

1 **SENATE FLOOR VERSION**

2 February 9, 2022

3 SENATE BILL NO. 1243

By: Quinn

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5  
6 An Act relating to motor vehicles; amending 47 O.S.  
7 2021, Section 1105, which relates to certificates of  
8 title; exempting certain vehicle title transfers from  
9 certain requirements; amending 47 O.S. 2021, Section  
10 1107, which relates to the sale or transfer of  
11 ownership of a vehicle; authorizing the use of an  
12 electronic signature on documents required for the  
13 transfer of ownership of a vehicle resulting from the  
14 settlement of a total loss claim; and providing an  
15 effective date.

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

17 SECTION 1. AMENDATORY 47 O.S. 2021, Section 1105, is  
18 amended to read as follows:

19 Section 1105. A. As used in the Oklahoma Vehicle License and  
20 Registration Act:

21 1. "Salvage vehicle" means any vehicle which is within the last  
22 ten (10) model years and which has been damaged by collision or  
23 other occurrence to the extent that the cost of repairing the  
24 vehicle for safe operation on the highway exceeds sixty percent  
(60%) of its fair market value, as defined by Section 1111 of this  
title, immediately prior to the damage. For purposes of this  
section, actual repair costs shall only include labor and parts for

1 actual damage to the suspension, motor, transmission, frame or  
2 unibody and designated structural components;

3 2. "Rebuilt vehicle" means any salvage vehicle which has been  
4 rebuilt and inspected for the purpose of registration and title;

5 3. "Flood-damaged vehicle" means a salvage or rebuilt vehicle  
6 which was damaged by flooding or a vehicle which was submerged at a  
7 level to or above the dashboard of the vehicle and on which an  
8 amount of loss was paid by the insurer;

9 4. "Unrecovered-theft vehicle" means a vehicle which has been  
10 stolen and not yet recovered;

11 5. "Recovered-theft vehicle" means a vehicle, including a  
12 salvage or rebuilt vehicle, which was recovered from a theft; and

13 6. "Junked vehicle" means any vehicle which is incapable of  
14 operation or use on the highway, has no resale value except as a  
15 source of parts or scrap and has an eighty percent (80%) loss in  
16 fair market value.

17 B. The owner of every vehicle in this state shall possess a  
18 certificate of title as proof of ownership of such vehicle, except  
19 those vehicles registered pursuant to Section 1120 of this title and  
20 trailers registered pursuant to Section 1133 of this title,  
21 previously titled by anyone in another state and engaged in  
22 interstate commerce, and except as provided in subsection M of this  
23 section. Except for owners that possess an agricultural exemption  
24 permit pursuant to Section 1358.1 of Title 68 of the Oklahoma

1 Statutes, the owner of an all-terrain vehicle or a motorcycle used  
2 exclusively off roads or highways in this state which is purchased  
3 or the ownership of which is transferred on or after July 1, 2005,  
4 and the owner of a utility vehicle used exclusively off roads and  
5 highways in this state which is purchased or the ownership of which  
6 is transferred on or after July 1, 2008, shall possess a certificate  
7 of title as proof of ownership. Any person possessing an  
8 agricultural exemption permit and owning an all-terrain vehicle or a  
9 motorcycle used exclusively off roads or highways in this state  
10 which is purchased or the ownership of which is transferred on or  
11 after July 1, 2008, shall possess a certificate of title as proof of  
12 ownership. Upon receipt of proper application information by such  
13 owner, the Oklahoma Tax Commission shall issue an original or  
14 transfer certificate of title. Until July 1, 2008, any security  
15 interest in an all-terrain vehicle that attached and was perfected  
16 before July 1, 2005, and that has not otherwise terminated shall  
17 remain perfected, and shall take priority over any subsequently  
18 perfected security interest in the same all-terrain vehicle,  
19 notwithstanding that a certificate of title may have been issued  
20 with respect to the same all-terrain vehicle on or after July 1,  
21 2005, and that a lien may have been recorded on said certificate of  
22 title. There shall be eight types of certificates of title:

