

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3271

By: Mize

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2021, Sections 581, 582, 583, 583.1, 584, 587, 591.2,
9 591.4, 591.6, 591.8, 591.9, 591.11, 591.13, 591.14,
10 592.2, 592.3, 592.9, 592.10, 1102, 1107, 1128, and
11 1137.1, which relate to definitions, Oklahoma Used
12 Motor Vehicle and Parts Commission, licenses
13 required, certificate of registration for used motor
14 vehicle or manufactured home salesperson, denial,
15 revocation or suspension of license, petty cash fund,
16 application for license, register of purchases and
17 sales, transfer of certificate of title, refusal,
18 cancellation, suspension or revocation of license,
19 salvage pool or salvage disposal sales, violations
20 automotive dismantlers and parts recyclers, rule
21 authority, sale or transfer of ownership of vehicle,
22 manufacturer's or dealer's license, used dealer
23 temporary license plate; modifying name of the
24 Oklahoma Used Motor Vehicle and Parts Commission;
modifying name of the Oklahoma Used Motor Vehicle and
Parts Commission Fund; amending 68 O.S. 2021, Section
2101, which relates to definitions; modifying name of
the Oklahoma Used Motor Vehicle and Parts Commission;
amending 74 O.S. 2021, Section 3601.1, which relates
to maximum number of full-time employees; modifying
name of the Oklahoma Used Motor Vehicle and Parts
Commission; modifying maximum number of certain
employees for Commission; amending Rule 2.45 of the
Rules of the Ethics Commission, which relates to
expenditures for travel; modifying name of the
Oklahoma Used Motor Vehicle and Parts Commission; and
providing an effective date.

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

2 SECTION 1. AMENDATORY 47 O.S. 2021, Section 581, is
3 amended to read as follows:

4 Section 581. As used in Section 581 et seq. of this title:

5 1. "Commission" means the Oklahoma Used Motor Vehicle ~~and~~
6 Parts, Dismantler, and Manufactured Housing Commission;

7 2. "Compensation" means anything of value including money,
8 merchandise, rebates on purchases, trading stamps or any other thing
9 of value;

10 3. "Consignment sale" means the sale of used motor vehicles
11 belonging to another by a used motor vehicle dealer, whether or not
12 title is transferred from the consignor to the used motor vehicle
13 dealer;

14 4. "Factory" means a manufacturer, distributor, factory branch,
15 distributor branch, factory representative or distributor
16 representative, which manufactures or distributes vehicle products;

17 5. "Manufactured home" means a residential dwelling in one or
18 more sections built in accordance with the National Manufactured
19 Housing Construction and Safety Standards Act of 1974, 42 U.S.C.,
20 Section 5401 et seq. and rules promulgated pursuant thereto;

21 6. a. "Manufactured home dealer" means any person who:

22 (1) works for a commission or with intent to make a
23 profit or gain of money or other thing of value,
24 sells, offers to sell, or attempts to negotiate a

1 sale or exchange of interest in, new or used
2 manufactured homes,

3 (2) is engaged wholly or in part in the business of
4 selling any new and unused, or used, or both new
5 and used manufactured homes, or

6 (3) is engaged wholly or in part in the business of
7 leasing any new and unused, or used, or both new
8 and used manufactured homes, that are considered
9 personal property, with an option to purchase or
10 own in any form at any time after beginning of
11 the lease term.

12 A valid franchise letter as proof of authorization to sell any
13 new manufactured home product line or lines shall be attached to the
14 application for a dealer license to sell manufactured homes.

15 "Manufactured home dealer" shall include a manufactured home
16 auction. A manufactured home auction shall mean any person selling
17 more than five manufactured homes in an auction or liquidation
18 format. Only licensed manufactured home dealers shall be authorized
19 to purchase manufactured homes at such auctions.

20 b. "Manufactured home dealer" shall not include any
21 person who sells or contracts for the sale of a
22 personally titled manufactured home or homes which
23 they have used as their personal residence, or any
24 person acting as an auctioneer who has been engaged by

1 a seller to direct, conduct, control, or be
2 responsible for the sale of such manufactured homes as
3 a part of an auction or liquidation of an estate, or
4 any Oklahoma licensed real estate broker or sales
5 associate when buying or selling manufactured homes
6 which have become real property as a part of a real
7 estate business. No person shall be considered a
8 manufactured home dealer as to any manufactured home
9 purchased or acquired by the person for purposes other
10 than resale or lease-purchase in any form; provided,
11 that the restriction set forth in this sentence shall
12 not prevent an otherwise qualified person from
13 utilizing a single manufactured home as a sales
14 office.

15 c. A holder of a lien on a personally titled manufactured
16 home may sell the repossessed manufactured home and
17 shall not be required to be licensed pursuant to this
18 title. Any person other than a bona fide full-time
19 employee of the lienholder who participates in the
20 sale of the repossessed manufactured home shall be
21 licensed as a manufactured home dealer pursuant to
22 this title.

23 d. "Manufactured home dealer" shall not include a
24 restricted manufactured home park dealer;

1 7. "Manufactured home salesperson" means any person who has
2 been engaged by a manufactured home dealer or restricted
3 manufactured home park dealer to buy, sell, exchange, negotiate, or
4 act as an agent for the purchase, sale, or exchange of an interest
5 in a manufactured home;

6 8. "Manufactured home installer" means a person who is engaged
7 in the business of installing or setting up manufactured homes
8 and/or mobile homes as defined herein;

9 9. "Manufactured home manufacturer" means a person who
10 manufactures, assembles, sells or distributes new manufactured
11 homes, whether directly or indirectly, to new manufactured home
12 retailers or a restricted manufactured home park dealer for resale
13 or use in this state;

14 10. "Mobile home" means a residential dwelling fabricated in an
15 off-site manufacturing facility, designed to be a permanent
16 residence, but which is still transportable, that was built prior to
17 the enacting of the National Manufactured Housing Construction and
18 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.;

19 11. "Person" means an individual, business, corporation,
20 partnership, association, limited liability corporation, trust,
21 firm, or company or legal entity, but does not include any political
22 subdivision;

23 12. "Ready for occupancy" means a mobile or manufactured home
24 which is installed and anchored properly by a manufactured home

1 installer licensed in this state and has utilities connected to
2 service;

3 13. "Rebuilder" means a used motor vehicle dealer who is
4 engaged in the business of rebuilding repairable motor vehicles and
5 who has paid the fee for and been issued a rebuilder certificate as
6 provided by Section 591.5 of this title;

7 14. "Restricted manufactured home park dealer" means any person
8 operating a mobile or manufactured home park who, for a commission
9 or with intent to make a profit or gain of money or other thing of
10 value, sells, offers to sell, or attempts to negotiate a sale or
11 exchange of interest in, new or used manufactured homes, or that is
12 engaged wholly or in part in the business of selling or leasing
13 manufactured homes which are personal property with an option to
14 purchase or own in any form at any time after the beginning of the
15 lease term any new and unused, or used, or both new and used
16 manufactured homes; provided, every mobile or manufactured home sold
17 pursuant to a restricted manufactured home park dealer license shall
18 be located in the licensed mobile or manufactured home park and
19 ready for occupancy. Provided further, manufactured home dealer
20 license plates shall not be issued to a restricted manufactured home
21 park dealer;

22 15. "Retail implement dealer" means a business engaged
23 primarily in the sale of farm tractors as defined in Section 1-118
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1 of this title or implements of husbandry as defined in Section 1-125
2 of this title or a combination thereof;

3 16. "Sale" or "sell" means the act of selling, brokering,
4 exchanging, exchanging of an interest in, or renting with the option
5 to purchase or own in any form at any time after the beginning of
6 the lease term, a new or used manufactured home for commission,
7 profit, gain of money or other thing of value;

8 17. "Used motor vehicle" means any motor vehicle, as that term
9 is defined in the Oklahoma Vehicle License and Registration Act, but
10 not including any all-terrain vehicles, utility vehicles, and
11 motorcycles used exclusively for off-road use which are sold by a
12 retail implement dealer, which has been sold, bargained, exchanged,
13 given away or the title thereto transferred from the person who
14 first took title from the manufacturer, importer, or dealer or agent
15 of the manufacturer or importer, or so used as to have become what
16 is commonly known as a "secondhand motor vehicle". In the event of
17 transfer, on the statement of origin, from the original franchised
18 dealer to any other dealer or individual other than a franchised
19 dealer of the same make of vehicle, the vehicle shall be considered
20 a used motor vehicle and must be titled in the new owner's name;

21 18. "Used motor vehicle auction" means any business other than
22 salvage pools which regularly engages in the sale or trade, or
23 negotiates the sale or trade, of used motor vehicles by auction,
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1 whether by open or closed bid or by sale to or purchase by used
2 motor vehicle dealers or individuals;

3 19. a. "Used motor vehicle dealer" means any person who, for
4 a commission or with intent to make a profit or gain of money or
5 other thing of value, sells, brokers, exchanges, rents with option
6 to purchase, or offers or attempts to negotiate a sale or exchange
7 of an interest in used motor vehicles, or who is engaged wholly or
8 in part in the business of selling used motor vehicles, whether or
9 not such motor vehicles are owned by the person.

10 b. "Used motor vehicle dealer" shall not include:

11 (1) receivers, trustees, administrators, executors,
12 guardians, or other persons appointed by or
13 acting pursuant to the judgment or order of any
14 court,

15 (2) public officers while performing their official
16 duties,

17 (3) employees of persons enumerated in the definition
18 of "used motor vehicle dealer" when engaged in
19 the specific performance of their duties as such
20 employees,

21 (4) mortgagees or secured parties as to sales of
22 motor vehicles constituting collateral on a
23 mortgage or security agreement, if the mortgagees
24 or secured parties shall not realize for their

1 own account from such sales any monies in excess
2 of the outstanding balance secured by such
3 mortgage or security agreement, plus the costs of
4 collection,

5 (5) any person acting as an auctioneer who has been
6 engaged by a seller to direct, conduct, control,
7 or be responsible for the sale of used motor
8 vehicles as part of an estate auction or
9 liquidation,

10 (6) any person, firm, corporation, or other legal
11 entity who sells, or contracts for the sale of,
12 the vehicles of the person, firm, corporation, or
13 other legal entity when such vehicles are sold in
14 liquidation, and any person, firm, corporation,
15 or other legal entity who serves as an agent in
16 such sale. The exclusion provided in this
17 paragraph shall not extend to any person, firm,
18 corporation, or other legal entity whose business
19 is the purchase, sale, or rental with option to
20 purchase, of motor vehicles, or to a location
21 used for such purposes,

22 (7) any person acting as an auctioneer who has been
23 engaged by a seller to direct, conduct, control,
24 or be responsible for the sale of used motor

1 vehicles as part of an auction held at a licensed
2 used motor vehicle dealer location. The
3 exclusion provided in this division shall not
4 extend to a person who auctions five or more used
5 motor vehicles in a nonliquidation sale held at a
6 licensed used motor vehicle dealer location which
7 is not regularly used as a vehicle auction, or
8 (8) any retail implement dealer that sells all-
9 terrain vehicles, utility vehicles, and
10 motorcycles used exclusively for off-road use;

11 20. "Used motor vehicle salesperson" means a person employed by
12 a licensed used motor vehicle dealer to sell, broker, exchange, or
13 negotiate a purchase, sale, or rental with option to purchase, used
14 motor vehicles or an interest in used motor vehicles. The term
15 "used motor vehicle salesperson" shall not include any person who:

- 16 a. uses the person's own funds for such transactions, or
- 17 b. operates independently as a used motor vehicle dealer
18 using a licensed used motor vehicle dealer's license
19 number; and

20 21. "Wholesale used motor vehicle dealer" means any person who,
21 for a commission or with intent to make a profit or gain of money or
22 other thing of value, sells, brokers, exchanges, rents with option
23 to purchase, or offers or attempts to negotiate a sale or exchange
24 of interest in used motor vehicles exclusively to used motor vehicle

1 dealers, or who is engaged in the business of selling used motor
2 vehicles exclusively to used motor vehicle dealers, whether or not
3 such motor vehicles are owned by the person.

