

# An Act

ENROLLED HOUSE  
BILL NO. 3271

By: Mize of the House

and

Leewright of the Senate

An Act relating to motor vehicles; amending 47 O.S. 2021, Sections 581, 582, 583, 583.1, 584, 587, 591.2, 591.4, 591.6, 591.8, 591.9, 591.11, 591.13, 591.14, 592.2, 592.3, 592.9, 592.10, 1102, 1107, 1128, and 1137.1, which relate to definitions, Oklahoma Used Motor Vehicle and Parts Commission, licenses required, certificate of registration for used motor vehicle or manufactured home salesperson, denial, revocation or suspension of license, petty cash fund, application for license, register of purchases and sales, transfer of certificate of title, refusal, cancellation, suspension or revocation of license, salvage pool or salvage disposal sales, violations of automotive dismantlers and parts recyclers, rule authority, sale or transfer of ownership of vehicle, manufacturer's or dealer's license, used dealer temporary license plate; modifying name of the 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.

SUBJECT: Motor vehicles

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

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

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

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

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

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

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

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

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

- (1) works for a commission or with intent to make a profit or gain of money or other thing of value, sells, offers to sell, or attempts to negotiate a sale or exchange of interest in, new or used manufactured homes,
- (2) is engaged wholly or in part in the business of selling any new and unused, or used, or both new and used manufactured homes, or
- (3) is engaged wholly or in part in the business of leasing any new and unused, or used, or both new and used manufactured homes, that are considered

personal property, with an option to purchase or own in any form at any time after beginning of the lease term.

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

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

- b. "Manufactured home dealer" shall not include any person who sells or contracts for the sale of a personally titled manufactured home or homes which they have used as their personal residence, or any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of such manufactured homes as a part of an auction or liquidation of an estate, or any Oklahoma licensed real estate broker or sales associate when buying or selling manufactured homes which have become real property as a part of a real estate business. No person shall be considered a manufactured home dealer as to any manufactured home purchased or acquired by the person for purposes other than resale or lease-purchase in any form; provided, that the restriction set forth in this sentence shall not prevent an otherwise qualified person from utilizing a single manufactured home as a sales office.
- c. A holder of a lien on a personally titled manufactured home may sell the repossessed manufactured home and shall not be required to be licensed pursuant to this title. Any person other than a bona fide full-time employee of the lienholder who participates in the sale of the repossessed manufactured home shall be licensed as a manufactured home dealer pursuant to this title.
- d. "Manufactured home dealer" shall not include a restricted manufactured home park dealer;

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

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

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

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

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

12. "Ready for occupancy" means a mobile or manufactured home which is installed and anchored properly by a manufactured home installer licensed in this state and has utilities connected to service;

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

14. "Restricted manufactured home park dealer" means any person operating a mobile or manufactured home park who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, offers to sell, or attempts to negotiate a sale or exchange of interest in, new or used manufactured homes, or that is engaged wholly or in part in the business of selling or leasing manufactured homes which are personal property with an option to purchase or own in any form at any time after the beginning of the

lease term any new and unused, or used, or both new and used manufactured homes; provided, every mobile or manufactured home sold pursuant to a restricted manufactured home park dealer license shall be located in the licensed mobile or manufactured home park and ready for occupancy. Provided further, manufactured home dealer license plates shall not be issued to a restricted manufactured home park dealer;

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

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

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

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

19. a. "Used motor vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, brokers, exchanges, rents with option to purchase, or offers or attempts to negotiate a sale or exchange of an interest in used motor vehicles, or who is engaged

wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by the person.

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

- (1) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting pursuant to the judgment or order of any court,
- (2) public officers while performing their official duties,
- (3) employees of persons enumerated in the definition of "used motor vehicle dealer" when engaged in the specific performance of their duties as such employees,
- (4) mortgagees or secured parties as to sales of motor vehicles constituting collateral on a mortgage or security agreement, if the mortgagees or secured parties shall not realize for their own account from such sales any monies in excess of the outstanding balance secured by such mortgage or security agreement, plus the costs of collection,
- (5) any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of used motor vehicles as part of an estate auction or liquidation,
- (6) any person, firm, corporation, or other legal entity who sells, or contracts for the sale of, the vehicles of the person, firm, corporation, or other legal entity when such vehicles are sold in liquidation, and any person, firm, corporation, or other legal entity who serves as an agent in such sale. The exclusion provided in this paragraph shall not extend to any person, firm, corporation, or other legal entity whose business is the purchase, sale, or rental with option to

purchase, of motor vehicles, or to a location used for such purposes,

- (7) any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of used motor vehicles as part of an auction held at a licensed used motor vehicle dealer location. The exclusion provided in this division shall not extend to a person who auctions five or more used motor vehicles in a nonliquidation sale held at a licensed used motor vehicle dealer location which is not regularly used as a vehicle auction, or
- (8) any retail implement dealer that sells all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use;

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

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

21. "Wholesale used motor vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, brokers, exchanges, rents with option to purchase, or offers or attempts to negotiate a sale or exchange of interest in used motor vehicles exclusively to used motor vehicle dealers, or who is engaged in the business of selling used motor vehicles exclusively to used motor vehicle dealers, whether or not such motor vehicles are owned by the person.

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

Section 582. A. There is hereby created the Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing

Commission, to be composed of ten (10) members who shall be selected as follows:

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

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

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

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

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

5. Eight members plus the chair shall be engaged in the used motor vehicle industry or the automotive dismantler industry. There shall not be fewer than five members engaged in the principal



business of the sale of used motor vehicles and there shall not be fewer than two members engaged in the principal business of dismantling or disassembling motor vehicles for the purpose of selling the parts thereof. One of the at-large members shall be engaged in the principal business of selling manufactured homes as a licensed manufactured home dealer. Being engaged in one or more of such pursuits shall not disqualify a person otherwise qualified from serving on the Commission.