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1 1. Original title for any motor vehicle which is not a  
2 remanufactured, salvage, unrecovered-theft, rebuilt, rebodied or  
3 junked vehicle;

4 2. Salvage title for any motor vehicle which is a salvage  
5 vehicle or is specified as a salvage vehicle or the equivalent  
6 thereof on a certificate of title from another state;

7 3. Rebuilt title for any motor vehicle which is a rebuilt  
8 vehicle;

9 4. Junked title for any motor vehicle which is a junked vehicle  
10 or is specified as a junked vehicle or the equivalent thereof on a  
11 certificate of title from another state;

12 5. Classic title for any motor vehicle, except a junked  
13 vehicle, which is twenty-five (25) model years or older;

14 6. Remanufactured title for any vehicle which is a  
15 remanufactured vehicle;

16 7. Unrecovered-theft title for any motor vehicle which has been  
17 stolen and not recovered; and

18 8. Rebodied title for any motor vehicle which is a rebodied  
19 vehicle.

20 Application for a certificate of title, whether the initial  
21 certificate of title or a duplicate, may be made to the Tax  
22 Commission or any motor license agent. When application is made  
23 with a motor license agent, the application information shall be  
24 transmitted either electronically or by mail to the Tax Commission

1 by the motor license agent. If the application information is  
2 transmitted electronically, the motor license agent shall forward  
3 the required application along with evidence of ownership, where  
4 required, by mail. Where the transmission of application  
5 information cannot be performed electronically, the Tax Commission  
6 is authorized to provide postage paid envelopes to motor license  
7 agents for the purpose of mailing the application along with  
8 evidence of ownership, where required. The Tax Commission shall  
9 upon receipt of proper application information issue an Oklahoma  
10 certificate of title. The certificates may be mailed to the  
11 applicant. Upon issuance of a certificate of title, the Tax  
12 Commission shall provide the appropriate motor license agent with  
13 confirmation of such issuance.

14 C. 1. The application for certificate of title shall be upon a  
15 blank form furnished by the Tax Commission, containing:

- 16 a. a full description of the vehicle,
- 17 b. the manufacturer's serial or other identification  
18 number,
- 19 c. the motor number and the date on which first sold by  
20 the manufacturer or dealer to the owner,
- 21 d. any distinguishing marks,
- 22 e. a statement of the applicant's source of title,
- 23 f. any security interest upon the vehicle, and

24

1           g.    such other information as the Tax Commission may  
2                require.

3           2.    The application for a certificate of title for a vehicle  
4 which is within the last seven (7) model years shall require a  
5 declaration as to whether the vehicle has been damaged by collision  
6 or other occurrence and whether the vehicle has been recovered from  
7 theft and the extent of the damage to the vehicle.  The declaration  
8 shall be made by the owner of a vehicle if:

9           a.    the vehicle has been damaged or stolen,

10          b.    the owner did or did not receive any payment for the  
11                loss from an insurer, or

12          c.    the vehicle is titled or registered in a state that  
13                does not classify the vehicle or brand the title  
14                because of damage to or loss of the vehicle similar to  
15                the classifications or brands utilized by this state.

16           The declaration shall be based upon the best information and  
17 knowledge of the owner and shall be in addition to the requirements  
18 specified in paragraph 1 of this subsection.  The Tax Commission  
19 shall not issue a certificate of title for a vehicle which is  
20 subject to the provisions of this paragraph without the required  
21 declaration, completed and signed by the owner of the vehicle.  Upon  
22 receipt of an application without the properly completed  
23 declaration, the Tax Commission shall return the application to the  
24 applicant with notice that the title may not be issued without the

1 required declaration. Nothing in this paragraph shall prohibit the  
2 Tax Commission from recognizing the type of or brand on a title or  
3 other ownership document issued by another state or the inspection  
4 conducted in another state and issuing the appropriate certificate  
5 of title for the vehicle.

6 3. The certificate of title shall have the following security  
7 features:

- 8 a. intaglio printing or security thread, with or without  
9 watermark,
- 10 b. latent images,
- 11 c. fluorescent inks,
- 12 d. micro print,
- 13 e. void background, and
- 14 f. color coding.