4 SECTION 2. AMENDATORY 47 O.S. 2021, Section 582, is
5 amended to read as follows:

6 Section 582. A. There is hereby created the Oklahoma Used
7 Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing
8 Commission, to be composed of ten (10) members who shall be selected
9 as follows:

10 1. One member shall be appointed from each congressional
11 district and any remaining members, including the chair, shall be
12 appointed from the state at large. However, when congressional
13 districts are redrawn, each member appointed prior to July 1 of the
14 year in which such modification becomes effective shall complete the
15 current term of office and appointments made after July 1 of the
16 year in which such modification becomes effective shall be based on
17 the redrawn districts. Appointments made after July 1 of the year
18 in which such modification becomes effective shall be from any
19 redrawn districts which are not represented by a board member until
20 such time as each of the modified congressional districts are
21 represented by a board member; provided, the chair shall be
22 appointed at large without regard to congressional district
23 representation on the board;

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1 2. All members shall be appointed by the Governor, by and with
2 the advice and consent of the Senate;

3 3. a. each of the members appointed from a congressional
4 district shall, at the time of appointment, be a resident in good
5 faith of the congressional district from which appointed, and

6 b. each of the members appointed from the state at large
7 shall, at the time of appointment and during the
8 period of service, be residents in good faith of the
9 state;

10 4. Each member shall be of good moral character and, for the
11 ten-year period immediately preceding appointment, each of the used
12 motor vehicle dealer representatives shall have been licensed for
13 and actually engaged in the distribution or sale of used motor
14 vehicles; each of the dismantler representatives shall have actually
15 been licensed for and engaged in the principal business of
16 dismantling or disassembling motor vehicles for the purpose of
17 selling the parts thereof; and the manufactured housing
18 representative shall have been licensed for and actually engaged in
19 the principal business of selling manufactured homes; and

20 5. Eight members plus the chair shall be engaged in the used
21 motor vehicle industry or the automotive dismantler industry. There
22 shall not be fewer than five members engaged in the principal
23 business of the sale of used motor vehicles and there shall not be
24 fewer than two members engaged in the principal business of

1 dismantling or disassembling motor vehicles for the purpose of
2 selling the parts thereof. One of the at-large members shall be
3 engaged in the principal business of selling manufactured homes as a
4 licensed manufactured home dealer. Being engaged in one or more of
5 such pursuits shall not disqualify a person otherwise qualified from
6 serving on the Commission.

7 B. 1. The term of the chair shall be coterminous with that of
8 the Governor making the appointment, and until a successor is
9 appointed and is qualified.

10 2. The terms of office of each member of the Commission shall
11 be subject to the following:

12 a. the Commission shall determine and certify the trade
13 associations of manufactured home dealers that
14 represent ten percent (10%) or more of the number of
15 licensed manufactured home dealers in the state and
16 shall certify each such association to the Governor.
17 The Governor shall request a minimum of ten names from
18 each such association and shall select one member from
19 the manufactured home industry from the names
20 provided,

21 b. each member actively serving July 1, 2000, who was
22 appointed on or before June 30, 2000, shall remain and
23 fulfill the term of his or her membership as set forth
24 at the appointment,

- 1 c. except for the chair, the term of office of each
2 member of the Commission shall be for six (6) years,
3 d. except for the chair and the at-large members, the
4 term of office of any member will automatically expire
5 if the member moves out of the congressional district
6 from which appointed; however, if the congressional
7 districts are modified each member shall complete the
8 current term of office as provided in this section,
9 e. in event of death, resignation, or removal of any
10 person serving on the Commission, the vacancy shall be
11 filled by appointment as aforesaid for the unexpired
12 portion of the term,
13 f. except for the chair, when the term of a member
14 automatically expires, the vacancy shall be filled by
15 appointment of a qualified successor for a term of six
16 (6) years as aforesaid, except that the member shall
17 serve until a successor is appointed and qualified.

18 3. The chair and each member of the Commission shall take and
19 subscribe to the oath of office required of public officers.

20 C. The chair and members of the Commission shall receive Thirty
21 Dollars (\$30.00) for each and every day actually and necessarily
22 spent in attending the meetings of the Commission, and shall be
23 reimbursed for subsistence and traveling expenses incurred in the
24 performance of their duties hereunder as provided by the State

1 Travel Reimbursement Act; provided that such meeting payments shall
2 not exceed the sum of Six Hundred Dollars (\$600.00) per annum to any
3 one person.

4 D. 1. a. The Commission shall appoint a qualified person to
5 serve as Executive Director who shall have had
6 sufficient management and organizational experience in
7 the automotive industry to direct the functions of the
8 Commission.

9 b. The Executive Director shall be appointed for a term
10 of six (6) years, and shall not be subject to
11 dismissal or removal without cause.

12 c. The Commission shall fix the salary and define and
13 prescribe the duties of the Executive Director.

14 d. The Executive Director shall be in charge of the
15 Commission's office, shall devote such time as
16 necessary to fulfill the duties thereof, and, before
17 entering upon these duties, shall take and subscribe
18 to the oath of office.

19 2. The Commission may employ such clerical, technical, legal
20 and other help and incur such expenses as may be necessary for the
21 proper discharge of its duties under Section 581 et seq. of this
22 title.

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1 3. The Commission shall maintain its office and transact its
2 business in Oklahoma City, and is authorized to adopt and use a
3 seal.

4 E. 1. a. The Commission is hereby vested with the powers and
5 duties necessary and proper to enable it to fully and
6 effectively carry out the provisions and objectives of
7 Section 581 et seq. of this title, and is hereby
8 authorized and empowered, pursuant to the
9 Administrative Procedures Act, to make and enforce all
10 reasonable rules and to adopt and prescribe all forms
11 necessary to accomplish said purpose.

12 b. The Commission shall promulgate rules for the
13 licensing of manufactured home installers and the
14 installation, which is the blocking, anchoring and
15 leveling of mobile and manufactured homes that meet
16 the standards of the manufacturer's manual or the
17 Commission.

18 c. The Commission shall promulgate rules to prescribe the
19 contents of manufactured home sales agreements and to
20 require that each manufactured home manufacturer issue
21 with each new manufactured home a warranty comparable
22 to warranties generally in use in the industry
23 warranting the manufactured home to be free from
24 material defects.

1 d. The enumeration of any power or authority herein shall
2 not be construed to deny, impair, disparage or limit
3 any others necessary to the attainment thereof.

4 e. A copy of all rules adopted by the Commission shall be
5 filed and recorded in the office of the Secretary of
6 State and the State Librarian and Archivist, and same
7 may be amended, modified or repealed from time to
8 time.

9 2. The Commission's powers and duties shall include, but not be
10 limited to, the following:

11 a. to license used motor vehicle dealers, wholesale used
12 motor vehicle dealers, dismantlers, manufactured home
13 dealers, manufactured home manufacturers, and
14 manufactured home installers,

15 b. to inspect used motor vehicle dealer, dismantler and
16 manufactured home dealer locations, and manufactured
17 home manufacturers' factories or assembly sites to
18 ensure that they are in an approved location, meet
19 local zoning or other municipal requirements, and have
20 sufficient facilities which shall include, but not be
21 limited to, for retail businesses, a business sign, a
22 listed and usable telephone number, a restroom, and a
23 sales office,
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- 1 c. to inspect wholesale used motor vehicle dealer
2 locations to ensure that they are in an approved
3 location, meet local zoning or other municipal
4 requirements, and have sufficient facilities which
5 shall include, but not be limited to, a listed and
6 usable telephone number in the dealer's name and a
7 business office where records of the business are
8 kept,
- 9 d. to require all dealer sales to have a condition of
10 sale such as a warranty disclaimer, implied or written
11 warranty or a service contract approved by the
12 Commission,
- 13 e. to work with consumers and dealers to hear complaints
14 on used vehicles and manufactured homes, including
15 installation, and
- 16 f. to serve as a dispute resolution panel for binding
17 arbitration in accordance with Section 1851 et seq. of
18 Title 12 of the Oklahoma Statutes in contract
19 controversies between licensed used motor vehicle
20 dealers, dismantlers and manufactured housing dealers,
21 manufactured home dealers, installers, and
22 manufacturers and their consumers when, by mutual
23 written agreement executed after the dispute between
24 the parties has arisen, both parties have agreed to

1 use the Commission as their arbitration panel for
2 contract disputes.

3 F. 1. All fees and charges collected under the provisions of
4 Section 581 et seq. of this title shall be deposited by the
5 Executive Director in the State Treasury in accordance with the
6 depository laws of this state in a special fund to be known as the
7 "Oklahoma Used Motor Vehicle and Parts, Dismantler, and Manufactured
8 Housing Commission Fund", which fund is hereby created. Except as
9 hereinafter provided, the monies in the fund shall be used by the
10 Commission for the purpose of carrying out and enforcing the
11 provisions of Section 581 et seq. of this title. Expenditures from
12 the fund shall be warrants issued by the State Treasurer against
13 claims submitted by the Commission to the Director of the Office of
14 Management and Enterprise Services for approval.

15 2. At the close of each fiscal year, the Commission shall file
16 with the Governor and the State Auditor and Inspector a true and
17 correct report of all fees and charges collected and received by it
18 during the preceding fiscal year and shall at the same time pay into
19 the General Revenue Fund of the state a sum equal to ten percent
20 (10%) of the gross fees and charges so collected and received.

21 3. All expenses incurred by the Commission in carrying out the
22 provisions of Section 581 et seq. of this title including, but not
23 limited to, per diem, wages, salaries, rent, postage, advertising,
24 supplies, bond premiums, travel and subsistence for the

1 Commissioners, the Executive Director, employees, and legal counsel,
2 and printing and utilities, shall be a proper charge against the
3 fund, exclusive of the portion thereof to be paid into the General
4 Revenue Fund as above set out; provided, that in no event shall
5 liability ever accrue hereunder against the state in any sum
6 whatsoever, or against the Oklahoma Used Motor Vehicle ~~and Parts,~~
7 Dismantler, and Manufactured Housing Commission Fund, in excess of
8 the ninety percent (90%) of the fees and charges deposited therein.

9 SECTION 3. AMENDATORY 47 O.S. 2021, Section 583, is
10 amended to read as follows:

11 Section 583. A. 1. It shall be unlawful and constitute a
12 misdemeanor for any person to engage in business as, or serve in the
13 capacity of, or act as a used motor vehicle dealer, wholesale used
14 motor vehicle dealer, manufactured home dealer, restricted
15 manufactured home park dealer, manufactured home installer, or
16 manufactured home manufacturer selling directly to a licensed
17 manufactured home dealer in this state without first obtaining a
18 license or following other requirements therefor as provided in this
19 section.

20 2. a. Any person engaging, acting, or serving in the
21 capacity of a used motor vehicle dealer, a
22 manufactured home dealer, restricted manufactured home
23 park dealer, a manufactured home installer, or a
24 manufactured home manufacturer, or having more than

1 one place where any such business, or combination of
2 businesses, is carried on or conducted shall be
3 required to obtain and hold a current license for each
4 such business, in which engaged.

5 b. If after a hearing in accordance with the provisions
6 of Section 585 of this title, the Oklahoma Used Motor
7 Vehicle ~~and Parts~~, Dismantler, and Manufactured
8 Housing Commission shall find any person installing a
9 mobile or manufactured home to be in violation of any
10 of the provisions of this act, such person may be
11 subject to an administrative fine of not more than
12 Five Hundred Dollars (\$500.00) for each violation.
13 Each day a person is in violation of this act may
14 constitute a separate violation. All administrative
15 fines collected pursuant to the provisions of this
16 subparagraph shall be deposited in the fund
17 established in Section 582 of this title.
18 Administrative fines imposed pursuant to this
19 subparagraph may be enforceable in the district courts
20 of this state.

21 3. Any person, except persons penalized by administrative fine,
22 violating the provisions of this section shall, upon conviction, be
23 punished by a fine not to exceed Five Hundred Dollars (\$500.00). A
24 second or subsequent conviction shall be punished by a fine not to

1 exceed One Thousand Dollars (\$1,000.00); provided that each day such
2 unlicensed person violates this section shall constitute a separate
3 offense, and any vehicle involved in a violation of this subsection
4 shall be considered a separate offense.

5 B. 1. Applications for licenses required to be obtained under
6 the provisions of the Oklahoma Used Motor Vehicle ~~and Parts,~~
7 Dismantler, and Manufactured Housing Commission shall be verified by
8 the oath or affirmation of the applicant and shall be on forms
9 prescribed by the Commission and furnished to the applicants, and
10 shall contain such information as the Commission deems necessary to
11 enable it to fully determine the qualifications and eligibility of
12 the several applicants to receive the license or licenses applied
13 for. The Commission shall require in the application, or otherwise,
14 information relating to:

- 15 a. the applicant's financial standing,
- 16 b. the applicant's business integrity,
- 17 c. whether the applicant has an established place of
18 business and is engaged in the pursuit, avocation, or
19 business for which a license, or licenses, is applied
20 for,
- 21 d. whether the applicant is able to properly conduct the
22 business for which a license, or licenses, is applied
23 for, and

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1 e. such other pertinent information consistent with the
2 safeguarding of the public interest and the public
3 welfare.

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

9 3. All bonds and licenses issued under the provisions of this
10 act shall expire on December 31, following the date of issue and
11 shall be nontransferable. All applications for renewal of licenses
12 shall be submitted by November 1 of each year of expiration, and
13 licenses for completed renewals received by November 1 shall be
14 issued by January 10. If applications have not been made for
15 renewal of licenses, such licenses shall expire on December 31 and
16 it shall be illegal for any person to represent himself or herself
17 and act as a dealer thereafter. Tag agents shall be notified not to
18 accept dealers' titles until such time as licenses have been issued.
19 Beginning January 1, 2016, all licenses shall be issued for a period
20 of two (2) years and the appropriate fees shall be assessed. The
21 Commission shall adopt rules necessary to implement the two-year
22 licensing provisions.

23 4. A certificate of registration shall permit the registered
24 person to engage in the activities of a used motor vehicle

1 salesperson. A salesperson shall be deemed to be temporarily
2 approved and allowed to sell vehicles when applications and fees are
3 on file with the Commission.