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

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

- a. the Commission shall determine and certify the trade associations of manufactured home dealers that represent ten percent (10%) or more of the number of licensed manufactured home dealers in the state and shall certify each such association to the Governor. The Governor shall request a minimum of ten names from each such association and shall select one member from the manufactured home industry from the names provided,
- b. each member actively serving July 1, 2000, who was appointed on or before June 30, 2000, shall remain and fulfill the term of his or her membership as set forth at the appointment,
- c. except for the chair, the term of office of each member of the Commission shall be for six (6) years,
- d. except for the chair and the at-large members, the term of office of any member will automatically expire if the member moves out of the congressional district from which appointed; however, if the congressional districts are modified each member shall complete the current term of office as provided in this section,
- e. in event of death, resignation, or removal of any person serving on the Commission, the vacancy shall be filled by appointment as aforesaid for the unexpired portion of the term,

- f. except for the chair, when the term of a member automatically expires, the vacancy shall be filled by appointment of a qualified successor for a term of six (6) years as aforesaid, except that the member shall serve until a successor is appointed and qualified.

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

C. The chair and members of the Commission shall receive Thirty Dollars (\$30.00) for each and every day actually and necessarily spent in attending the meetings of the Commission, and shall be reimbursed for subsistence and traveling expenses incurred in the performance of their duties hereunder as provided by the State Travel Reimbursement Act; provided that such meeting payments shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum to any one person.

- D. 1. a. The Commission shall appoint a qualified person to serve as Executive Director who shall have had sufficient management and organizational experience in the automotive industry to direct the functions of the Commission.
- b. The Executive Director shall be appointed for a term of six (6) years, and shall not be subject to dismissal or removal without cause.
- c. The Commission shall fix the salary and define and prescribe the duties of the Executive Director.
- d. The Executive Director shall be in charge of the Commission's office, shall devote such time as necessary to fulfill the duties thereof, and, before entering upon these duties, shall take and subscribe to the oath of office.

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

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

- E. 1. a. The Commission is hereby vested with the powers and duties necessary and proper to enable it to fully and effectively carry out the provisions and objectives of Section 581 et seq. of this title, and is hereby authorized and empowered, pursuant to the Administrative Procedures Act, to make and enforce all reasonable rules and to adopt and prescribe all forms necessary to accomplish said purpose.
- b. The Commission shall promulgate rules for the licensing of manufactured home installers and the installation, which is the blocking, anchoring and leveling of mobile and manufactured homes that meet the standards of the manufacturer's manual or the Commission.
- c. The Commission shall promulgate rules to prescribe the contents of manufactured home sales agreements and to require that each manufactured home manufacturer issue with each new manufactured home a warranty comparable to warranties generally in use in the industry warranting the manufactured home to be free from material defects.
- d. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage or limit any others necessary to the attainment thereof.
- e. A copy of all rules adopted by the Commission shall be filed and recorded in the office of the Secretary of State and the State Librarian and Archivist, and same may be amended, modified or repealed from time to time.

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

- a. to license used motor vehicle dealers, wholesale used motor vehicle dealers, dismantlers, manufactured home dealers, manufactured home manufacturers, and manufactured home installers,

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

F. 1. All fees and charges collected under the provisions of Section 581 et seq. of this title shall be deposited by the Executive Director in the State Treasury in accordance with the depository laws of this state in a special fund to be known as the

"Oklahoma Used Motor Vehicle and Parts, Dismantler, and Manufactured Housing Commission Fund", which fund is hereby created. Except as hereinafter provided, the monies in the fund shall be used by the Commission for the purpose of carrying out and enforcing the provisions of Section 581 et seq. of this title. Expenditures from the fund shall be warrants issued by the State Treasurer against claims submitted by the Commission to the Director of the Office of Management and Enterprise Services for approval.

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

3. All expenses incurred by the Commission in carrying out the provisions of Section 581 et seq. of this title including, but not limited to, per diem, wages, salaries, rent, postage, advertising, supplies, bond premiums, travel and subsistence for the Commissioners, the Executive Director, employees, and legal counsel, and printing and utilities, shall be a proper charge against the fund, exclusive of the portion thereof to be paid into the General Revenue Fund as above set out; provided, that in no event shall liability ever accrue hereunder against the state in any sum whatsoever, or against the Oklahoma Used Motor Vehicle and Parts, Dismantler, and Manufactured Housing Commission Fund, in excess of the ninety percent (90%) of the fees and charges deposited therein.

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

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

2. a. Any person engaging, acting, or serving in the capacity of a used motor vehicle dealer, a manufactured home dealer, restricted manufactured home

park dealer, a manufactured home installer, or a manufactured home manufacturer, or having more than one place where any such business, or combination of businesses, is carried on or conducted shall be required to obtain and hold a current license for each such business, in which engaged.

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

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

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

- a. the applicant's financial standing,

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

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

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

4. A certificate of registration shall permit the registered person to engage in the activities of a used motor vehicle salesperson. A salesperson shall be deemed to be temporarily approved and allowed to sell vehicles when applications and fees are on file with the Commission.

