.00).

- b. Each new applicant for a used motor vehicle dealer license for the purpose of conducting a used motor vehicle business which will consist primarily of non-auction consignment sales which are projected to equal Five Hundred Thousand Dollars (\$500,000.00) or more in gross annual sales shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000.00). The Commission shall prescribe by rule the method of operation of the non-auction consignment dealer in order to properly protect the interests of all parties to the transaction and to provide sanctions against dealers who fail to comply with the rules.
- c. Each applicant for a wholesale used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars (\$25,000.00).
- d. Any used motor vehicle dealer who, for the purpose of being a rebuilder, applies for a rebuilder certificate, as provided in Section 591.5 of this title, whether as a new application or renewal, shall procure and file with the Commission a good and sufficient bond in the amount of Fifteen Thousand Dollars (\$15,000.00), in addition to any other bonds required.
- e. Each applicant for a manufactured home dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars (\$30,000.00).
- ~~e.~~ f. Each manufactured home manufacturing facility selling directly to a licensed manufactured home dealer in this state shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars (\$30,000.00). In addition to all other conditions and requirements set forth herein, the bond shall require the availability of prompt and full warranty service by the manufacturer to comply with all warranties expressed or implied in connection with each manufactured home which is manufactured for resale in this state.
- ~~f.~~ g. The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall not practice fraud, make any fraudulent representation, or violate any of the provisions of this act in the conduct of the business for which the applicant is licensed. One of the purposes of the bond is to provide reimbursement for any loss or damage suffered by any person by reason of issuance of a certificate of title by a used motor vehicle

dealer, a wholesale used motor vehicle dealer, or a manufactured home dealer.

2. If a motor vehicle dealer has a valid license issued by the Oklahoma Motor Vehicle Commission, then the bond as required by this subsection shall be waived.

3. Each applicant for a used motor vehicle salesperson's license shall procure and file with the Commission a good and sufficient bond in the amount of One Thousand Dollars (\$1,000.00). The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall perform duties as a used motor vehicle salesperson without fraud or fraudulent representation and without violating any provisions of this act.

4. The bonds as required by this section shall be maintained throughout the period of licensure. Should the bond be canceled for any reason, the license shall be revoked as of the date of cancellation unless a new bond is furnished prior to such date.

F. Any used motor vehicle dealer or wholesale used motor vehicle dealer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00) of single liability insurance coverage on all vehicles offered for sale or used in any other capacity in demonstrating or utilizing the streets and roadways in accordance with the financial responsibility laws of this state.

G. Any manufactured home dealer is required to furnish and keep in force a minimum of One Hundred Thousand Dollars (\$100,000.00) of garage liability or general liability with products and completed operations insurance coverage.

H. Any manufactured home installer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00) of general liability with products and completed operations insurance coverage.

SECTION 4. AMENDATORY 47 O.S. 2001, Section 591.5, as amended by Section 1, Chapter 163, O.S.L. 2005 (47 O.S. Supp. 2005, Section 591.5), is amended to read as follows:

Section 591.5 An application for a license shall be accompanied by the following fees:

1. ~~Two Hundred Dollars (\$200.00)~~ Three Hundred Dollars (\$300.00) for an initial license for an applicant's established principal place of business, ~~One Hundred Dollars (\$100.00)~~ One Hundred Fifty Dollars (\$150.00) for a renewal license for an applicant's established place of business and ~~Fifty dollars (\$50.00)~~ One Hundred Dollars (\$100.00) for each additional place of business, if any, to which the application pertains; provided, if an applicant holds a used motor vehicle dealer's license issued pursuant to paragraph 1 of subsection C of Section 583 of this title, for an applicant's established place of business the initial license fee shall be One Hundred Dollars (\$100.00) and the renewal fee shall be ~~Seventy-five Dollars (\$75.00)~~ One Hundred Dollars (\$100.00);

provided further, if an applicant is applying simultaneously for a license under this paragraph and under paragraph 1 of subsection C of Section 583 of this title, the initial application fee shall be ~~One Hundred Fifty Dollars (\$150.00)~~ Two Hundred Dollars (\$200.00). If an applicant for or holder of a used motor vehicle dealer's license also applies for a rebuilder certificate, the initial fee for the certificate shall be ~~Two Hundred Dollars (\$200.00)~~ Three Hundred Dollars (\$300.00) and the renewal fee shall be ~~One Hundred Dollars (\$100.00)~~ One Hundred Fifty Dollars (\$150.00). The Oklahoma Used Motor Vehicle and Parts Commission shall issue a buyer's identification card (B.I.D.) with each certificate issued. License fees shall be returnable only in the event that the application is denied by the Commission.

2. Any change which renders no longer accurate any information contained in an application for a license filed with the Commission shall be amended within thirty (30) days after the occurrence of the change on a form prescribed by the Commission by rule, accompanied by a fee of ~~Two Dollars (\$2.00) plus Five Dollars (\$5.00) for each additional place of business, if any.~~ If an amended application is made after July 1 of any year, the filing fee shall be Two Dollars (\$2.00) plus Three Dollars (\$3.00) for each additional place of business, if any One Hundred Dollars (\$100.00), provided, the fee for a change of name shall be Fifty Dollars (\$50.00).

3. Every license issued to an automobile dismantler and parts recycler shall expire on December 31 of each year and shall be renewed on or before January 1 of the following year.