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

7 1. For each used motor vehicle dealer's license and each
8 wholesale used motor vehicle dealer's license, Six Hundred Dollars
9 (\$600.00). If a used motor vehicle dealer or a wholesale used motor
10 vehicle dealer has once been licensed by the Commission in the
11 classification for which he or she applies for a renewal of the
12 license, the fee for each subsequent renewal shall be Three Hundred
13 Dollars (\$300.00); provided, if an applicant holds a license to
14 conduct business as an automotive dismantler and parts recycler
15 issued pursuant to Section 591.1 et seq. of this title, the initial
16 fee shall be Two Hundred Dollars (\$200.00) and the renewal fee shall
17 be Two Hundred Dollars (\$200.00). If an applicant is applying
18 simultaneously for a license under this paragraph and a license
19 under paragraph 1 of Section 591.5 of this title, the initial
20 application fee shall be Four Hundred Dollars (\$400.00). For the
21 reinstatement of a used motor vehicle dealer's license after
22 revocation for cancellation or expiration of insurance pursuant to
23 subsection F of this section, the fee shall be Two Hundred Dollars
24 (\$200.00);

1 2. For a used motor vehicle dealer's license, for each place of
2 business in addition to the principal place of business, Two Hundred
3 Dollars (\$200.00);

4 3. For each holder who possesses a valid new motor vehicle
5 dealer's license from the Oklahoma Motor Vehicle Commission, Two
6 Hundred Dollars (\$200.00) shall be the initial fee for a used motor
7 vehicle license and the fee for each subsequent renewal shall be Two
8 Hundred Dollars (\$200.00);

9 4. a. For each manufactured home dealer's license or a
10 restricted manufactured home park dealer's license,
11 Six Hundred Dollars (\$600.00), and for each place of
12 business in addition to the principal place of
13 business, Four Hundred Dollars (\$400.00), and

14 b. For each renewal of a manufactured home dealer's
15 license or a restricted manufactured home park
16 dealer's license, and renewal for each place of
17 business in addition to the principal place of
18 business, Three Hundred Dollars (\$300.00);

19 5. a. For each manufactured home installer's license, Four
20 Hundred Dollars (\$400.00), and

21 b. For each renewal of a manufactured home installer's
22 license, Four Hundred Dollars (\$400.00);

23 6. a. For each manufactured home manufacturer selling
24 directly to a licensed manufactured home dealer in

1 this state, One Thousand Five Hundred Dollars
2 (\$1,500.00), and

3 b. For each renewal of a manufactured home manufacturer's
4 license, One Thousand Five Hundred Dollars
5 (\$1,500.00);

6 7. Any manufactured home manufacturer who sells a new
7 manufactured home to be shipped to or sited in the State of Oklahoma
8 shall pay an installation inspection fee of Seventy-five Dollars
9 (\$75.00) for each new single-wide manufactured home and One Hundred
10 Twenty-five Dollars (\$125.00) for each new multi-floor manufactured
11 home; and

12 8. A used manufactured home inspection fee of Seventy-five
13 Dollars (\$75.00) shall be paid by the installer at or before the
14 time of installation of any used manufactured home sited and
15 installed in the State of Oklahoma.

16 D. 1. The license issued to each used motor vehicle dealer,
17 each wholesale used motor vehicle dealer, each restricted
18 manufactured home park dealer and each manufactured home dealer
19 shall specify the location of the place of business. If the
20 business location is changed, the Oklahoma Used Motor Vehicle ~~and~~
21 Parts, Dismantler, and Manufactured Housing Commission shall be
22 notified immediately of the change and the Commission may endorse
23 the change of location on the license. The fee for a change of
24 location shall be One Hundred Dollars (\$100.00), and the fee for a

1 change of name, Twenty-five Dollars (\$25.00). The license of each
2 licensee shall be posted in a conspicuous place in the place or
3 places of business of the licensee.

4 2. The license issued to each manufactured home installer and
5 each manufactured home manufacturer shall specify the location of
6 the place of business. If the business location is changed, the
7 Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured
8 Housing Commission shall be notified immediately of the change and
9 the Commission may endorse the change of location on the license
10 without charge. The license of each licensee shall be posted in a
11 conspicuous place in the place or places of business of the
12 licensee.

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

20 E. 1. a. Each applicant for a used motor vehicle dealer's
21 license shall procure and file with the Commission a
22 good and sufficient bond in the amount of Twenty-five
23 Thousand Dollars (\$25,000.00). Each new applicant for
24 a used motor vehicle dealer's license for the purpose

1 of conducting a used motor vehicle auction shall
2 procure and file with the Commission a good and
3 sufficient bond in the amount of Fifty Thousand
4 Dollars (\$50,000.00). An applicant who intends to
5 conduct a used motor vehicle auction who provides
6 proof that the applicant has check and title insurance
7 in an amount not less than Fifty Thousand Dollars
8 (\$50,000.00) shall only be required to have a bond in
9 the amount of Twenty-five Thousand Dollars
10 (\$25,000.00).

11 b. Each new applicant for a used motor vehicle dealer
12 license for the purpose of conducting a used motor
13 vehicle business which will consist primarily of non-
14 auction consignment sales which are projected to equal
15 Five Hundred Thousand Dollars (\$500,000.00) or more in
16 gross annual sales shall procure and file with the
17 Commission a good and sufficient bond in the amount of
18 Fifty Thousand Dollars (\$50,000.00). The Commission
19 shall prescribe by rule the method of operation of the
20 non-auction consignment dealer in order to properly
21 protect the interests of all parties to the
22 transaction and to provide sanctions against dealers
23 who fail to comply with the rules.

- 1 c. Each applicant for a wholesale used motor vehicle
2 dealer's license shall procure and file with the
3 Commission a good and sufficient bond in the amount of
4 Twenty-five Thousand Dollars (\$25,000.00).
- 5 d. Any used motor vehicle dealer who, for the purpose of
6 being a rebuilder, applies for a rebuilder
7 certificate, as provided in Section 591.5 of this
8 title, whether as a new application or renewal, shall
9 procure and file with the Commission a good and
10 sufficient bond in the amount of Fifteen Thousand
11 Dollars (\$15,000.00), in addition to any other bonds
12 required.
- 13 e. Each applicant for a manufactured home dealer's
14 license or a restricted manufactured home park
15 dealer's license shall procure and file with the
16 Commission a good and sufficient bond in the amount of
17 Thirty Thousand Dollars (\$30,000.00).
- 18 f. Each manufactured home manufacturing facility selling
19 directly to a licensed manufactured home dealer or
20 restricted manufactured home park dealer in this state
21 shall procure and file with the Commission a good and
22 sufficient bond in the amount of Thirty Thousand
23 Dollars (\$30,000.00). In addition to all other
24 conditions and requirements set forth herein, the bond

1 shall require the availability of prompt and full
2 warranty service by the manufacturer to comply with
3 all warranties expressed or implied in connection with
4 each manufactured home which is manufactured for
5 resale or use in this state. A manufacturer may not
6 sell, exchange, or lease-purchase with an option to
7 own in any form a manufactured home to a person in
8 this state directly or indirectly through a
9 distributor or third party who is not a licensed
10 manufactured home dealer or a restricted manufactured
11 home park dealer.

12 g. The bond shall be approved as to form by the Attorney
13 General and conditioned that the applicant shall not
14 practice fraud, make any fraudulent representation, or
15 violate any of the provisions of this act in the
16 conduct of the business for which the applicant is
17 licensed. One of the purposes of the bond is to
18 provide reimbursement for any loss or damage suffered
19 by any person by reason of issuance of a certificate
20 of title by a used motor vehicle dealer, a wholesale
21 used motor vehicle dealer, a restricted manufactured
22 home park dealer or a manufactured home dealer.

23 2. The bonds as required by this section shall be maintained
24 throughout the period of licensure. Should the bond be canceled for

1 any reason, the license shall be revoked as of the date of
2 cancellation unless a new bond is furnished prior to such date.

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

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

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

19 SECTION 4. AMENDATORY 47 O.S. 2021, Section 583.1, is
20 amended to read as follows:

21 Section 583.1 A. It shall be punishable by an administrative
22 fine not to exceed Five Hundred Dollars (\$500.00) for any person,
23 firm, association, corporation or trust to engage in business as, or
24 serve in the capacity of, a used motor vehicle salesperson in this

1 state without first obtaining a certificate of registration with the
2 Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured
3 Housing Commission. However, a person may sell used motor vehicles
4 without obtaining a separate used motor vehicle salesperson's
5 certificate of registration if the person has a certificate of
6 registration from the Oklahoma Motor Vehicle Commission to sell new
7 or unused motor vehicles at a new motor vehicle dealer's licensed
8 franchise location which also sells used vehicles; provided, such a
9 person shall only be authorized to sell used motor vehicles for the
10 dealer at the new motor vehicle dealer's licensed franchise location
11 and to represent the new motor vehicle dealer at used motor vehicle
12 auctions. The cost of the registration for each salesperson shall
13 be Fifty Dollars (\$50.00) to be renewed biennially and, for a
14 transfer, Twenty-five Dollars (\$25.00). The cost of registration is
15 to be borne by the employing entity of the salesperson. The
16 Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured
17 Housing Commission shall promulgate rules and procedures necessary
18 for the implementation and creation of a registry of salespersons
19 and the issuance of certificates of registration.

20 B. It shall be punishable by an administrative fine not to
21 exceed Five Hundred Dollars (\$500.00) for any person, firm,
22 association, corporation or trust to engage in business as, or serve
23 in the capacity of, a manufactured home salesperson in this state
24 without first obtaining a certificate of registration with the

1 Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured
2 Housing Commission. The cost of the registration for each
3 salesperson shall be Fifty Dollars (\$50.00) to be renewed biennially
4 and, for a transfer, Twenty-five Dollars (\$25.00). The cost of
5 registration is to be borne by the employing entity of the
6 salesperson. The Commission shall promulgate rules and procedures
7 necessary for the implementation and creation of a registry of
8 salespersons and the issuance of certificates of registration.

9 SECTION 5. AMENDATORY 47 O.S. 2021, Section 584, is
10 amended to read as follows:

11 Section 584. A. The Oklahoma Used Motor Vehicle ~~and Parts~~,
12 Dismantler, and Manufactured Housing Commission may deny an
13 application for a license, impose a fine not to exceed One Thousand
14 Dollars (\$1,000.00) per occurrence and/or revoke or suspend a
15 license after it has been granted, when any provision of Sections
16 581 through 588 of this title is violated or for any of the
17 following reasons:

18 1. On satisfactory proof of unfitness of the applicant or the
19 licensee, as the case may be, under the standards established by
20 Sections 581 through 588 of this title;

21 2. For fraud practices or any material misstatement made by an
22 applicant in any application for license under the provisions of
23 Sections 581 through 588 of this title;

24

1 3. For any willful failure to comply with any provision of
2 Section 581 et seq. of this title or with any rule promulgated by
3 the Commission under authority vested in it by Sections 581 through
4 588 of this title;

5 4. Change of condition after license is granted resulting in
6 failure to maintain the qualifications for license;

7 5. Continued or flagrant violation of any of the rules of the
8 Commission;

9 6. Being a used motor vehicle dealer, a used motor vehicle
10 salesperson, a wholesale used motor vehicle dealer, or a
11 manufactured home dealer, a restricted manufactured home park
12 dealer, a manufactured home installer, a manufactured home
13 salesperson or a manufactured home manufacturer who:

14 a. resorts to or uses any false or misleading advertising
15 in connection with business as a used motor vehicle
16 dealer, wholesale used motor vehicle dealer or a
17 restricted manufactured home park dealer or

18 manufactured home dealer, installer or manufacturer,

19 b. has committed any unlawful act which resulted in the
20 revocation of any similar license in another state,

21 c. has been convicted of a crime involving moral
22 turpitude,

23 d. has committed a fraudulent act in selling, purchasing
24 or otherwise dealing in motor vehicles or manufactured

1 homes or has misrepresented the terms and conditions
2 of a sale, purchase or contract for sale or purchase
3 of a motor vehicle or manufactured home or any
4 interest therein including an option to purchase such
5 motor vehicles or manufactured homes,

6 e. has engaged in business under a past or present
7 license issued pursuant to Sections 581 through 588 of
8 this title, in such a manner as to cause injury to the
9 public or to those with whom the licensee is dealing,

10 f. has failed to meet or maintain the conditions and
11 requirements necessary to qualify for the issuance of
12 a license,

13 g. has failed or refused to furnish and keep in force any
14 bond required under Sections 581 through 588 of this
15 title,

16 h. has installed or attempted to install a manufactured
17 home in an unworkmanlike manner, or

18 i. employs a person in connection with the sale of
19 manufactured homes without first obtaining a
20 certificate of registration for the person;

21 7. Being a used motor vehicle dealer who:

22 a. does not have an established place of business,
23
24

- b. employs a person in connection with the sale of used vehicles without first obtaining a certificate of registration for the person,
- c. fails or refuses to furnish or keep in force single limit liability insurance on any vehicle offered for sale and otherwise required under the financial responsibility laws of this state, or
- d. is not operating from the address shown on the license if this change has not been reported to the Commission; or

8. Being a manufactured home dealer or a restricted manufactured home park dealer who:

- a. does not have an established place of business,
- b. fails or refuses to furnish or keep in force garage liability and completed operations insurance, or
- c. is not operating from the address shown on the license if this change has not been reported to the Commission.