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

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

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

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

4. a. For each manufactured home dealer's license or a restricted manufactured home park dealer's license, Six Hundred Dollars (\$600.00), and for each place of business in addition to the principal place of business, Four Hundred Dollars (\$400.00), and
- b. For each renewal of a manufactured home dealer's license or a restricted manufactured home park dealer's license, and renewal for each place of business in addition to the principal place of business, Three Hundred Dollars (\$300.00);



5.   a.   For each manufactured home installer's license, Four Hundred Dollars (\$400.00), and
- b.   For each renewal of a manufactured home installer's license, Four Hundred Dollars (\$400.00);
6.   a.   For each manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state, One Thousand Five Hundred Dollars (\$1,500.00), and
- b.   For each renewal of a manufactured home manufacturer's license, One Thousand Five Hundred Dollars (\$1,500.00);

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

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

D. 1. The license issued to each used motor vehicle dealer, each wholesale used motor vehicle dealer, each restricted manufactured home park dealer and each manufactured home dealer shall specify the location of the place of business. If the business location is changed, the Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license. The fee for a change of location shall be One Hundred Dollars (\$100.00), and the fee for a change of name, Twenty-five Dollars (\$25.00). The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

2. The license issued to each manufactured home installer and each manufactured home manufacturer shall specify the location of the place of business. If the business location is changed, the Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing Commission shall be notified immediately of the change and

the Commission may endorse the change of location on the license without charge. The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

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

- E. 1. a. Each applicant for a used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars (\$25,000.00). Each new applicant for a used motor vehicle dealer's license for the purpose of conducting a used motor vehicle auction shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000.00). An applicant who intends to conduct a used motor vehicle auction who provides proof that the applicant has check and title insurance in an amount not less than Fifty Thousand Dollars (\$50,000.00) shall only be required to have a bond in the amount of Twenty-five Thousand Dollars (\$25,000.00).
- b. Each new applicant for a used motor vehicle dealer license for the purpose of conducting a used motor vehicle business which will consist primarily of non-auction consignment sales which are projected to equal Five Hundred Thousand Dollars (\$500,000.00) or more in gross annual sales shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000.00). The Commission shall prescribe by rule the method of operation of the non-auction consignment dealer in order to properly protect the interests of all parties to the transaction and to provide sanctions against dealers who fail to comply with the rules.
- c. Each applicant for a wholesale used motor vehicle dealer's license shall procure and file with the

Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars (\$25,000.00).

- d. Any used motor vehicle dealer who, for the purpose of being a rebuilder, applies for a rebuilder certificate, as provided in Section 591.5 of this title, whether as a new application or renewal, shall procure and file with the Commission a good and sufficient bond in the amount of Fifteen Thousand Dollars (\$15,000.00), in addition to any other bonds required.
- e. Each applicant for a manufactured home dealer's license or a restricted manufactured home park dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars (\$30,000.00).
- f. Each manufactured home manufacturing facility selling directly to a licensed manufactured home dealer or restricted manufactured home park dealer in this state shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars (\$30,000.00). In addition to all other conditions and requirements set forth herein, the bond shall require the availability of prompt and full warranty service by the manufacturer to comply with all warranties expressed or implied in connection with each manufactured home which is manufactured for resale or use in this state. A manufacturer may not sell, exchange, or lease-purchase with an option to own in any form a manufactured home to a person in this state directly or indirectly through a distributor or third party who is not a licensed manufactured home dealer or a restricted manufactured home park dealer.
- g. The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall not practice fraud, make any fraudulent representation, or violate any of the provisions of this act in the conduct of the business for which the applicant is licensed. One of the purposes of the bond is to provide reimbursement for any loss or damage suffered by any person by reason of issuance of a certificate

of title by a used motor vehicle dealer, a wholesale used motor vehicle dealer, a restricted manufactured home park dealer or a manufactured home dealer.

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

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

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

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

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

Section 583.1 A. It shall be punishable by an administrative fine not to exceed Five Hundred Dollars (\$500.00) for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, a used motor vehicle salesperson in this state without first obtaining a certificate of registration with the Oklahoma Used Motor Vehicle ~~and Parts, Dismantler, and Manufactured Housing~~ Commission. However, a person may sell used motor vehicles without obtaining a separate used motor vehicle salesperson's certificate of registration if the person has a certificate of registration from the Oklahoma Motor Vehicle Commission to sell new or unused motor vehicles at a new motor vehicle dealer's licensed franchise location which also sells used vehicles; provided, such a person shall only be authorized to sell used motor vehicles for the dealer at the new motor vehicle dealer's licensed franchise location

and to represent the new motor vehicle dealer at used motor vehicle auctions. The cost of the registration for each salesperson shall be Fifty Dollars (\$50.00) to be renewed biennially and, for a transfer, Twenty-five Dollars (\$25.00). The cost of registration is to be borne by the employing entity of the salesperson. The Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing Commission shall promulgate rules and procedures necessary for the implementation and creation of a registry of salespersons and the issuance of certificates of registration.

B. It shall be punishable by an administrative fine not to exceed Five Hundred Dollars (\$500.00) for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, a manufactured home salesperson in this state without first obtaining a certificate of registration with the Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing Commission. The cost of the registration for each salesperson shall be Fifty Dollars (\$50.00) to be renewed biennially and, for a transfer, Twenty-five Dollars (\$25.00). The cost of registration is to be borne by the employing entity of the salesperson. The Commission shall promulgate rules and procedures necessary for the implementation and creation of a registry of salespersons and the issuance of certificates of registration.

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

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

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

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

3. For any willful failure to comply with any provision of Section 581 et seq. of this title or with any rule promulgated by

the Commission under authority vested in it by Sections 581 through 588 of this title;

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

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

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

- a. resorts to or uses any false or misleading advertising in connection with business as a used motor vehicle dealer, wholesale used motor vehicle dealer or a restricted manufactured home park dealer or manufactured home dealer, installer or manufacturer,
- b. has committed any unlawful act which resulted in the revocation of any similar license in another state,
- c. has been convicted of a crime involving moral turpitude,
- d. has committed a fraudulent act in selling, purchasing or otherwise dealing in motor vehicles or manufactured homes or has misrepresented the terms and conditions of a sale, purchase or contract for sale or purchase of a motor vehicle or manufactured home or any interest therein including an option to purchase such motor vehicles or manufactured homes,
- e. has engaged in business under a past or present license issued pursuant to Sections 581 through 588 of this title, in such a manner as to cause injury to the public or to those with whom the licensee is dealing,
- f. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license,

- g. has failed or refused to furnish and keep in force any bond required under Sections 581 through 588 of this title,
- h. has installed or attempted to install a manufactured home in an unworkmanlike manner, or
- i. employs a person in connection with the sale of manufactured homes without first obtaining a certificate of registration for the person;

7. Being a used motor vehicle dealer who:

- a. does not have an established place of business,
- 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
- d. maintains a place of business which is separate and apart from any other dealer's location.