SECTION 5. AMENDATORY 47 O.S. 2001, Section 591.9, as amended by Section 27, Chapter 519, O.S.L. 2004 (47 O.S. Supp. 2005, Section 591.9), is amended to read as follows:

Section 591.9 The Oklahoma Used Motor Vehicle and Parts Commission is authorized to refuse, cancel, suspend or revoke a license or buyer's identification card (B.I.D.) to any person, firm or corporation for the following reasons:

1. Failure to meet the requirements of the Automotive Dismantlers and Parts Recycler Act;

2. Failure to continue to meet the requirements of this act or of the rules promulgated by the Commission pursuant to the provisions of the Automotive Dismantlers and Parts Recycler Act;

3. Upon satisfactory proof of unfitness of the applicant or the licensee, as the case may be, under the standards established by the Automotive Dismantlers and Parts Recycler Act;

4. For the felony conviction of a state or federal law by an applicant, licensee, partner of an applicant or licensee, director, officer, or stockholder in the case of a corporate applicant or licensee, or an employee, manager, or any person having a pecuniary interest in the business involving:

a. theft,

- b. violation of the Oklahoma certificate of title law or similar laws of other states,
- c. alteration, obliteration, or removal of a vehicle identification number, or
- d. any other act directly relating to the ability of the applicant or licensee to conduct an automotive dismantler and parts recycling business;

5. Commission of any unlawful act which resulted in the revocation of any similar license in another state; or

6. Engaging in business under a past or present license issued pursuant to the Automotive Dismantlers and Parts Recycler Act in such a manner as to cause injury to the public or to those with whom the licensee has dealt.

SECTION 6. AMENDATORY 47 O.S. 2001, Section 591.10, as amended by Section 28, Chapter 519, O.S.L. 2004 (47 O.S. Supp. 2005, Section 591.10), is amended to read as follows:

Section 591.10 A. Any person, firm or corporation who is refused a license or whose license or B.I.D. card is canceled, suspended or revoked shall be notified in person or by mail with return receipt requested to the address given on the application of the applicant or licensee and, upon written request within fifteen (15) days of receipt of such notice, shall be given a hearing upon the proposed action. The hearing may be conducted by the Commission and shall be held no more than thirty (30) days from receipt of the written request for a hearing. The hearing may be informal and the rules of evidence of the courts of Oklahoma shall not be required. Appeals from the decision of the Commission shall be governed by the Administrative Procedures Act.

B. In addition to the cancellation, suspension, revocation or refusal to issue or renew a license or buyer's identification or the imposition of any other penalty by the Commission, the Commission is hereby authorized to impose administrative fines for violations of the Automotive Dismantlers and Parts Recycler Act in the amounts not to exceed Five Hundred Dollars (\$500.00) for a first violation, One Thousand Dollars (\$1,000.00) for a second violation and Five Thousand Dollars (\$5,000.00) for a third violation.

SECTION 7. AMENDATORY 47 O.S. 2001, Section 591.11, as last amended by Section 1 of Enrolled House Bill No. 3085 of the 2nd Session of the 50th Oklahoma Legislature is amended to read as follows:

Section 591.11 A. Sales at a salvage pool or salvage disposal sale shall be opened only to:

- 1. A person possessing an automobile dismantler's license or rebuilder certificate issued by the Oklahoma Used Motor Vehicle and Parts Commission and who has a buyer's identification card;

2. A person from another state who has a buyer's identification card; or

3. A foreign buyer who has a buyer's identification card.

B. A buyer's identification card to bid or buy at salvage pools or salvage disposal sales shall be issued by the Commission on a form prescribed by it and shall include, but not be limited to, the name, address, physical description and signature of the applicant; and the name and address of the employer of the applicant. The Commission may exact a fee not to exceed ~~Ten Dollars (\$10.00)~~ Twenty Dollars (\$20.00) for the issuance or renewal of a buyer's identification card for a resident of this state and a fee not to exceed Two Hundred Ten Dollars (\$210.00) for the issuance or renewal of a buyer's identification card for an out-of-state buyer and a fee not to exceed Four Hundred Dollars (\$400.00) for the issuance or renewal of a buyer's identification card for foreign buyers. There shall be no more than three (3) B.I.D. cards per business, as defined in the Automotive Dismantlers and Parts Recycler Act. A buyer's identification card fee shall be returnable only in the event that the permit application is denied by the Commission as allowed pursuant to the Automotive Dismantlers and Parts Recycler Act.

C. It shall be the duty of the owner, manager or person in charge of any salvage pool or salvage disposal sale to prohibit the bidding by any person who does not display the buyer's identification card number for such person and, further, to refuse to sell to any person any wrecked or repairable motor vehicle if such person does not display a valid buyer's identification card.

D. A buyer's identification card issued to a person, firm or corporation may be refused, canceled or revoked due to the refusal, cancellation or revocation of their automotive dismantler's license or rebuilder certificate issued by the Oklahoma Used Motor Vehicle and Parts Commission. Any person whose buyer's identification card is refused, canceled or revoked shall enjoy the same review and appeal procedures provided in Section 591.10 of this title.

E. Any salvage pool or salvage disposal sale that is facilitating in the sale of a motor vehicle for an insurance company must provide on its web site the full seventeen-digit vehicle identification number (VIN) and the name of the insurance company that is selling the motor vehicle.

F. The salvage pool or salvage disposal sale shall show the buyer's identification number of the winning bidder on any sale that takes place on the Internet or by on-line bidding for all salvage motor vehicles being sold for an insurance company.

SECTION 8. This act shall become effective November 1, 2006.

Passed the Senate the 19th day of May, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of May, 2006.

Presiding Officer of the House
of Representatives