B. 1. The Commission shall deny an application for a license, or revoke or suspend a license after it has been granted, if a manufactured home dealer does not meet the following guidelines and restrictions:

- a. a display area for manufactured homes which is easily accessible, with sufficient parking for the public,

- b. an office for conducting business where the books, records, and files are kept, with access to a restroom for the public,
- c. a place of business which meets all zoning, occupancy and other requirements of the appropriate local government and regular occupancy by a person, firm, or corporation engaged in the business of selling manufactured homes, and
- d. a place of business which is separate and apart from any other dealer's location.

2. The Commission shall deny an application for a restricted manufactured home park dealer license, or revoke or suspend a license after it has been granted, if a manufactured home park dealer does not satisfy the following guidelines and restrictions:

- a. only mobile or manufactured homes that are "ready for occupancy" are sold or offered for sale,
- b. maintains an office for conducting business where the books, records, and files are kept, with access to a restroom for the public,
- c. maintains a place of business which meets all zoning, occupancy and other requirements of the appropriate local government and regular occupancy by a person, firm or corporation engaged in the business of selling manufactured homes inside a park, and

1 d. maintains a place of business which is separate and
2 apart from any other dealer's location.

3 C. The Commission shall deny an application for a license, or
4 revoke or suspend a license after it has been granted, if a
5 manufactured home installer:

6 1. Installs or attempts to install a manufactured home in a
7 manner that is not in compliance with installation standards as set
8 by the Commission pursuant to rule; or

9 2. Violates or fails to comply with any applicable rule as
10 promulgated by the Commission concerning manufactured home
11 installers.

12 D. The Commission shall deny an application for a license, or
13 revoke or suspend a license after it has been granted, if a
14 manufactured home manufacturer violates or fails to comply with any
15 applicable rule as promulgated by the Commission concerning
16 manufactured home manufacturers.

17 E. The Commission shall deny an application for a license by a
18 motor vehicle manufacturer or factory if the application is for the
19 purpose of selling used motor vehicles to any retail consumer in the
20 state, other than through its retail franchised dealers, or acting
21 as a broker between a seller and a retail buyer. This subsection
22 does not prohibit a manufacturer from selling used motor vehicles
23 where the retail customer is a nonprofit organization or a federal,
24 state, or local government or agency. This subsection does not

1 prohibit a manufacturer from providing information to a consumer for
2 the purpose of marketing or facilitating the sale of used motor
3 vehicles or from establishing a program to sell or offer to sell
4 used motor vehicles through the manufacturer's retail franchised
5 dealers as provided for in Sections 561 through 580.2 of this title.
6 This subsection shall not prevent a factory from obtaining a
7 wholesale used motor vehicle dealer's license or the factory's
8 financing subsidiary from obtaining a wholesale used motor vehicle
9 dealer's license.

10 F. If the Commission denies issuance of a license the
11 Commission shall provide the grounds for the action to the applicant
12 in writing and allow the applicant sixty (60) days to resolve any
13 issues that are the grounds for the action.

14 G. Each of the aforementioned grounds for suspension,
15 revocation, or denial of issuance or renewal of license shall also
16 constitute a violation of Sections 581 through 588 of this title,
17 unless the person involved has been tried and acquitted of the
18 offense constituting such grounds.

19 The suspension, revocation or refusal to issue or renew a
20 license or the imposition of any other penalty by the Commission
21 shall be in addition to any penalty which might be imposed upon any
22 licensee upon a conviction at law for any violation of Sections 581
23 through 588 of this title.

24

1 SECTION 6. AMENDATORY 47 O.S. 2021, Section 587, is
2 amended to read as follows:

3 Section 587. A. There is hereby created a petty cash fund not
4 to exceed One Hundred Dollars (\$100.00) for the Oklahoma Used Motor
5 Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing Commission,
6 which may be expended for small authorized expenses of the
7 Commission.

8 B. The Director of the Office of Management and Enterprise
9 Services is authorized to prescribe forms, systems and procedures
10 for its administration. The petty cash fund may be reimbursed from
11 time to time by the filing of proper claims, accompanied by valid
12 receipts for expenditures made.

13 ~~€.~~

14 SECTION 7. AMENDATORY 47 O.S. 2021, Section 591.2, is
15 amended to read as follows:

16 Section 591.2 As used in Section 591.1 et seq. of this title:

17 1. "Automotive dismantler and parts recycler" means a person,
18 firm or corporation engaged in the business of purchasing,
19 dismantling, or disassembling used motor vehicles for the purpose of
20 selling the parts thereof, but shall not include a person who is
21 primarily engaged in the business of rebuilding repairable motor
22 vehicles;

23 2. "Motor vehicle" means every automobile, motorcycle, mobile
24 trailer, semitrailer, truck, truck-tractor, trailer and other device

1 which is self-propelled or drawn, in, upon, or by which any person
2 or property is or may be transported or drawn upon a public highway,
3 except such as is moved by animal power or used exclusively upon
4 stationary rails or tracks, or an implement of husbandry;

5 3. "Place of business" means the place owned or leased and
6 regularly occupied by a person, firm or corporation engaged in the
7 business of an automotive dismantler and parts recycler, where the
8 products for sale are displayed and offered for sale, and where the
9 books and records required for the conduct of the business are
10 maintained and kept;

11 4. "Salvage pool" means any person or business which regularly
12 conducts a salvage disposal sale;

13 5. "Salvage disposal sale" means a scheduled sale at auction or
14 by private bid of wrecked or repairable motor vehicles by insurance
15 underwriters, or insurance companies, used motor vehicle dealers or
16 automotive dismantlers and parts recyclers, either retail or
17 wholesale; and

18 6. "Commission" means the Oklahoma Used Motor Vehicle ~~and~~
19 Parts, Dismantler, and Manufactured Housing Commission; and

20 7. "License" means the license issued pursuant to Section 591.1
21 et seq. of this title to operate an automotive dismantler and parts
22 recycler business.

23 SECTION 8. AMENDATORY 47 O.S. 2021, Section 591.4, is
24 amended to read as follows:

1 Section 591.4 A. Every person, firm or corporation desiring to
2 engage in the business of an automotive dismantler and parts
3 recycler shall apply in writing, on a form to be prescribed by the
4 Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured
5 Housing Commission, which form shall contain:

6 1. The name of the applicant;

7 2. The street address of the applicant's principal place of
8 business;

9 3. The type of business organization of the applicant;

10 4. The applicant's financial statement;

11 5. The legal description of the proposed place of business,
12 together with written verification from the appropriate local
13 authorities that the place of business meets the licensing and
14 zoning requirements of the municipality or county where located; and

15 6. Such additional information as may be required by the
16 Commission.

17 B. Notwithstanding subsection A of this section, the Commission
18 may decline to issue an original license to any person, firm or
19 corporation that does not, in good faith, meet the requirements of
20 the Automotive Dismantlers and Parts Recycler Act; or whose proposed
21 place of business does not meet the applicable zoning requirements;
22 or whose proposed use is deemed inappropriate by the Commission due
23 to surrounding property uses or objections from the immediate
24 surrounding neighbors, such that the place of business would be

1 deemed to be a private or public nuisance; or whose place of
2 business is not properly screened by natural objects, plantings,
3 opaque fences of a height not less than six (6) nor more than eight
4 (8) feet or other appropriate sightproofing, so as to screen where
5 possible vehicles and parts stored outside of buildings from view
6 from immediately adjacent property.

7 SECTION 9. AMENDATORY 47 O.S. 2021, Section 591.6, is
8 amended to read as follows:

9 Section 591.6 Every automotive dismantler and parts recycler
10 shall keep a register of all purchases and sales of motor vehicles
11 for three (3) years from the date of purchase or sale, showing the
12 make, model, year, style, vehicle identification number, and name
13 and address of the purchaser or seller of the motor vehicle. Such
14 registers shall be made available for inspection by properly
15 identified employees or agents of the Oklahoma Used Motor Vehicle
16 ~~and Parts, Dismantler, and Manufactured Housing~~ Commission or
17 identified law enforcement officers of the state, county and
18 municipality where the business of the automotive dismantler and
19 parts recycler is located, during reasonable business hours on
20 business days. The inspection authority shall include the right to
21 inspect any motor vehicle or parts thereof owned by or stored at the
22 automotive dismantler and parts recycler's place of business.

23 SECTION 10. AMENDATORY 47 O.S. 2021, Section 591.8, is
24 amended to read as follows:

1 Section 591.8 A. An automotive dismantler and parts recycler,
2 duly licensed by this act, shall have the authority to transfer the
3 certificate of title to a motor vehicle as a dealer. Prior to the
4 sale of any motor vehicles at salvage pools or salvage disposal
5 sales, a salvage title or junked title shall be issued for any
6 salvage or junked vehicle as defined in Section 1105 of this title.

7 B. Any and all certificates of title, whether original,
8 salvage, rebuilt, or junked titles, salvage certificates, other
9 certificates of ownership, or ownership records, as approved by the
10 Oklahoma Tax Commission, to vehicles owned by a licensed automotive
11 dismantler and parts recycler, which vehicles have been dismantled,
12 destroyed, or otherwise processed so that the vehicles are no longer
13 capable of being used as motor vehicles, shall be inspected by
14 properly identified employees or agents of the Oklahoma Used Motor
15 Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing Commission,
16 at least annually, at the place of business of the licensed
17 automotive dismantler and parts recycler. Upon verification that the
18 vehicle is no longer capable of being used as a motor vehicle, the
19 employee or agent of the Commission shall remove the license plate
20 and the certificate of title, salvage certificate, other certificate
21 of ownership or ownership record from the licensed automotive
22 dismantler and parts recycler. The Commission shall destroy the
23 license plate and deliver the certificates and ownership records to
24 the Oklahoma Tax Commission.

1 C. Each licensed automotive dismantler and parts recycler that
2 dismantles, destroys, or otherwise processes vehicles so that the
3 vehicles are no longer capable of being used as motor vehicles, each
4 month, shall report the vehicle identification numbers of the
5 vehicles to the Oklahoma Tax Commission, upon forms prescribed by
6 the Oklahoma Tax Commission. The report shall include any vehicle
7 which is a hull, junked, abandoned or not a complete, self-
8 propelling vehicle, if there is a vehicle identification number for
9 the incomplete vehicle. The Oklahoma Tax Commission shall cancel
10 said certificates of title. The vehicle identification numbers on
11 the certificates of titles, salvage titles, other certificates of
12 ownership or ownership records to motor vehicles no longer capable
13 of being used as motor vehicles shall be preserved in the computer
14 files of the Oklahoma Tax Commission for at least five (5) years
15 from the date the certificates of title are delivered by the
16 Commission to the Oklahoma Tax Commission.

17 D. Each vehicle or incomplete vehicle required to be reported
18 to the Oklahoma Tax Commission by this section shall be reported on
19 or before the fifteenth day of the next succeeding month after the
20 month in which the vehicle or incomplete vehicle was received by the
21 licensed automotive dismantler and parts recycler. Each vehicle or
22 incomplete vehicle, which is incapable of operation or use on the
23 public roads or has no resale value except as a source of parts,
24 scrap or junk or has an eighty percent (80%) loss in fair market

1 value, possessed by a licensed automotive dismantler and parts
2 recycler on the effective date of this act shall be reported to the
3 Oklahoma Tax Commission within ninety (90) days. The vehicle
4 identification numbers on all reported vehicles shall be preserved
5 in the computer of the Oklahoma Tax Commission for at least five (5)
6 years, even if the ownership records may have been previously
7 destroyed or surrendered to the Oklahoma Tax Commission.

8 E. If the vehicle identification number for a vehicle, which is
9 incapable of operation or use on the public roads and has no resale
10 value except as a source of parts, scrap or junk or has an eighty
11 percent (80%) loss in fair market value, is not reported to the
12 Oklahoma Tax Commission, the licensed automotive dismantler and
13 parts recycler shall be required to obtain a junked title for said
14 vehicle. An Oklahoma licensed automotive dismantler and parts
15 recycler shall not be required to obtain a junked title for a junked
16 vehicle or any other vehicle which is dismantled, destroyed or
17 otherwise processed so that the vehicle is no longer capable of
18 being operated or used on the public roads, if the vehicle is
19 reported to the Oklahoma Tax Commission.

20 SECTION 11. AMENDATORY 47 O.S. 2021, Section 591.9, is
21 amended to read as follows:

22 Section 591.9 The Oklahoma Used Motor Vehicle and Parts,
23 Dismantler, and Manufactured Housing Commission is authorized to
24

1 refuse, cancel, suspend or revoke a license to any person, firm or
2 corporation for the following reasons:

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

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

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

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

16 a. theft,

17 b. violation of the Oklahoma certificate of title law or
18 similar laws of other states,

19 c. alteration, obliteration, or removal of a vehicle
20 identification number, or

21 d. any other act directly relating to the ability of the
22 applicant or licensee to conduct an automotive
23 dismantler and parts recycling business;

24

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

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

7 SECTION 12. AMENDATORY 47 O.S. 2021, Section 591.11, is
8 amended to read as follows:

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

11 1. A person who is a resident of this state;

12 2. A company representative of a business that is based in this
13 state; or

14 3. A person who may legally purchase salvage vehicles in his or
15 her home state or country.