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

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



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

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

E. The Commission shall deny an application for a license by a motor vehicle manufacturer or factory if the application is for the purpose of selling used motor vehicles to any retail consumer in the state, other than through its retail franchised dealers, or acting as a broker between a seller and a retail buyer. This subsection does not prohibit a manufacturer from selling used motor vehicles where the retail customer is a nonprofit organization or a federal, state, or local government or agency. This subsection does not prohibit a manufacturer from providing information to a consumer for the purpose of marketing or facilitating the sale of used motor vehicles or from establishing a program to sell or offer to sell used motor vehicles through the manufacturer's retail franchised dealers as provided for in Sections 561 through 580.2 of this title. This subsection shall not prevent a factory from obtaining a wholesale used motor vehicle dealer's license or the factory's financing subsidiary from obtaining a wholesale used motor vehicle dealer's license.

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

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

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

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

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

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

~~C.~~

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

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

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

2. "Motor vehicle" means every automobile, motorcycle, mobile trailer, semitrailer, truck, truck-tractor, trailer and other device which is self-propelled or drawn, in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except such as is moved by animal power or used exclusively upon stationary rails or tracks, or an implement of husbandry;

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

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

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

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

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

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

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

1. The name of the applicant;
2. The street address of the applicant's principal place of business;
3. The type of business organization of the applicant;
4. The applicant's financial statement;
5. The legal description of the proposed place of business, together with written verification from the appropriate local authorities that the place of business meets the licensing and zoning requirements of the municipality or county where located; and
6. Such additional information as may be required by the Commission.

B. Notwithstanding subsection A of this section, the Commission may decline to issue an original license to any person, firm or corporation that does not, in good faith, meet the requirements of the Automotive Dismantlers and Parts Recycler Act; or whose proposed place of business does not meet the applicable zoning requirements;

or whose proposed use is deemed inappropriate by the Commission due to surrounding property uses or objections from the immediate surrounding neighbors, such that the place of business would be deemed to be a private or public nuisance; or whose place of business is not properly screened by natural objects, plantings, opaque fences of a height not less than six (6) nor more than eight (8) feet or other appropriate sightproofing, so as to screen where possible vehicles and parts stored outside of buildings from view from immediately adjacent property.

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

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

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

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

B. Any and all certificates of title, whether original, salvage, rebuilt, or junked titles, salvage certificates, other certificates of ownership, or ownership records, as approved by the Oklahoma Tax Commission, to vehicles owned by a licensed automotive dismantler and parts recycler, which vehicles have been dismantled, destroyed, or otherwise processed so that the vehicles are no longer capable of being used as motor vehicles, shall be inspected by

properly identified employees or agents of the Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing Commission, at least annually, at the place of business of the licensed automotive dismantler and parts recycler. Upon verification that the vehicle is no longer capable of being used as a motor vehicle, the employee or agent of the Commission shall remove the license plate and the certificate of title, salvage certificate, other certificate of ownership or ownership record from the licensed automotive dismantler and parts recycler. The Commission shall destroy the license plate and deliver the certificates and ownership records to the Oklahoma Tax Commission.

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

D. Each vehicle or incomplete vehicle required to be reported to the Oklahoma Tax Commission by this section shall be reported on or before the fifteenth day of the next succeeding month after the month in which the vehicle or incomplete vehicle was received by the licensed automotive dismantler and parts recycler. Each vehicle or incomplete vehicle, which is incapable of operation or use on the public roads or has no resale value except as a source of parts, scrap or junk or has an eighty percent (80%) loss in fair market value, possessed by a licensed automotive dismantler and parts recycler on the effective date of this act shall be reported to the Oklahoma Tax Commission within ninety (90) days. The vehicle identification numbers on all reported vehicles shall be preserved in the computer of the Oklahoma Tax Commission for at least five (5) years, even if the ownership records may have been previously destroyed or surrendered to the Oklahoma Tax Commission.

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

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

Section 591.9 The Oklahoma Used Motor Vehicle and Parts, Dismantler, and Manufactured Housing Commission is authorized to refuse, cancel, suspend or revoke a license to any person, firm or corporation for the following reasons:

1. Failure to meet the requirements of the Automotive Dismantlers and Parts Recycler Act;
2. Failure to continue to meet the requirements of this act or of the rules promulgated by the Commission pursuant to the provisions of the Automotive Dismantlers and Parts Recycler Act;
3. Upon satisfactory proof of unfitness of the applicant or the licensee, as the case may be, under the standards established by the Automotive Dismantlers and Parts Recycler Act;
4. For the felony conviction of a state or federal law by an applicant, licensee, partner of an applicant or licensee, director, officer, or stockholder in the case of a corporate applicant or licensee, or an employee, manager, or any person having a pecuniary interest in the business involving:
  - a. theft,
  - b. violation of the Oklahoma certificate of title law or similar laws of other states,
  - c. alteration, obliteration, or removal of a vehicle identification number, or

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

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

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

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

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

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

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

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

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

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

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

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

F. Every salvage pool shall keep a register of all sales of salvage vehicles showing the make, model, year, style, vehicle identification number, and names and addresses of the purchaser and seller of the motor vehicle. Such registers shall be submitted to the Oklahoma Used Motor Vehicle ~~and Parts, Dismantler, and Manufactured Housing~~ Commission on a regular basis.