15 4. Each title issued pursuant to the provisions of the Oklahoma  
16 Vehicle License and Registration Act shall be color coded as  
17 determined by the Tax Commission.

18 5. The certificate of title shall be of such size and design  
19 and color as the Tax Commission may direct pursuant to the  
20 provisions of this section. The title shall be on colored paper or  
21 other material as designated by the Tax Commission and be of such  
22 intensity or hue as will allow easy identification as to whether the  
23 title is an original title, a salvage title, a rebuilt title,  
24 remanufactured title, rebodied title or a junked title. The type of

1 title shall be identified on the front of the certificate of title.  
2 The original title, rebuilt title, remanufactured title, an  
3 unrecovered-theft title, rebodied title or classic title shall be  
4 identified by the word "Original", "Rebuilt", "Remanufactured",  
5 "Unrecovered Theft", "Rebodied" or "Classic" printed in the upper  
6 right quadrant of the certificate of title, in the space which is  
7 currently captioned "type of title". A rebodied title shall also  
8 identify on the front of the title the year, make and model of the  
9 originally manufactured vehicle which has been rebodied and display  
10 a notation that reads as follows: "This vehicle has been assembled  
11 with new major components licensed by the original manufacturer".

12 D. 1. To obtain an original certificate of title for a vehicle  
13 that is being registered for the first time in this state which has  
14 not been previously registered in any other state, the applicant  
15 shall be required to deliver, as evidence of ownership, a  
16 manufacturer's certificate of origin properly assigned by the  
17 manufacturer, distributor, or dealer licensed in this or any other  
18 state shown thereon to be the last transferee to the applicant upon  
19 a form to be prescribed and approved by the Tax Commission. A  
20 manufacturer's certificate of origin shall contain:

- 21 a. the manufacturer's serial or other identification  
22 number,
- 23 b. date on which first sold by the manufacturer to the  
24 dealer,



- c. any distinguishing marks including model and the year same was made,
- d. a statement of any security interests upon the vehicle, and
- e. such other information as the Tax Commission may require.

2. The manufacturer's certificate of origin shall have the following security features:

- a. intaglio printing or security thread, with or without watermark,
- b. latent images,
- c. fluorescent inks,
- d. micro print, and
- e. void background.

E. In the absence of a dealer's or manufacturer's number, the Tax Commission may assign such identifying number to the vehicle, which shall be permanently stamped, burned or pressed or attached into the vehicle, and a certificate of title shall be delivered to the applicant upon payment of all fees and taxes, and the remaining copies shall be permanently filed and indexed by the Tax Commission. The Tax Commission shall assign an identifying number to any rebuilt vehicle if the vehicle identification number displayed on the rebuilt vehicle does not accurately describe the vehicle as rebuilt. The motor license agent, at the time of inspection of the rebuilt

1 vehicle pursuant to Section 1111 of this title, shall identify the  
2 make, model, and year for the body to accurately describe the  
3 rebuilt vehicle. At the time of the inspection, an appropriate  
4 identifying number shall be permanently stamped, burned, pressed, or  
5 attached on the rebuilt vehicle. The assigned identifying number  
6 shall be recorded on the certificate of title for the rebuilt  
7 vehicle. The dealer's or manufacturer's vehicle identification  
8 number on the rebuilt vehicle shall be preserved in the computer  
9 files of the Tax Commission for at least five (5) years.

10 F. When registering for the first time in this state a vehicle  
11 which was not originally manufactured for sale in the United States,  
12 to obtain a certificate of title, the Tax Commission shall require  
13 the applicant to deliver:

14 1. As evidence of ownership, if the vehicle has not previously  
15 been titled in the United States, the documents constituting valid  
16 proof of ownership in the country in which the vehicle was  
17 originally purchased, together with a notarized translation of any  
18 such documents; and

19 2. As evidence of compliance with federal law, copies of the  
20 bond release letters for the vehicle issued by the United States  
21 Environmental Protection Agency and the United States Department of  
22 Transportation, together with a receipt issued by the Internal  
23 Revenue Service indicating that the applicable federal gas guzzler  
24 tax has been paid.