16 B. It shall be the duty of the owner, manager or person in
17 charge of any salvage pool or salvage disposal sale to prohibit the
18 bidding by any person who is not qualified to purchase salvage
19 vehicles as provided in subsection A of this section and, further,
20 to refuse to sell to any person any wrecked or repairable motor
21 vehicle if such person is not qualified to purchase salvage vehicles
22 as provided in subsection A of this section.

23 C. Any salvage pool or salvage disposal sale that is
24 facilitating in the sale of a motor vehicle for an insurance company

1 must provide on its website the full seventeen-digit vehicle
2 identification number (VIN) and the name of the insurance company
3 that is selling the motor vehicle.

4 D. The salvage pool or salvage disposal sale shall show the
5 buyer's identification number of the winning bidder on any sale that
6 takes place on the Internet or by online bidding for all salvage
7 motor vehicles being sold for an insurance company.

8 E. It shall be the duty of the owner, manager or person in
9 charge of any salvage pool or salvage disposal sale to remit
10 payments to the Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler,
11 and Manufactured Housing Commission. Such payments shall be
12 calculated by multiplying the total number of salvage vehicle sales
13 transactions during a certain period times Two Dollars (\$2.00). The
14 first payment shall not be calculated on any sales transactions
15 prior to November 1, 2007. The payments shall not be made more
16 often than one payment each month. The payments shall be
17 transmitted to the Oklahoma Used Motor Vehicle ~~and Parts~~,
18 Dismantler, and Manufactured Housing Commission at any time during
19 the thirty (30) days immediately following the period for which the
20 payment was calculated.

21 F. Every salvage pool shall keep a register of all sales of
22 salvage vehicles showing the make, model, year, style, vehicle
23 identification number, and names and addresses of the purchaser and
24 seller of the motor vehicle. Such registers shall be submitted to

1 the Oklahoma Used Motor Vehicle and Parts Commission on a regular
2 basis.

3 G. The provisions of this section shall not apply to a
4 regularly scheduled vehicle consignment auction conducted by a used
5 motor vehicle dealer which sells salvage vehicles, damaged vehicles,
6 wrecked vehicles or repairable vehicles for someone other than a
7 public insurance company. Such auction may sell these vehicles as
8 an incident to the sale of operable vehicles, but shall not
9 constitute a primary part of the business.

10 SECTION 13. AMENDATORY 47 O.S. 2021, Section 591.13, is
11 amended to read as follows:

12 Section 591.13 Any person violating any provision of the
13 Automotive Dismantlers and Parts Recycler Act or operating as a
14 rebuilder as used in Section 581 et seq. of this title without a
15 rebuilder certificate shall be guilty of a misdemeanor and upon the
16 first conviction thereof shall be punished by a fine of not less
17 than Five Hundred Dollars (\$500.00) with impoundment of the vehicle
18 until all taxes and fees are paid and upon the second conviction
19 thereof shall be punished by a fine of not less than One Thousand
20 Dollars (\$1,000.00) with impoundment of the vehicle until all taxes
21 and fees are paid and upon the third or subsequent conviction
22 thereof shall be punished by a fine of not less than One Thousand
23 Five Hundred Dollars (\$1,500.00) with impoundment of the vehicle
24 until all taxes and fees are paid or by imprisonment in the county

1 jail for not more than one (1) year, or by both such fine and
2 imprisonment. If a vehicle is impounded pursuant to the provisions
3 of this section, the vehicle shall not be released to the owner
4 until the owner provides proof of security or an affidavit that the
5 vehicle will not be used on public highways or public streets, as
6 required pursuant to Section 7-600 et seq. of this title. Each
7 vehicle involved in a violation of this section shall be considered
8 a separate offense. The penalties collected from the payment of the
9 fines shall, after deduction of court costs, be paid to the Oklahoma
10 Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing
11 Commission Fund as created by Section 582 of this title.

12 SECTION 14. AMENDATORY 47 O.S. 2021, Section 591.14, is
13 amended to read as follows:

14 Section 591.14 When any person, firm or corporation is engaged
15 in the business of an automotive dismantler and parts recycler
16 without being licensed as required by Section 591.4 of Title 47 of
17 the Oklahoma Statutes, the Oklahoma Used Motor Vehicle ~~and Parts~~,
18 Dismantler, and Manufactured Housing Commission may institute, in
19 the name of the State of Oklahoma ex rel. Oklahoma Used Motor
20 Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing Commission,
21 any necessary action to enjoin such person, firm or corporation from
22 continuing in the business of an automotive dismantler and parts
23 recycler until a license has been issued to such person, firm or
24 corporation by the Oklahoma Used Motor Vehicle ~~and Parts~~,

1 Dismantler, and Manufactured Housing Commission. Upon proper
2 evidence, a temporary restraining order shall be issued. An
3 injunction shall issue without requirement of a bond of any kind
4 from the state. The venue of any action authorized by this section
5 shall be in the county wherein the business activity complained of
6 is conducted.

7 SECTION 15. AMENDATORY 47 O.S. 2021, Section 592.2, is
8 amended to read as follows:

9 Section 592.2 As used in the Oklahoma Crusher Act:

10 1. "Commission" means the Oklahoma Used Motor Vehicle ~~and~~
11 Parts, Dismantler, and Manufactured Housing Commission;

12 2. "Crusher" means a person engaged in the business of crushing
13 or shredding used motor vehicles, trailers, or nonmotorized
14 recreational vehicles; and

15 3. "Person" means an individual, partnership, corporation,
16 limited liability company, joint venture, trust, association, or any
17 other legal entity however organized.

18 SECTION 16. AMENDATORY 47 O.S. 2021, Section 592.3, is
19 amended to read as follows:

20 Section 592.3 A. No person shall engage in business as a
21 crusher without first obtaining a license from the Oklahoma Used
22 Motor Vehicle ~~and Parts, Dismantler, and Manufactured Housing~~
23 Commission specifically authorizing engagement in such business.
24

1 B. A person licensed as a scrap metal dealer in this state who
2 is engaged primarily in the business of a scrap metal dealer and who
3 crushes vehicles only at its licensed scrap metal dealer location
4 shall be exempt from the licensing requirements of this act. A
5 person licensed as a scrap metal dealer who fails to keep records of
6 crushed vehicles as required by the Scrap Metal Dealers Act shall
7 not be entitled to the exemption herein. Any crusher who is an
8 independent contractor employed to crush vehicles for a scrap metal
9 dealer shall not be exempt from the requirements of this act. Any
10 law enforcement officer or employee of the ~~Used Motor Vehicle and~~
11 ~~Parts~~ Commission shall be authorized to inspect the records of any
12 licensed scrap metal dealer pertaining to crushed vehicles to verify
13 compliance with this provision.

14 SECTION 17. AMENDATORY 47 O.S. 2021, Section 592.9, is
15 amended to read as follows:

16 Section 592.9 A. Rulemaking Power. The Oklahoma Used Motor
17 Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing Commission
18 may adopt, amend and repeal such rules as are necessary for the
19 enforcement of the provisions of the Oklahoma Crusher Act and
20 consistent with its provisions.

21 B. Criminal Penalties.

22 1. Any person who engages in the business of operating as a
23 crusher without first obtaining the license prescribed in the
24 Oklahoma Crusher Act or any person who receives, obtains or

1 possesses and crushes any vehicle or other property which the person
2 knows to be subject to an outstanding lien shall be guilty of a
3 misdemeanor and upon conviction thereof shall be punished by a fine
4 not in excess of One Thousand Dollars (\$1,000.00), by confinement in
5 the county jail for not more than six (6) months, or by both.

6 2. Any person who engages in the business of operating as a
7 crusher without first obtaining the license prescribed in the
8 Oklahoma Crusher Act and who receives, obtains or possesses any
9 vehicle or other property which he or she knows to be stolen shall
10 be guilty of a felony offense of receiving, obtaining or possessing
11 stolen property and, upon conviction, shall be subject to the
12 penalties which may be imposed for such crime.

13 3. Any person selling a vehicle or other property to a crusher
14 who uses false or altered identification or makes a false
15 declaration of ownership or lien status as related to the provisions
16 of the Oklahoma Crusher Act shall be guilty of a felony, and upon
17 conviction shall be punished by imprisonment in the custody of the
18 Department of Corrections for a term of not more than five (5)
19 years, or in the county jail for a term of not more than one (1)
20 year, or by a fine not exceeding One Thousand Dollars (\$1,000.00),
21 or by both such fine and imprisonment.

22 4. Any person who fails to repay a crusher the full amount
23 received from the sale of a vehicle or other property after being
24 officially notified by a peace officer or the Commission that the

1 vehicle or other property the person sold to the crusher was stolen
2 shall be guilty of a misdemeanor and upon conviction shall be
3 punished by imprisonment in the county jail for a term of not to
4 exceed six (6) months, or a fine not to exceed One Thousand Dollars
5 (\$1,000.00), or by both such fine and imprisonment.

6 C. Injunctive Action. The Commission may institute, in the
7 name of the State of Oklahoma ex rel. Oklahoma Used Motor Vehicle
8 and Parts Commission, any necessary action to enjoin any person,
9 firm, or corporation from engaging in the business of a crusher
10 without a license, or for any violations of this act. An injunction
11 shall issue without the requirement of a bond of any kind from the
12 state. The venue of any action authorized by this section shall be
13 in the county wherein the business activity complained of is
14 conducted.

15 SECTION 18. AMENDATORY 47 O.S. 2021, Section 592.10, is
16 amended to read as follows:

17 Section 592.10 The Oklahoma Used Motor Vehicle and Parts,
18 Dismantler, and Manufactured Housing Commission may deny an
19 application for a license, impose a fine not to exceed One Thousand
20 Dollars (\$1,000.00) per occurrence, or revoke or suspend a license
21 after it has been granted, when any provision of this act is
22 violated or for any of the following reasons:

- 23 1. On satisfactory proof of unfitness of the applicant or
24 licensee, as the case may be;

1 2. For fraud practices or any material misstatement made by an
2 applicant in any application for licensure pursuant to this act;

3 3. For willful failure to comply with any provisions of this
4 act or with any rule promulgated by the Commission pursuant to this
5 act;

6 4. Change of condition after license is granted resulting in
7 failure to maintain the qualifications for license;

8 5. Continued or flagrant violation of any of the rules of the
9 Commission promulgated pursuant to this act; or

10 6. Being a crusher or shredder who:

11 a. has committed any unlawful act which resulted in the
12 revocation of any similar license in this state or
13 another state,

14 b. has been convicted of a crime involving moral
15 turpitude,

16 c. has committed a fraudulent act in buying, selling or
17 otherwise dealing in used motor vehicles, trailers, or
18 nonmotorized vehicles to be crushed or shredded, or
19 disposed of as crushed or shredded,

20 d. has engaged in business under a past or present
21 license in such a manner as to cause injury to the
22 public or to those with whom the licensee is dealing,
23 or

24

1 e. has failed to meet or maintain the conditions and
2 requirements necessary to qualify for the issuance of
3 a license.

4 SECTION 19. AMENDATORY 47 O.S. 2021, Section 1102, is
5 amended to read as follows:

6 Section 1102. As used in the Oklahoma Vehicle License and
7 Registration Act:

8 1. "All-terrain vehicle" means a vehicle manufactured and used
9 exclusively for off-highway use traveling on four or more non-
10 highway tires, and being fifty (50) inches or less in width;

11 2. "Carrying capacity" means the carrying capacity of a vehicle
12 as determined or declared in tons of cargo or payload by the owner;
13 provided, that such declared capacity shall not be less than the
14 minimum tonnage capacity fixed, listed or advertised by the
15 manufacturer of any vehicle;

16 3. "Certificate of title" means a document which is proof of
17 legal ownership of a motor vehicle as described and provided for in
18 Section 1105 of this title;

19 4. "Chips and oil" or the term "road oil and crushed rock"
20 means, with respect to materials authorized for use in the surfacing
21 of roads or highways in this title or in any equivalent statute
22 pertaining to road or highway surfacing in the State of Oklahoma,
23 any asphaltic materials. Wherever chips and oil or road oil and
24 crushed rock are authorized for use in the surfacing of roads or

1 highways in this state, whether by the Department of Transportation,
2 or by the county commissioners, or other road building authority
3 subject to the Oklahoma Vehicle License and Registration Act,
4 asphaltic materials are also authorized for use in such surfacing
5 and construction;

6 5. "Combined laden weight" means the weight of a truck or
7 station wagon and its cargo or payload transported thereon, or the
8 weight of a truck or truck-tractor plus the weight of any trailers
9 or semitrailers together with the cargo or payload transported
10 thereon;

11 6. "Commercial trailer" means any trailer, as defined in
12 Section 1-180 of this title, or semitrailer, as defined in Section
13 1-162 of this title, when such trailer or semitrailer is used
14 primarily for business or commercial purposes;

15 7. "Commercial trailer dealer" means any person, firm or
16 corporation engaged in the business of selling any new and unused,
17 or used, or both new and used commercial trailers;

18 8. "Commercial vehicle" means any vehicle over eight thousand
19 (8,000) pounds combined laden weight used primarily for business or
20 commercial purposes. Each motor vehicle being registered pursuant
21 to the provisions of this section shall have the name of the
22 commercial establishment or the words "Commercial Vehicle"
23 permanently and prominently displayed upon the outside of the
24 vehicle in letters not less than two (2) inches high. Such letters