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

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

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



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

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

Section 591.14 When any person, firm or corporation is engaged in the business of an automotive dismantler and parts recycler without being licensed as required by Section 591.4 of Title 47 of the Oklahoma Statutes, the Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing Commission may institute, in the name of the State of Oklahoma ex rel. Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing Commission, any necessary action to enjoin such person, firm or corporation from continuing in the business of an automotive dismantler and parts recycler until a license has been issued to such person, firm or corporation by the Oklahoma Used Motor Vehicle ~~and Parts~~, Dismantler, and Manufactured Housing Commission. Upon proper evidence, a temporary restraining order shall be issued. An injunction shall issue without requirement of a bond of any kind from the state. The venue of any action authorized by this section shall be in the county wherein the business activity complained of is conducted.

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

Section 592.2 As used in the Oklahoma Crusher Act:

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

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

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

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

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

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

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

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

B. Criminal Penalties.

1. Any person who engages in the business of operating as a crusher without first obtaining the license prescribed in the Oklahoma Crusher Act or any person who receives, obtains or possesses and crushes any vehicle or other property which the person knows to be subject to an outstanding lien shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine

not in excess of One Thousand Dollars (\$1,000.00), by confinement in the county jail for not more than six (6) months, or by both.

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

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

4. Any person who fails to repay a crusher the full amount received from the sale of a vehicle or other property after being officially notified by a peace officer or the Commission that the vehicle or other property the person sold to the crusher was stolen shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term of not to exceed six (6) months, or a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

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

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

Section 592.10 The Oklahoma Used Motor Vehicle and ~~Parts~~, Dismantler, and Manufactured Housing Commission may deny an

application for a license, impose a fine not to exceed One Thousand Dollars (\$1,000.00) per occurrence, or revoke or suspend a license after it has been granted, when any provision of this act is violated or for any of the following reasons:

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

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

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

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

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

6. Being a crusher or shredder who:

- a. has committed any unlawful act which resulted in the revocation of any similar license in this state or another state,
- b. has been convicted of a crime involving moral turpitude,
- c. has committed a fraudulent act in buying, selling or otherwise dealing in used motor vehicles, trailers, or nonmotorized vehicles to be crushed or shredded, or disposed of as crushed or shredded,
- d. has engaged in business under a past or present license in such a manner as to cause injury to the public or to those with whom the licensee is dealing, or
- e. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license.

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

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

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

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

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

4. "Chips and oil" or the term "road oil and crushed rock" means, with respect to materials authorized for use in the surfacing of roads or highways in this title or in any equivalent statute pertaining to road or highway surfacing in the State of Oklahoma, any asphaltic materials. Wherever chips and oil or road oil and crushed rock are authorized for use in the surfacing of roads or highways in this state, whether by the Department of Transportation, or by the county commissioners, or other road building authority subject to the Oklahoma Vehicle License and Registration Act, asphaltic materials are also authorized for use in such surfacing and construction;

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

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

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

8. "Commercial vehicle" means any vehicle over eight thousand (8,000) pounds combined laden weight used primarily for business or commercial purposes. Each motor vehicle being registered pursuant to the provisions of this section shall have the name of the commercial establishment or the words "Commercial Vehicle" permanently and prominently displayed upon the outside of the vehicle in letters not less than two (2) inches high. Such letters shall be in sharp contrast to the background and shall be of sufficient shape and color as to be readily legible during daylight hours, from a distance of fifty (50) feet while the vehicle is not in motion;

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

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

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

12. "Mini-truck" means a foreign-manufactured import or domestic-manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters (1,000 cc) or less, which is sixty-seven (67) inches or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds or less, traveling on four or more tires, having a top speed of approximately fifty-five (55) miles per hour, equipped with a bed or compartment for hauling, and having an enclosed passenger cab;

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

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

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

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

17. "Manufactured home" means a residential dwelling built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and rules promulgated pursuant thereto and the rules promulgated by the Oklahoma Used Motor Vehicle and Parts, Dismantler, and Manufactured Housing Commission pursuant to Section 582 of this title. Manufactured home shall not mean a park model recreational vehicle as defined in this section;

18. "Manufactured home dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used manufactured homes. Such information and a valid franchise letter as proof of authorization to sell any such new manufactured home product line or lines shall be attached to the application for a dealer license to sell manufactured homes. "Manufactured home dealer" shall not include any person, firm or corporation who sells or contracts for the sale of the dealer's own personally titled manufactured home or homes. No person, firm or corporation shall be considered a manufactured home dealer as to any manufactured home purchased or acquired by such person, firm or corporation for purposes other than resale; provided, that the restriction set forth in this sentence shall not prevent an

otherwise qualified person, firm or corporation from utilizing a single manufactured home as a sales office;

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

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

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

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

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

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

25. "Park model recreational vehicle" means a vehicle that is:

- a. designed and marketed as temporary living quarters for camping, recreational, seasonal or travel use,
- b. not permanently affixed to real property for use as a permanent dwelling,
- c. built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred (400) square feet in the setup mode, and
- d. certified by the manufacturer as complying with standard A119.5 of the American National Standards Institute, Inc.;



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

27. "Rebodied vehicle" means a vehicle:

- a. which has been assembled using a new body or new major component which is of the identical type as the original vehicle and is licensed by the manufacturer of the original vehicle and other original, new or reconditioned parts. For purposes of this paragraph, "new body or new major component" means a new body, cab, frame, front end clip or rear end clip,
- b. which is not a salvage, rebuilt, or junked vehicle as defined by paragraph 1, 2, or 6 of subsection A of Section 1105 of this title, and
- c. for which the Tax Commission has assigned or will assign a new identifying number;