1       The Tax Commission shall not issue a certificate of title for a  
2 vehicle which is subject to the provisions of this paragraph without  
3 the required documentation from agencies of the United States and  
4 evidence of ownership. Upon receipt of an application without the  
5 required documentation, the Tax Commission shall return the  
6 application to the applicant with notice that the certificate of  
7 title may not be issued without the required documentation. Nothing  
8 in this paragraph shall prohibit the Tax Commission from issuing  
9 certificates of title for antique or classic vehicles not driven  
10 upon the public streets, roads, or highways, for mini-trucks  
11 registered pursuant to Section 1151.3 of this title, or for medium-  
12 speed electric vehicles.

13       G. When registering in this state a vehicle which was titled in  
14 another state and which title contains the name of a secured party  
15 on the face of the other state certificate of title, or such state  
16 certificate is being held by the secured party in that state or any  
17 other state, the Tax Commission or the motor license agent shall  
18 complete a lien entry form as prescribed by the Tax Commission. The  
19 owner of such vehicle shall file an affidavit with the Tax  
20 Commission or the motor license agent stating that title to the  
21 vehicle is being held by a secured party, has not been issued  
22 pursuant to the laws of the state where titled, and that there is an  
23 existing lien or encumbrance on the vehicle. The current name and  
24 address of the secured party or lienholder shall also be stated in

1 the affidavit. The form of the affidavit shall be prescribed by the  
2 Tax Commission and contain any other information deemed necessary by  
3 the Tax Commission. A statement of the lien or encumbrance shall be  
4 included on the Oklahoma certificate of title and the lien or  
5 encumbrance shall be deemed continuously perfected as though it had  
6 been perfected pursuant to Section 1110 of this title. For  
7 completing the lien entry form and recording the security interest  
8 on the certificate of title, the Tax Commission or the motor license  
9 agent shall collect a fee of Three Dollars (\$3.00) which shall be in  
10 addition to other fees provided by the Oklahoma Vehicle License and  
11 Registration Act. The fee, if collected by the motor license agent  
12 pursuant to this subsection, shall be retained by the motor license  
13 agent.

14 H. The charge for each certificate of title issued, except for  
15 junked titles as defined in paragraph 4 of subsection B of this  
16 section, shall be Eleven Dollars (\$11.00), which charge shall be in  
17 addition to any other fees or taxes imposed by law for such vehicle.  
18 One Dollar (\$1.00) of each such charge shall be deposited in the  
19 Oklahoma Tax Commission Reimbursement Fund. However, the charge  
20 shall not apply to any vehicle which is to be registered in this  
21 state pursuant to the provisions of Section 1120 or 1133 of this  
22 title and which was registered in another state at least sixty (60)  
23 days prior to the time it is required to be registered in this  
24 state. When an insurer requests a salvage or junk title in the name

1 of the insurer resulting from the settlement of a total loss claim  
2 and upon presentation of appropriate proof of loss documentation as  
3 required by the Commission, such transfer may be processed as one  
4 title transaction, without first requiring issuance of a replacement  
5 certificate of title in the name of the vehicle owner. The fee  
6 shall be Twenty-two Dollars (\$22.00). Two Dollars (\$2.00) of this  
7 fee shall be deposited in the Oklahoma Tax Commission Reimbursement  
8 Fund.

9 I. The vehicle identification number of a junked vehicle shall  
10 be preserved in the computer files of the Tax Commission for a  
11 period ~~of~~ not less than five (5) years. The charge of junked titles  
12 as defined in paragraph 4 of subsection B of this section shall be  
13 Four Dollars (\$4.00). The fee remitted to the Tax Commission shall  
14 be deposited in the Oklahoma Tax Commission Reimbursement Fund.

15 J. If a vehicle is sold to a resident of another state  
16 destroyed, dismantled, or ceases to be used as a vehicle, the owner  
17 shall immediately notify the Tax Commission. Absent evidence to the  
18 contrary, failure to notify the Tax Commission shall be prima facie  
19 evidence that the vehicle has been in continuous operation in this  
20 state.