1 shall be in sharp contrast to the background and shall be of
2 sufficient shape and color as to be readily legible during daylight
3 hours, from a distance of fifty (50) feet while the vehicle is not
4 in motion;

5 9. "Commission" or "Tax Commission" means the Oklahoma Tax
6 Commission;

7 10. "Construction machinery" means machines or devices drawn as
8 trailers which are designed and used for construction, tree trimming
9 and waste maintenance projects, which derive no revenue from the
10 transportation of persons or property, whose use of the highway is
11 only incidental and which are not mounted or affixed to another
12 vehicle; provided, construction machinery shall not include
13 implements of husbandry as defined in Section 1-125 of this title;

14 11. "Dealer" means any person, firm, association, corporation
15 or trust who sells, solicits or advertises the sale of new and
16 unused motor vehicles and holds a bona fide contract or franchise in
17 effect with a manufacturer or distributor of a particular make of
18 new or unused motor vehicle or vehicles for the sale of same;

19 12. "Mini-truck" means a foreign-manufactured import or
20 domestic-manufactured vehicle powered by an internal combustion
21 engine with a piston or rotor displacement of one thousand cubic
22 centimeters (1,000 cc) or less, which is sixty-seven (67) inches or
23 less in width, with an unladen dry weight of three thousand four
24 hundred (3,400) pounds or less, traveling on four or more tires,

1 having a top speed of approximately fifty-five (55) miles per hour,
2 equipped with a bed or compartment for hauling, and having an
3 enclosed passenger cab;

4 13. "Interstate commerce" means any commerce moving between any
5 place in a state and any place in another state or between places in
6 the same state through another state;

7 14. "Laden weight" means the combined weight of a vehicle when
8 fully equipped for use and the cargo or payload transported thereon;
9 provided, that in no event shall the laden weight be less than the
10 unladen weight of the vehicle fully equipped for use, plus the
11 manufacturer's rated carrying capacity;

12 15. "Local authorities" means every county, municipality or
13 local board or body having authority to adopt police regulations
14 under the Constitution and laws of this state;

15 16. "Low-speed electrical vehicle" means any four-wheeled
16 electrical vehicle that is powered by an electric motor that draws
17 current from rechargeable storage batteries or other sources of
18 electrical current and whose top speed is greater than twenty (20)
19 miles per hour but not greater than twenty-five (25) miles per hour
20 and is manufactured in compliance with the National Highway Traffic
21 Safety Administration standards for low-speed vehicles in 49 C.F.R.
22 571.500;

23 17. "Manufactured home" means a residential dwelling built in
24 accordance with the National Manufactured Housing Construction and

1 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and
2 rules promulgated pursuant thereto and the rules promulgated by the
3 Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured
4 Housing Commission pursuant to Section 582 of this title.

5 Manufactured home shall not mean a park model recreational vehicle
6 as defined in this section;

7 18. "Manufactured home dealer" means any person, firm or
8 corporation engaged in the business of selling any new and unused,
9 or used, or both new and used manufactured homes. Such information
10 and a valid franchise letter as proof of authorization to sell any
11 such new manufactured home product line or lines shall be attached
12 to the application for a dealer license to sell manufactured homes.
13 "Manufactured home dealer" shall not include any person, firm or
14 corporation who sells or contracts for the sale of the dealer's own
15 personally titled manufactured home or homes. No person, firm or
16 corporation shall be considered a manufactured home dealer as to any
17 manufactured home purchased or acquired by such person, firm or
18 corporation for purposes other than resale; provided, that the
19 restriction set forth in this sentence shall not prevent an
20 otherwise qualified person, firm or corporation from utilizing a
21 single manufactured home as a sales office;

22 19. "Medium-speed electrical vehicle" means any self-propelled,
23 electrically powered four-wheeled motor vehicle, equipped with a
24 roll cage or crush-proof body design, whose speed attainable in one

1 (1) mile is more than thirty (30) miles per hour but not greater
2 than thirty-five (35) miles per hour;

3 20. "Motor license agent" means any person appointed,
4 designated or authorized by the Oklahoma Tax Commission to collect
5 the fees and to enforce the provisions provided for in the Oklahoma
6 Vehicle License and Registration Act;

7 21. "New vehicle" or "unused vehicle" means a vehicle which has
8 been in the possession of the manufacturer, distributor or
9 wholesaler or has been sold only by the manufacturer, distributor or
10 wholesaler to a dealer;

11 22. "Nonresident" means any person who is not a resident of
12 this state;

13 23. "Off-road motorcycle" means any motorcycle, as defined in
14 Section 1-135 of this title, when such motorcycle has been
15 manufactured for and used exclusively off roads, highways and any
16 other paved surfaces;

17 24. "Owner" means any person owning, operating or possessing
18 any vehicle herein defined;

19 25. "Park model recreational vehicle" means a vehicle that is:
20 a. designed and marketed as temporary living quarters for
21 camping, recreational, seasonal or travel use,
22 b. not permanently affixed to real property for use as a
23 permanent dwelling,
24

- 1 c. built on a single chassis mounted on wheels with a
2 gross trailer area not exceeding four hundred (400)
3 square feet in the setup mode, and
4 d. certified by the manufacturer as complying with
5 standard A119.5 of the American National Standards
6 Institute, Inc.;

7 26. "Person" means any individual, copartner, joint venture,
8 association, corporation, limited liability company, estate, trust,
9 business trust, syndicate, the State of Oklahoma, or any county,
10 city, municipality, school district or other political subdivision
11 thereof, or any group or combination acting as a unit, or any
12 receiver appointed by the state or federal court;

13 27. "Rebodied vehicle" means a vehicle:

- 14 a. which has been assembled using a new body or new major
15 component which is of the identical type as the
16 original vehicle and is licensed by the manufacturer
17 of the original vehicle and other original, new or
18 reconditioned parts. For purposes of this paragraph,
19 "new body or new major component" means a new body,
20 cab, frame, front end clip or rear end clip,
21 b. which is not a salvage, rebuilt, or junked vehicle as
22 defined by paragraph 1, 2, or 6 of subsection A of
23 Section 1105 of this title, and
24

1 c. for which the Tax Commission has assigned or will
2 assign a new identifying number;

3 28. "Recreational off-highway vehicle" means a vehicle
4 manufactured and used exclusively for off-highway use, traveling on
5 four or more non-highway tires, and being sixty-five (65) inches or
6 less in width;

7 29. "Recreational vehicle" means every vehicle which is built
8 on or permanently attached to a self-propelled motor chassis or
9 chassis cab which becomes an integral part of the completed vehicle
10 and is capable of being operated on the highways. In order to
11 qualify as a recreational vehicle pursuant to this paragraph such
12 vehicle shall be permanently constructed and equipped for human
13 habitation, having its own sleeping and kitchen facilities,
14 including permanently affixed cooking facilities, water tanks and
15 holding tank with permanent toilet facilities. Recreational vehicle
16 shall not include manufactured homes or any vehicle with portable
17 sleeping, toilet and kitchen facilities which are designed to be
18 removed from such vehicle. Recreational vehicle shall include park
19 model recreational vehicles as defined in this section;

20 30. "Remanufactured vehicle" means a vehicle which has been
21 assembled by a vehicle remanufacturer using a new body and which may
22 include original, reconditioned, or remanufactured parts, and which
23 is not a salvage, rebuilt, or junked vehicle as defined by
24

1 paragraphs 1, 2, and 6, respectively, of subsection A of Section
2 1105 of this title;

3 31. "Rental trailer" means all small or utility trailers or
4 semitrailers constructed and suitable for towing by a passenger
5 automobile and designed only for carrying property, when the
6 trailers or semitrailers are owned by, or are in the possession of,
7 any person engaged in renting or leasing such trailers or
8 semitrailers for intrastate or interstate use or combined intrastate
9 and interstate use;

10 32. "Special mobilized machinery" means special purpose
11 machines or devices, either self-propelled or drawn as trailers or
12 semitrailers, which derive no revenue from the transportation of
13 persons or property, whose use of the highway is only incidental,
14 and whose useful revenue producing service is performed at
15 destinations in an area away from the traveled surface of an
16 established open highway;

17 33. "State" means the State of Oklahoma;

18 34. "Station wagon" means any passenger vehicle which does not
19 have a separate luggage compartment or trunk and which does not have
20 open beds, and has one or more rear seats readily lifted out or
21 folded, whether same is called a station wagon or ranch wagon;

22 35. "Street-legal utility vehicle" means a vehicle meeting the
23 description and specifications of Section 1 of this act;

24

1 36. "Travel trailer" means any vehicular portable structure
2 built on a chassis, used as a temporary dwelling for travel,
3 recreational or vacation use, and, when factory-equipped for the
4 road, it shall have a body width not exceeding eight (8) feet and an
5 overall length not exceeding forty (40) feet, including the hitch or
6 coupling;

7 37. "Travel trailer dealer" means any person, firm or
8 corporation engaged in the business of selling any new and unused,
9 or used, or both new and used travel trailers. Such information and
10 a valid franchise letter as proof of authorization to sell any such
11 new travel trailer product line or lines shall be attached to the
12 application for a dealer license to sell travel trailers. "Travel
13 trailer dealer" shall not include any person, firm or corporation
14 who sells or contracts for the sale of his or her own personally
15 titled travel trailer or trailers. No person, firm or corporation
16 shall be considered as a travel trailer dealer as to any travel
17 trailer purchased or acquired by such person, firm or corporation
18 for purposes other than resale;

19 38. "Used motor vehicle dealer" means "used motor vehicle
20 dealer" as defined in Section 581 of this title;

21 39. "Used vehicle" means any vehicle which has been sold,
22 bargained, exchanged or given away, or used to the extent that it
23 has become what is commonly known, and generally recognized, as a
24 "secondhand" vehicle. This shall also include any vehicle other

1 than a remanufactured vehicle, regardless of age, owned by any
2 person who is not a dealer;

3 40. "Utility vehicle" means a vehicle powered by an internal
4 combustion engine, manufactured and used exclusively for off-highway
5 use, equipped with seating for two or more people and a steering
6 wheel, traveling on four or more wheels;

7 41. "Vehicle" means any type of conveyance or device in, upon
8 or by which a person or property is or may be transported from one
9 location to another upon the avenues of public access within the
10 state. "Vehicle" does not include bicycles, trailers except travel
11 trailers and rental trailers, or implements of husbandry as defined
12 in Section 1-125 of this title. All implements of husbandry used as
13 conveyances shall be required to display the owner's driver license
14 number or license plate number of any vehicle owned by the owner of
15 the implement of husbandry on the rear of the implement in numbers
16 not less than two (2) inches in height. The use of the owner's
17 Social Security number on the rear of the implement of husbandry
18 shall not be required; and

19 42. "Vehicle remanufacturer" means a commercial entity which
20 assembles remanufactured vehicles.

21 SECTION 20. AMENDATORY 47 O.S. 2021, Section 1107, is
22 amended to read as follows:

23 Section 1107. A. In the event of the sale or transfer of the
24 ownership of a vehicle for which a certificate of title has been

1 issued as provided by Section 1105 of this title, the holder of such
2 certificate shall endorse on the back of same a complete assignment
3 thereof with warranty of title in form printed thereon with a
4 statement of all liens or encumbrances on the vehicle, sworn to
5 before a notary public or some other person authorized by law to
6 take acknowledgments, and deliver same to the purchaser or
7 transferee at the time of delivery to the purchaser or transferee of
8 the vehicle; provided, a transfer of the ownership of a vehicle to
9 an insurer resulting from the settlement of a total loss claim shall
10 not require a notarized signature on the certificate of title. The
11 purchaser or transferee, unless such person is a bona fide used
12 motor vehicle dealer licensed by this state, a retail implement
13 dealer in connection with the purchase or transfer of off-road
14 vehicles or a charitable organization shall, within thirty (30) days
15 from the time of delivery to the purchaser or transferee of the
16 vehicle, present the assigned certificate of title and the insurance
17 security verification to the vehicle to the Oklahoma Tax Commission,
18 or one of its motor license agents, accompanied by a fee of Eleven
19 Dollars (\$11.00), together with any motor vehicle excise tax or
20 license fee that may be due, whereupon a new certificate of title,
21 shall be issued to the assignee. One Dollar (\$1.00) of each fee
22 shall be deposited in the Oklahoma Tax Commission Reimbursement
23 Fund. Any charitable organization utilizing the exemption
24 authorized by this subsection shall receive training as prescribed

1 by the Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and
2 Manufactured Housing Commission.