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

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

30. "Remanufactured vehicle" means a vehicle which has been assembled by a vehicle remanufacturer using a new body and which may include original, reconditioned, or remanufactured parts, and which is not a salvage, rebuilt, or junked vehicle as defined by paragraphs 1, 2, and 6, respectively, of subsection A of Section 1105 of this title;

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

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

33. "State" means the State of Oklahoma;

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

35. "Street-legal utility vehicle" means a vehicle meeting the description and specifications of Section ± 1-171.1 of this ~~act~~ title;

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

37. "Travel trailer dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used travel trailers. Such information and a valid franchise letter as proof of authorization to sell any such

new travel trailer product line or lines shall be attached to the application for a dealer license to sell travel trailers. "Travel trailer dealer" shall not include any person, firm or corporation who sells or contracts for the sale of his or her own personally titled travel trailer or trailers. No person, firm or corporation shall be considered as a travel trailer dealer as to any travel trailer purchased or acquired by such person, firm or corporation for purposes other than resale;

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

39. "Used vehicle" means any vehicle which has been sold, bargained, exchanged or given away, or used to the extent that it has become what is commonly known, and generally recognized, as a "secondhand" vehicle. This shall also include any vehicle other than a remanufactured vehicle, regardless of age, owned by any person who is not a dealer;

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

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

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

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

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

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

B. A licensed dealer, a retail implement dealer in connection with the sale or disposal of off-road vehicles or a charitable organization shall, on selling or otherwise disposing of a vehicle, execute and deliver to the purchaser thereof the certificate of title properly and completely reassigned. Thereupon, the purchaser of the vehicle shall present the reassigned certificate to the Commission, or a motor license agent, accompanied by a fee of Eleven Dollars (\$11.00), and any motor vehicle excise tax or license fee that may be due, whereupon a new certificate of title will be issued to the purchaser. One Dollar (\$1.00) of each fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. The certificate, when so assigned and returned to the Commission, together with any subsequent assignment or reissue thereof, shall be appropriately filed and indexed so that at all times it will be possible to trace title to the vehicle designated therein. Provided, when the ownership of any motor vehicle shall pass by operation of law, the person owning the vehicle may, upon furnishing satisfactory proof to the Commission of ownership, procure a title to the motor vehicle,

regardless of whether a certificate of title has ever been issued. The dealer shall execute and deliver to the purchaser bills of sale on forms prescribed by the Commission for all new vehicles sold by the dealer. On presentation of a bill of sale executed on forms prescribed by the Commission, by a manufacturer or dealer for a new vehicle sold in this state, accompanied by remittance in the sum of Eleven Dollars (\$11.00), together with any motor vehicle excise tax or license fee that may be due, a certificate of title shall be issued in accordance with the provisions of the Oklahoma Vehicle License and Registration Act. One Dollar (\$1.00) of each fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. For purposes of this subsection, "charitable organization" shall mean any organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and which is registered as a charitable organization with the Oklahoma Secretary of State and the Oklahoma Attorney General's office; "off-road vehicles" means all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use; "retail implement dealer" means a business engaged primarily in the sale of farm tractors as defined in Section 1-118 of this title or implements of husbandry as defined in Section 1-125 of this title or a combination thereof.

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

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

Section 1128. A. Every person manufacturing or having a contract to sell new vehicles in this state shall file a verified application for a general distinctive number for all new vehicles owned or controlled by the manufacturer or dealer; provided, the Oklahoma Tax Commission shall issue a license to sell such new motor

vehicles only for those types of new vehicles for which the applicant has a sales contract or franchise; provided, further, that no license shall be issued to any applicant that has not complied with the provisions of Sections 561 through 568 of this title and does not hold a current license issued by the Oklahoma Motor Vehicle Commission pursuant thereto. A separate manufacturer's or dealer's license shall be required for each separate county within which such manufacturer or dealer has an established place of business and upon payment of a license fee of Ten Dollars (\$10.00) there shall be assigned and issued to such manufacturer or dealer a Certificate of Registration and one license plate which shall be displayed upon each vehicle of such manufacturer or dealer when same is operated, driven, or displayed on any street, road, or highway, in the same manner as hereinbefore provided for vehicles owned by other persons. Such a manufacturer or dealer in new vehicles may obtain as many additional license plates as may be desired, upon the payment of the sum of Ten Dollars (\$10.00) for each additional plate; provided that no such license plate issued to any manufacturer or dealer shall be used or displayed upon any secondhand or used vehicle, or upon any new vehicle which is used for a service car, or private use, or for hire. Any person, with consent of the dealer, may operate a motor vehicle, with the dealer's tag affixed, while contemplating purchase, so long as this intent is limited to a consecutive seventy-two-hour period, or a weekend. An individual holding a valid salesman's license issued by the Oklahoma Motor Vehicle Commission shall not be subject to this limitation. If such person also buys and sells used vehicles, he shall, after obtaining his new motor vehicle dealer's license from the Oklahoma Motor Vehicle Commission, also obtain a used motor vehicle dealer's license, from the Oklahoma Used Motor Vehicle and Parts, Dismantler, and Manufactured Housing Commission, the cost of which shall be as prescribed in Section 1101 et seq. of this title.

B. Each dealer and used motor vehicle dealer shall keep a record of the purchase and sale of each motor vehicle he buys or sells, which shall show the name of the seller or buyer as the case may be, and a complete description of the vehicle purchased or sold, and such other information as the Commission may prescribe.

C. Application for manufacturer's or dealer's license must show that such dealer or manufacturer has not violated any of the provisions of this section; and such license shall be nonassignable; and any such license may be suspended temporarily or revoked by the Commission for violation or failure to comply with this section; provided, the holder of such license shall be given ten (10) days'

notice of hearing to suspend or cancel such license. If any such person subject to any of the licenses required in this section fails to obtain it when due, a penalty of twenty-five cents (\$0.25) per day on each such license shall be charged in the same manner as is now provided on delinquent motor vehicle registrations, and after a period of thirty (30) days such penalty shall be equal to the license fee. It shall be the duty of every person licensed to sell new or used motor vehicles to advise each purchaser in writing about his title requirements and payment of any taxes due. Each used motor vehicle must display a proper Oklahoma license plate or a used dealer's license plate.

D. Every person engaged in the business of transporting and delivering new or used vehicles by driving, either singly or by towbar, saddle mount or full mount method, engaging in drive-away operations as defined in Section 3 of Title 85 of the Oklahoma Statutes, or any combination thereof, from the manufacturer or shipper to the dealer or consignee and using the public highways of this state shall file with the Commission a verified application for in-transit license plates to identify such vehicles. The application shall provide for a general distinctive number for all vehicles so transported. Upon payment of a license fee of Ten Dollars (\$10.00) there shall be assigned and issued to such person one in-transit plate. Such in-transit plate shall be used by such person only on vehicles when so transported. Such person may obtain as many additional in-transit plates as desired upon payment of a fee of Ten Dollars (\$10.00) for each additional plate. Provided, a used motor vehicle dealer shall use a used dealer license plate in lieu of the in-transit license plate for transporting a used motor vehicle and, in such cases, shall be exempt from making application for an in-transit license plate. Provided further, only a person who possesses a valid motor carrier authority issued by the Federal Motor Carrier Safety Administration, or a valid for-hire authority issued by the Corporation Commission may use the in-transit license plates obtained by them as herein authorized for transporting new or used manufactured homes from one location to another location within Oklahoma or from a point in another state to a point in this state. Nothing contained in this section shall relieve any person from the payment of license fees otherwise provided by law. When the Commission deems it advisable and in the public interest, it may require the holder of any in-transit license, or any person making application therefor, to file a proper surety bond in any amount it deems proper, not to exceed Ten Thousand Dollars (\$10,000.00).

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

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

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

Section 1137.1 A. Except for vehicles, travel trailers or commercial trailers which display a current Oklahoma license tag, upon the purchase or transfer of ownership of a used motor vehicle, travel trailer or commercial trailer, including an out-of-state purchase or transfer of the same, to a licensed used motor vehicle dealer, wholesale used motor vehicle dealer, used travel trailer dealer or used commercial trailer dealer, subsequently referred to in this section as "dealer", the dealer shall affix a used dealer's plate visible from the rear of the vehicle, travel trailer or commercial trailer. Such license plate shall expire on December 31 of each year. When the vehicle, travel trailer or commercial trailer is parked on the dealer's licensed place of business, it shall not be required to have a license plate of any kind affixed. A dealer shall obtain from the Oklahoma Tax Commission at a cost of Ten Dollars (\$10.00) a dealer license plate for demonstrating, transporting or any other normal business of a dealer including use by an individual holding a valid salesperson's license issued by the Oklahoma Used Motor Vehicle ~~and Parts, Dismantler, and Manufactured Housing~~ Commission. Any dealer who operates a wrecker or towing service licensed pursuant to Sections 951 through 957 of this title shall register each wrecker vehicle and display a wrecker license plate on each vehicle as required by Section 1134.3 of this title. A dealer may obtain as many additional license plates as may be desired upon the payment of Ten Dollars (\$10.00) for each additional license plate. Use of the used dealer license plate by a licensed dealer for other than the purposes as set forth herein shall constitute grounds for revocation of the dealer's license. The Oklahoma Tax Commission shall design the official used dealer license plate to include the used dealer's license number issued to him or her each year by the Commission or the Oklahoma Used Motor Vehicle ~~and Parts, Dismantler, and Manufactured Housing~~ Commission.

B. Upon the purchase or transfer of ownership of an out-of-state used motor vehicle, travel trailer or commercial trailer to a licensed dealer, the dealer shall make application for an Oklahoma



certificate of title pursuant to the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title. Upon receipt of the Oklahoma certificate of title, the dealer shall follow the procedure as set forth in subsection A of this section. Provided, nothing in this title shall be construed as requiring a dealer to register a used motor vehicle, travel trailer or commercial trailer purchased in another state which will not be operated or sold in this state.

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

D. Upon sale of a used motor vehicle or travel trailer to another licensed dealer, the selling dealer shall place the tax stamp required in subsection C of this section upon the certificate of title. The used dealer license plate or wholesale dealer license plate shall be removed by the selling dealer. The purchasing dealer shall, at time of purchase, place his or her dealer license plate on the used motor vehicle, travel trailer or commercial trailer as provided in subsection A of this section; provided, for vehicles, travel trailers or commercial trailers purchased by a licensed used dealer at an auction, in lieu of such placement of the dealer license plate, the auction may provide temporary documentation as approved by the Director of the Motor Vehicle Division of the Oklahoma Tax Commission for the purpose of transporting such vehicle to the purchaser's point of destination. Such temporary documentation shall be valid for two (2) days following the date of sale.