3 B. A licensed dealer, a retail implement dealer in connection
4 with the sale or disposal of off-road vehicles or a charitable
5 organization shall, on selling or otherwise disposing of a vehicle,
6 execute and deliver to the purchaser thereof the certificate of
7 title properly and completely reassigned. Thereupon, the purchaser
8 of the vehicle shall present the reassigned certificate to the
9 Commission, or a motor license agent, accompanied by a fee of Eleven
10 Dollars (\$11.00), and any motor vehicle excise tax or license fee
11 that may be due, whereupon a new certificate of title will be issued
12 to the purchaser. One Dollar (\$1.00) of each fee shall be deposited
13 in the Oklahoma Tax Commission Reimbursement Fund. The certificate,
14 when so assigned and returned to the Commission, together with any
15 subsequent assignment or reissue thereof, shall be appropriately
16 filed and indexed so that at all times it will be possible to trace
17 title to the vehicle designated therein. Provided, when the
18 ownership of any motor vehicle shall pass by operation of law, the
19 person owning the vehicle may, upon furnishing satisfactory proof to
20 the Commission of ownership, procure a title to the motor vehicle,
21 regardless of whether a certificate of title has ever been issued.
22 The dealer shall execute and deliver to the purchaser bills of sale
23 on forms prescribed by the Commission for all new vehicles sold by
24 the dealer. On presentation of a bill of sale executed on forms

1 prescribed by the Commission, by a manufacturer or dealer for a new
2 vehicle sold in this state, accompanied by remittance in the sum of
3 Eleven Dollars (\$11.00), together with any motor vehicle excise tax
4 or license fee that may be due, a certificate of title shall be
5 issued in accordance with the provisions of the Oklahoma Vehicle
6 License and Registration Act. One Dollar (\$1.00) of each fee shall
7 be deposited in the Oklahoma Tax Commission Reimbursement Fund. For
8 purposes of this subsection, "charitable organization" shall mean
9 any organization which is exempt from taxation pursuant to the
10 provisions of the Internal Revenue Code, 26 U.S.C., Section
11 501(c) (3) and which is registered as a charitable organization with
12 the Oklahoma Secretary of State and the Oklahoma Attorney General's
13 office; "off-road vehicles" means all-terrain vehicles, utility
14 vehicles, and motorcycles used exclusively for off-road use; "retail
15 implement dealer" means a business engaged primarily in the sale of
16 farm tractors as defined in Section 1-118 of this title or
17 implements of husbandry as defined in Section 1-125 of this title or
18 a combination thereof.

19 C. Any person violating the provisions of this section shall be
20 guilty of a misdemeanor and upon the first conviction thereof shall
21 be punished by a fine not to exceed Five Hundred Dollars (\$500.00),
22 with impoundment of the vehicle until all taxes and fees are paid.
23 A second or subsequent conviction shall be punished by a fine not to
24 exceed One Thousand Dollars (\$1,000.00), with impoundment of the

1 vehicle until all taxes and fees are paid. If a vehicle is
2 impounded pursuant to the provisions of this section, the vehicle
3 shall not be released to the owner until the owner provides proof of
4 security or an affidavit that the vehicle will not be used on public
5 highways or public streets, as required pursuant to Section 7-600 et
6 seq. of this title. Each vehicle involved in a violation of this
7 section shall be considered a separate offense.

8 SECTION 21. AMENDATORY 47 O.S. 2021, Section 1128, is
9 amended to read as follows:

10 Section 1128. A. Every person manufacturing or having a
11 contract to sell new vehicles in this state shall file a verified
12 application for a general distinctive number for all new vehicles
13 owned or controlled by the manufacturer or dealer; provided, the
14 Oklahoma Tax Commission shall issue a license to sell such new motor
15 vehicles only for those types of new vehicles for which the
16 applicant has a sales contract or franchise; provided, further, that
17 no license shall be issued to any applicant that has not complied
18 with the provisions of Sections 561 through 568 of this title and
19 does not hold a current license issued by the Oklahoma Motor Vehicle
20 Commission pursuant thereto. A separate manufacturer's or dealer's
21 license shall be required for each separate county within which such
22 manufacturer or dealer has an established place of business and upon
23 payment of a license fee of Ten Dollars (\$10.00) there shall be
24 assigned and issued to such manufacturer or dealer a Certificate of

1 Registration and one license plate which shall be displayed upon
2 each vehicle of such manufacturer or dealer when same is operated,
3 driven, or displayed on any street, road, or highway, in the same
4 manner as hereinbefore provided for vehicles owned by other persons.
5 Such a manufacturer or dealer in new vehicles may obtain as many
6 additional license plates as may be desired, upon the payment of the
7 sum of Ten Dollars (\$10.00) for each additional plate; provided that
8 no such license plate issued to any manufacturer or dealer shall be
9 used or displayed upon any secondhand or used vehicle, or upon any
10 new vehicle which is used for a service car, or private use, or for
11 hire. Any person, with consent of the dealer, may operate a motor
12 vehicle, with the dealer's tag affixed, while contemplating
13 purchase, so long as this intent is limited to a consecutive
14 seventy-two-hour period, or a weekend. An individual holding a
15 valid salesman's license issued by the Oklahoma Motor Vehicle
16 Commission shall not be subject to this limitation. If such person
17 also buys and sells used vehicles, he shall, after obtaining his new
18 motor vehicle dealer's license from the Oklahoma Motor Vehicle
19 Commission, also obtain a used motor vehicle dealer's license, from
20 the Oklahoma Used Motor Vehicle and Parts, Dismantler, and
21 Manufactured Housing Commission, the cost of which shall be as
22 prescribed in Section 1101 et seq. of this title.

23 B. Each dealer and used motor vehicle dealer shall keep a
24 record of the purchase and sale of each motor vehicle he buys or

1 sells, which shall show the name of the seller or buyer as the case
2 may be, and a complete description of the vehicle purchased or sold,
3 and such other information as the Commission may prescribe.

4 C. Application for manufacturer's or dealer's license must show
5 that such dealer or manufacturer has not violated any of the
6 provisions of this section; and such license shall be nonassignable;
7 and any such license may be suspended temporarily or revoked by the
8 Commission for violation or failure to comply with this section;
9 provided, the holder of such license shall be given ten (10) days'
10 notice of hearing to suspend or cancel such license. If any such
11 person subject to any of the licenses required in this section fails
12 to obtain it when due, a penalty of twenty-five cents (\$0.25) per
13 day on each such license shall be charged in the same manner as is
14 now provided on delinquent motor vehicle registrations, and after a
15 period of thirty (30) days such penalty shall be equal to the
16 license fee. It shall be the duty of every person licensed to sell
17 new or used motor vehicles to advise each purchaser in writing about
18 his title requirements and payment of any taxes due. Each used
19 motor vehicle must display a proper Oklahoma license plate or a used
20 dealer's license plate.

21 D. Every person engaged in the business of transporting and
22 delivering new or used vehicles by driving, either singly or by
23 towbar, saddle mount or full mount method, engaging in drive-away
24 operations as defined in Section 3 of Title 85 of the Oklahoma

1 Statutes, or any combination thereof, from the manufacturer or
2 shipper to the dealer or consignee and using the public highways of
3 this state shall file with the Commission a verified application for
4 in-transit license plates to identify such vehicles. The
5 application shall provide for a general distinctive number for all
6 vehicles so transported. Upon payment of a license fee of Ten
7 Dollars (\$10.00) there shall be assigned and issued to such person
8 one in-transit plate. Such in-transit plate shall be used by such
9 person only on vehicles when so transported. Such person may obtain
10 as many additional in-transit plates as desired upon payment of a
11 fee of Ten Dollars (\$10.00) for each additional plate. Provided, a
12 used motor vehicle dealer shall use a used dealer license plate in
13 lieu of the in-transit license plate for transporting a used motor
14 vehicle and, in such cases, shall be exempt from making application
15 for an in-transit license plate. Provided further, only a person
16 who possesses a valid motor carrier authority issued by the Federal
17 Motor Carrier Safety Administration, or a valid for-hire authority
18 issued by the Corporation Commission may use the in-transit license
19 plates obtained by them as herein authorized for transporting new or
20 used manufactured homes from one location to another location within
21 Oklahoma or from a point in another state to a point in this state.
22 Nothing contained in this section shall relieve any person from the
23 payment of license fees otherwise provided by law. When the
24 Commission deems it advisable and in the public interest, it may

1 require the holder of any in-transit license, or any person making
2 application therefor, to file a proper surety bond in any amount it
3 deems proper, not to exceed Ten Thousand Dollars (\$10,000.00).

4 E. The Oklahoma Tax Commission shall issue dealer licenses to
5 new and used manufactured home dealers, new and used travel trailer
6 dealers and new and used commercial trailer dealers.

7 F. All licenses provided for in this section shall expire on
8 December 31 of each year.

9 SECTION 22. AMENDATORY 47 O.S. 2021, Section 1137.1, is
10 amended to read as follows:

11 Section 1137.1 A. Except for vehicles, travel trailers or
12 commercial trailers which display a current Oklahoma license tag,
13 upon the purchase or transfer of ownership of a used motor vehicle,
14 travel trailer or commercial trailer, including an out-of-state
15 purchase or transfer of the same, to a licensed used motor vehicle
16 dealer, wholesale used motor vehicle dealer, used travel trailer
17 dealer or used commercial trailer dealer, subsequently referred to
18 in this section as "dealer", the dealer shall affix a used dealer's
19 plate visible from the rear of the vehicle, travel trailer or
20 commercial trailer. Such license plate shall expire on December 31
21 of each year. When the vehicle, travel trailer or commercial
22 trailer is parked on the dealer's licensed place of business, it
23 shall not be required to have a license plate of any kind affixed.
24 A dealer shall obtain from the Oklahoma Tax Commission at a cost of

1 Ten Dollars (\$10.00) a dealer license plate for demonstrating,
2 transporting or any other normal business of a dealer including use
3 by an individual holding a valid salesperson's license issued by the
4 Oklahoma Used Motor Vehicle and Parts, Dismantler, and Manufactured
5 Housing Commission. Any dealer who operates a wrecker or towing
6 service licensed pursuant to Sections 951 through 957 of this title
7 shall register each wrecker vehicle and display a wrecker license
8 plate on each vehicle as required by Section 1134.3 of this title.
9 A dealer may obtain as many additional license plates as may be
10 desired upon the payment of Ten Dollars (\$10.00) for each additional
11 license plate. Use of the used dealer license plate by a licensed
12 dealer for other than the purposes as set forth herein shall
13 constitute grounds for revocation of the dealer's license. The
14 Oklahoma Tax Commission shall design the official used dealer
15 license plate to include the used dealer's license number issued to
16 him or her each year by the Commission or the Oklahoma Used Motor
17 Vehicle and Parts, Dismantler, and Manufactured Housing Commission.

18 B. Upon the purchase or transfer of ownership of an out-of-
19 state used motor vehicle, travel trailer or commercial trailer to a
20 licensed dealer, the dealer shall make application for an Oklahoma
21 certificate of title pursuant to the Oklahoma Vehicle License and
22 Registration Act, Section 1101 et seq. of this title. Upon receipt
23 of the Oklahoma certificate of title, the dealer shall follow the
24 procedure as set forth in subsection A of this section. Provided,

1 nothing in this title shall be construed as requiring a dealer to
2 register a used motor vehicle, travel trailer or commercial trailer
3 purchased in another state which will not be operated or sold in
4 this state.

5 C. Upon sale or transfer of ownership of the used motor vehicle
6 or travel trailer, the dealer shall place upon the reassignment
7 portion of the certificate of title a tax stamp issued by the county
8 treasurer of the county in which the dealer has his or her primary
9 place of business. The tax stamp shall be issued upon payment of a
10 fee of Three Dollars and fifty cents (\$3.50) and shall be in lieu of
11 the dealer's ad valorem tax on the inventories of used motor
12 vehicles or travel trailers but shall not relieve any other property
13 of the dealer from ad valorem taxation.

14 D. Upon sale of a used motor vehicle or travel trailer to
15 another licensed dealer, the selling dealer shall place the tax
16 stamp required in subsection C of this section upon the certificate
17 of title. The used dealer license plate or wholesale dealer license
18 plate shall be removed by the selling dealer. The purchasing dealer
19 shall, at time of purchase, place his or her dealer license plate on
20 the used motor vehicle, travel trailer or commercial trailer as
21 provided in subsection A of this section; provided, for vehicles,
22 travel trailers or commercial trailers purchased by a licensed used
23 dealer at an auction, in lieu of such placement of the dealer
24 license plate, the auction may provide temporary documentation as

1 approved by the Director of the Motor Vehicle Division of the
2 Oklahoma Tax Commission for the purpose of transporting such vehicle
3 to the purchaser's point of destination. Such temporary
4 documentation shall be valid for two (2) days following the date of
5 sale.

6 E. The purchaser of every used motor vehicle, travel trailer or
7 commercial trailer, except as otherwise provided by law, shall
8 obtain registration and title for the vehicle or trailer within
9 thirty (30) days from the date of purchase of same. It shall be the
10 responsibility of the selling dealer to place a temporary license
11 plate, in size similar to the permanent Oklahoma license plate but
12 of a weatherproof plastic-impregnated substance approved by the Used
13 Motor Vehicle and Parts Commission, upon a used motor vehicle,
14 travel trailer or commercial trailer when a transaction is completed
15 for the sale of said vehicle. The temporary license plate under
16 this subsection shall be placed at the location provided for the
17 permanent motor vehicle license plate. The temporary license plate
18 shall show the license number which is issued to the dealer each
19 year by the Oklahoma Tax Commission or the Oklahoma Used Motor
20 Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing Commission,
21 the date the used motor vehicle, travel trailer or commercial
22 trailer was purchased and the company name of the selling dealer.
23 The Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and
24 Manufactured Housing Commission is hereby directed to develop the

1 temporary license plate design to incorporate these requirements in
2 a manner that will permit law enforcement personnel to readily
3 identify the dealer license number and date of the vehicle purchase.
4 The Oklahoma Used Motor Vehicle and Parts, Dismantler, and
5 Manufactured Housing Commission is hereby authorized to develop
6 additional requirements and parameters as deemed appropriate to
7 discourage or prevent illegal duplication and use of the temporary
8 license plate. Such temporary license plate shall be valid for a
9 period of thirty (30) days from the date of purchase. Use of the
10 temporary license by a dealer for other than the purposes set forth
11 herein shall constitute grounds for revocation of the dealer's
12 license to conduct business. Purchasers of a commercial trailer
13 shall affix the temporary license plate to the rear of the
14 commercial trailer. The purchaser shall display the temporary
15 license plate for a period not to exceed thirty (30) days or until
16 registration and title are obtained as provided in this section.