E. The purchaser of every used motor vehicle, travel trailer or commercial trailer, except as otherwise provided by law, shall obtain registration and title for the vehicle or trailer within thirty (30) days from the date of purchase of same. It shall be the responsibility of the selling dealer to place a temporary license plate, in size similar to the permanent Oklahoma license plate but of a weatherproof plastic-impregnated substance approved by the Oklahoma Used Motor Vehicle and Parts, Dismantler, and Manufactured Housing Commission, upon a used motor vehicle, travel trailer or

commercial trailer when a transaction is completed for the sale of said vehicle. The temporary license plate under this subsection shall be placed at the location provided for the permanent motor vehicle license plate. The temporary license plate shall show the license number which is issued to the dealer each year by the Oklahoma Tax Commission or the Oklahoma Used Motor Vehicle and Parts, Dismantler, and Manufactured Housing Commission, the date the used motor vehicle, travel trailer or commercial trailer was purchased and the company name of the selling dealer. The Oklahoma Used Motor Vehicle and Parts, Dismantler, and Manufactured Housing Commission is hereby directed to develop the temporary license plate design to incorporate these requirements in a manner that will permit law enforcement personnel to readily identify the dealer license number and date of the vehicle purchase. The Oklahoma Used Motor Vehicle and Parts, Dismantler, and Manufactured Housing Commission is hereby authorized to develop additional requirements and parameters as deemed appropriate to discourage or prevent illegal duplication and use of the temporary license plate. Such temporary license plate shall be valid for a period of thirty (30) days from the date of purchase. Use of the temporary license by a dealer for other than the purposes set forth herein shall constitute grounds for revocation of the dealer's license to conduct business. Purchasers of a commercial trailer shall affix the temporary license plate to the rear of the commercial trailer. The purchaser shall display the temporary license plate for a period not to exceed thirty (30) days or until registration and title are obtained as provided in this section.

The provisions of this subsection on temporary licenses shall apply to nonresidents who purchase a used motor vehicle, travel trailer or commercial trailer within this state that is to be licensed in another state. The nonresident purchaser shall be allowed to operate the vehicle or trailer within the state with a temporary license plate for a period not to exceed thirty (30) days from date of purchase. Any nonresident purchaser found to be operating a used motor vehicle, travel trailer or commercial trailer within this state after thirty (30) days shall be subject to the registration fees of this state upon the same terms and conditions applying to residents of this state.

F. It shall be unlawful for any dealer to procure the registration and licensing of any used motor vehicle, travel trailer or commercial trailer sold by the dealer or to act as the agent for the purchaser in the procurement of the registration and licensing of the purchaser's used vehicle, travel trailer or commercial

trailer. A license of any dealer violating the provision of this section may be revoked.

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

H. A nonprofit charitable organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which accepts donations of used motor vehicles previously titled in Oklahoma to be subsequently transferred to another owner, upon the qualifying organization providing sufficient documentation of its tax-exempt status, may obtain from the Oklahoma Tax Commission charitable nonprofit organization license plates for demonstrating, transporting or test-driving donated vehicles, provided that no organization shall possess or use at any one time more than eight such plates. The Tax Commission shall design distinctive license plates for that purpose. The cost for said plates shall be the same as provided in subsection A of this section for dealer plates.

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

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

Section 2101. For the purpose of this article:

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

2. The term "vehicle" means and includes every device in, upon, or by which any person or property is, or may be, transported or

drawn, excepting devices moved by human or animal power, when not used upon fixed rails or tracks, or in the air or on water;

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

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

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

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

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

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

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

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

11. The term "manufactured home" means a residential dwelling built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and rules promulgated pursuant thereto and the rules

promulgated by the Oklahoma Used Motor Vehicle ~~and Parts,~~  
Dismantler, and Manufactured Housing Commission pursuant to Section  
582 of Title 47 of the Oklahoma Statutes. Manufactured home shall  
not mean a park model recreational vehicle as defined in Section  
1102 of Title 47 of the Oklahoma Statutes;

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

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

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

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

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

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

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

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

Section 3601.1 A. For purposes of Sections 3601.1 through 3603  
of this title, the term "employee" means a full-time employee or any

number of part-time employees whose combined weekly hours of employment equal those of a full-time employee, but shall not include temporary employees working on a seasonal basis between May 1 and October 31.

B. Beginning July 1, 2008, the maximum number of full-time-equivalent employees for each of the following agencies, boards, commissions, departments, or programs shall not exceed the numbers specified in this section, except as may be authorized pursuant to 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
State Board of Medical Licensure and Supervision/ Board of Podiatric Medical Examiners/State Board of Examiners of Perfusionists	29
Oklahoma Energy Resources Board	5
Oklahoma Motor Vehicle Commission	6

Oklahoma Board of Nursing	35
Oklahoma State Board of Examiners for Long-Term Care Administrators	4
Board of Examiners in Optometry	3
State Board of Osteopathic Examiners	7
Oklahoma State Board of Pharmacy	15
State Board of Examiners of Psychologists	2
Oklahoma Real Estate Commission	26
Board of Examiners for Speech-Language Pathology and Audiology	2
Oklahoma Used Motor Vehicle <del>and Parts,</del> <u>Dismantler, and Manufactured Housing</u> Commission	<del>12</del> 15
State Board of Veterinary Medical Examiners	6
Oklahoma Firefighters Pension and Retirement System	13
Oklahoma Police Pension and Retirement System	12
Teachers' Retirement System of Oklahoma	52
Oklahoma Public Employees Retirement System	63
Oklahoma Student Loan Authority	85
Oklahoma Industrial Finance Authority/Oklahoma Development Finance Authority	10
State and Education Employees Group Insurance Board	178
Oklahoma Capital Investment Board	4
State Board of Licensed Social Workers	1
Oklahoma State Employees Benefits Council	38

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

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

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

Rule 2.45 Calculation of Travel Expenditures.

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

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

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



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

(D) Expenditures for air travel on an air carrier shall be permitted for the actual cost of the fare; provided, if air travel is first class, business class or equivalent class, the expenditure shall be permitted only for any lower fare available on the same flight.

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

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

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

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

Passed the House of Representatives the 9th day of March, 2022.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 26th day of April, 2022.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_