17 The provisions of this subsection on temporary licenses shall
18 apply to nonresidents who purchase a used motor vehicle, travel
19 trailer or commercial trailer within this state that is to be
20 licensed in another state. The nonresident purchaser shall be
21 allowed to operate the vehicle or trailer within the state with a
22 temporary license plate for a period not to exceed thirty (30) days
23 from date of purchase. Any nonresident purchaser found to be
24 operating a used motor vehicle, travel trailer or commercial trailer

1 within this state after thirty (30) days shall be subject to the
2 registration fees of this state upon the same terms and conditions
3 applying to residents of this state.

4 F. It shall be unlawful for any dealer to procure the
5 registration and licensing of any used motor vehicle, travel trailer
6 or commercial trailer sold by the dealer or to act as the agent for
7 the purchaser in the procurement of the registration and licensing
8 of the purchaser's used vehicle, travel trailer or commercial
9 trailer. A license of any dealer violating the provision of this
10 section may be revoked.

11 G. Dealers following the procedure set forth herein shall not
12 be required to register vehicles, travel trailers or commercial
13 trailers to which this section applies, nor will the registration
14 fee otherwise required be assessed. Provided, dealers shall not
15 purchase or trade for a used motor vehicle, travel trailer or
16 commercial trailer on which the registration therefor has been
17 expired for a period exceeding thirty (30) days without obtaining
18 current registration therefor.

19 H. A nonprofit charitable organization which is exempt from
20 taxation pursuant to the provisions of the Internal Revenue Code, 26
21 U.S.C., Section 501(c)(3), and which accepts donations of used motor
22 vehicles previously titled in Oklahoma to be subsequently
23 transferred to another owner, upon the qualifying organization
24 providing sufficient documentation of its tax-exempt status, may

1 obtain from the Oklahoma Tax Commission charitable nonprofit
2 organization license plates for demonstrating, transporting or test-
3 driving donated vehicles, provided that no organization shall
4 possess or use at any one time more than eight such plates. The Tax
5 Commission shall design distinctive license plates for that purpose.
6 The cost for said plates shall be the same as provided in subsection
7 A of this section for dealer plates.

8 I. The transfer of ownership from the vehicle donor to the
9 qualifying nonprofit organization described in subsection H of this
10 section shall be made without the payment of motor vehicle excise
11 tax levied pursuant to Section 2103 of Title 68 of the Oklahoma
12 Statutes.

13 SECTION 23. AMENDATORY 68 O.S. 2021, Section 2101, is
14 amended to read as follows:

15 Section 2101. For the purpose of this article:

16 1. The term "motor vehicle" means and includes every
17 automobile, truck, truck-tractor, all-terrain vehicle, utility
18 vehicle or any motor bus or any self-propelled vehicle not operated
19 or driven upon fixed rails or tracks or in the air or on water;

20 2. The term "vehicle" means and includes every device in, upon,
21 or by which any person or property is, or may be, transported or
22 drawn, excepting devices moved by human or animal power, when not
23 used upon fixed rails or tracks, or in the air or on water;

24

1 3. The term "low-speed electrical vehicle" means and includes
2 any four-wheeled electrical vehicle that is powered by an electric
3 motor that draws current from rechargeable storage batteries or
4 other sources of electrical current and whose top speed is greater
5 than twenty (20) miles per hour but not greater than twenty-five
6 (25) miles per hour and is manufactured in compliance with the
7 National Highway Traffic Safety Administration standards for low-
8 speed vehicles in 49 C.F.R. 571.500;

9 4. The term "automobile" means and includes every motor vehicle
10 constructed and used solely for the transportation of persons for
11 purposes other than for hire or compensation;

12 5. The term "motorcycle" means and includes every motor vehicle
13 designed to travel on not more than three wheels other than an all-
14 terrain vehicle;

15 6. The term "truck" means and includes every motor vehicle
16 constructed or used for the transportation of property not falling
17 within the definition of truck-tractor, trailer or semitrailer, as
18 herein defined;

19 7. The term "truck-tractor" means and includes every motor
20 vehicle of the truck type designed to draw or support the front end
21 of a semitrailer;

22 8. The term "trailer" means and includes any vehicle designed
23 to be drawn by a truck, tractor or a truck-tractor, but supported
24 upon its own wheels;

1 9. The term "semitrailer" means and includes any vehicle
2 designed to be attached to, and having its front end supported by a
3 truck, tractor, or truck-tractor;

4 10. The term "motor bus" means and includes every motor vehicle
5 constructed so as to carry persons, and which is used or rented to
6 carry persons for compensation;

7 11. The term "manufactured home" means a residential dwelling
8 built in accordance with the National Manufactured Housing
9 Construction and Safety Standards Act of 1974, 42 U.S.C., Section
10 5401 et seq., and rules promulgated pursuant thereto and the rules
11 promulgated by the Oklahoma Used Motor Vehicle ~~and Parts,~~
12 Dismantler, and Manufactured Housing Commission pursuant to Section
13 582 of Title 47 of the Oklahoma Statutes. Manufactured home shall
14 not mean a park model recreational vehicle as defined in Section
15 1102 of Title 47 of the Oklahoma Statutes;

16 12. The term "farm tractor" means and includes any vehicle of
17 tractor type owned and operated by the purchaser and used
18 exclusively for agricultural purposes;

19 13. The term "all-terrain vehicle" means and includes every
20 vehicle defined as an all-terrain vehicle in Section 1102 of Title
21 47 of the Oklahoma Statutes;

22 14. The terms "legal ownership" and "legally owned" mean the
23 right to possession, whether acquired by purchase, barter, exchange,
24 assignment, gift, operation of law, or in any other manner;

1 15. The term "person" means and includes natural persons,
2 individuals, partnerships, firms, associations, limited liability
3 companies, corporations, estates, trustees, business trusts,
4 syndicates, this state, any county, city, municipality, school
5 district or other political subdivision of the state, or any
6 corporation or combination acting as a unit or any receiver
7 appointed by any state or federal court; and the use of the singular
8 number shall include the plural number;

9 16. The term "Tax Commission" means the Oklahoma Tax
10 Commission;

11 17. The term "utility vehicle" means every vehicle defined as a
12 utility vehicle in Section 1102 of Title 47 of the Oklahoma
13 Statutes; and

14 18. The term "medium-speed electrical vehicle" means any self-
15 propelled, electrically powered four-wheeled motor vehicle, equipped
16 with a roll cage or crush-proof body design, whose speed attainable
17 in one (1) mile is more than thirty (30) miles per hour but not
18 greater than thirty-five (35) miles per hour.

19 SECTION 24. AMENDATORY 74 O.S. 2021, Section 3601.1, is
20 amended to read as follows:

21 Section 3601.1 A. For purposes of Sections 3601.1 through 3603
22 of this title, the term "employee" means a full-time employee or any
23 number of part-time employees whose combined weekly hours of
24 employment equal those of a full-time employee, but shall not

1 include temporary employees working on a seasonal basis between May
2 1 and October 31.

3 B. Beginning July 1, 2008, the maximum number of full-time-
4 equivalent employees for each of the following agencies, boards,
5 commissions, departments, or programs shall not exceed the numbers
6 specified in this section, except as may be authorized pursuant to
7 the provisions of Section 3603 of this title.

	MAXIMUM NUMBER OF FULL-TIME-EQUIVALENT EMPLOYEES
Oklahoma Employment Security Commission	1150
Oklahoma Accountancy Board	11
Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma	4
Board of Chiropractic Examiners	3
State Board of Cosmetology and Barbering	16
Board of Dentistry	10
Oklahoma State Board of Embalmers and Funeral Directors	5
State Board of Licensure for Professional Engineers and Land Surveyors	10

1	State Board of Medical Licensure and Supervision/	
2	Board of Podiatric Medical Examiners/State	
3	Board of Examiners of Perfusionists	29
4	Oklahoma Energy Resources Board	5
5	Oklahoma Motor Vehicle Commission	6
6	Oklahoma Board of Nursing	35
7	Oklahoma State Board of Examiners for Long-Term	
8	Care Administrators	4
9	Board of Examiners in Optometry	3
10	State Board of Osteopathic Examiners	7
11	Oklahoma State Board of Pharmacy	15
12	State Board of Examiners of Psychologists	2
13	Oklahoma Real Estate Commission	26
14	Board of Examiners for Speech-Language Pathology	
15	and Audiology	2
16	Oklahoma Used Motor Vehicle and Parts,	
17	<u>Dismantler, and Manufactured Housing</u> Commission	12 <u>15</u>
18	State Board of Veterinary Medical Examiners	6
19	Oklahoma Firefighters Pension and Retirement	
20	System	13
21	Oklahoma Police Pension and Retirement System	12
22	Teachers' Retirement System of Oklahoma	52
23	Oklahoma Public Employees Retirement System	63
24	Oklahoma Student Loan Authority	85

1	Oklahoma Industrial Finance Authority/Oklahoma	
2	Development Finance Authority	10
3	State and Education Employees Group Insurance	
4	Board	178
5	Oklahoma Capital Investment Board	4
6	State Board of Licensed Social Workers	1
7	Oklahoma State Employees Benefits Council	38
8	Oklahoma State Banking Department	46
9	Liquefied Petroleum Gas Administration	10

10 C. The duties and compensation of employees, not otherwise
11 prescribed by law, necessary to perform the duties imposed upon the
12 Oklahoma Public Employees Retirement System Board of Trustees by law
13 shall be set by the Board of Trustees.

14 D. Temporary employees of the Oklahoma Used Motor Vehicle ~~and~~
15 Parts, Dismantler and Manufactured Housing Commission between the
16 dates of November 1 and January 31 annually shall not be counted
17 toward the maximum number of full-time-equivalent employees provided
18 for in this section.

19 SECTION 25. AMENDATORY Rule 2.45 of the Rules of the
20 Ethics Commission, is amended to read as follows:

21 Rule 2.45. Calculation of Travel Expenditures.

22 Expenditures for travel shall be calculated as provided in this
23 section.

24

1 (A) Expenditures may be made for all expenses associated with
2 the purchase or lease and operation of a motor vehicle only if the
3 motor vehicle is used exclusively for purposes of the campaign or
4 for ordinary and necessary expenses incurred in connection with the
5 candidate's duties as the holder of a state elective office and for
6 no other purpose at any time. If campaign contributions are used
7 for the purchase or lease of a motor vehicle, the motor vehicle must
8 be purchased or leased from a dealer licensed by the Oklahoma Motor
9 Vehicle Commission or the Oklahoma Used Motor Vehicle ~~and Parts,~~
10 Dismantler, and Manufactured Housing Commission, or their successor
11 agencies, on commercially reasonable terms and cannot be purchased
12 from the committee by the candidate or a family member of the
13 candidate.

14 (B) If a motor vehicle is used both for the purposes identified
15 in subsection (A) and for any other purpose, expenditures may be
16 made only for mileage reimbursement at the rate authorized for use
17 of privately owned motor vehicles by the State Travel Reimbursement
18 Act or its successor statutes, or less.

19 (C) Expenditures for the rental of a motor vehicle or for the
20 fares of taxicabs, buses or similar modes of transportation shall be
21 permitted for the actual cost of the rental or fare, provided that
22 the rental or fare is at the rate normally charged for others.

23 (D) Expenditures for air travel on an air carrier shall be
24 permitted for the actual cost of the fare; provided, if air travel

1 is first class, business class or equivalent class, the expenditure
2 shall be permitted only for any lower fare available on the same
3 flight.

4 (E) Expenditures for air travel on an aircraft operated by a
5 commercial carrier shall be permitted for the usual charter fare or
6 rental charge.

7 (F) Expenditures for air travel on an aircraft operated by a
8 private individual shall be permitted for the usual charter fare or
9 rental charge of a commercial carrier.

10 (G) Expenditures for air travel on an aircraft operated by the
11 candidate or a family member of the candidate shall be contributions
12 by the candidate to the campaign and shall be calculated on the same
13 basis as the usual charter fare or rental charge of a commercial
14 carrier, unless the aircraft is rented, in which case the
15 contribution shall be the cost of the rental.

16 Promulgated by Ethics Commission January 10, 2014; effective upon
17 Legislature's sine die adjournment May 23, 2014; operative January
18 1, 2015.

19 SECTION 26. This act shall become effective November 1, 2022.

20

21 58-2-10230 JBH 01/18/22

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