21 K. If a vehicle is stolen, the owner shall immediately notify  
22 the appropriate law enforcement agency. Immediately after receiving  
23 such notification, the law enforcement agency shall notify the Tax  
24 Commission.

1 L. Except for all-terrain vehicles, utility vehicles and  
2 motorcycles used exclusively for off-road use, no title for an out-  
3 of-state vehicle, except any commercial truck or truck-tractor  
4 registered pursuant to Section 1120 of this title which is engaged  
5 in interstate commerce or any trailer or semitrailer registered  
6 pursuant to Section 1133 of this title which is engaged in  
7 interstate commerce, shall be issued without an inspection of such  
8 vehicle and payment of a fee of Four Dollars (\$4.00) for such  
9 inspection; provided, the Tax Commission may enter into reciprocal  
10 agreements with other states for such inspections to be performed at  
11 locations outside the boundaries of this state for vehicles which:

- 12 1. Are offered for sale at auction;
- 13 2. Have been solely used as vehicles for rent under the  
14 ownership of a licensed motor vehicle dealer or a person engaged in  
15 the business of renting motor vehicles; or
- 16 3. Have not been registered in this or any other state for more  
17 than one (1) year.

18 The inspection shall include a comparison of the vehicle  
19 identification number on the vehicle with the number recorded on the  
20 ownership records and the recording of the actual odometer reading  
21 on the vehicle. The four-dollar fee shall be collected by the motor  
22 license agent or Tax Commission when the title is issued. The motor  
23 license agent shall retain Two Dollars (\$2.00). The remaining Two  
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1 Dollars (\$2.00) shall be deposited in the Oklahoma Tax Commission  
2 Reimbursement Fund.

3 The Tax Commission may allow the inspection to be performed at a  
4 location out-of-state by another state's department of motor  
5 vehicles or state police.

6 M. No title for any out-of-state vehicle offered for sale at  
7 salvage pools, salvage disposal sales, or an auction, or by a dealer  
8 or a licensed automotive dismantler and parts recycler, shall be  
9 issued without an inspection to compare the vehicle identification  
10 number on the vehicle with the number recorded on the ownership  
11 record and to record the actual odometer reading on the vehicle. On  
12 or after the effective date of this act, vehicles that require a  
13 transfer to a salvage title or junked title resulting from an  
14 insurance claim that utilizes an out-of-state or tribal title shall  
15 be exempt from the requirements of this subsection. Upon request of  
16 the seller, person or entity conducting an auction, dealer or  
17 licensed dismantler, the inspection shall be conducted at the  
18 location or place of business of the sale, auction, dealer, or the  
19 dismantler. The inspection shall be conducted by any motor license  
20 agent or a duly authorized employee thereof; provided, if the  
21 vehicle identification number on the vehicle offered for sale at  
22 salvage pools, salvage disposal sales or a classic or antique  
23 auction does not match the number recorded on the ownership record,  
24 the inspection may be conducted at the location of or place of

1 business of such sale or auction by any state, county or city law  
2 enforcement officer. The Tax Commission may enter into reciprocal  
3 agreements with other states for such inspections to be performed at  
4 locations outside the boundaries of this state for vehicles which:

- 5 1. Are offered for sale at auction;
- 6 2. Have been solely used as vehicles for rent under the  
7 ownership of a licensed motor vehicle dealer or a person engaged in  
8 the business of renting motor vehicles; or
- 9 3. Have not been registered in this or any other state for more  
10 than one (1) year.

11 The inspection shall be certified upon forms prescribed by the Tax  
12 Commission. The name and other identification of the authorized  
13 person conducting the inspection shall be legibly printed or typed  
14 on the form. Prior to any inspection by any employee of a motor  
15 license agent, the motor license agent shall notify the Tax  
16 Commission of the name and any other identification information  
17 requested by the Tax Commission of the authorized person. A  
18 signature specimen of the authorized person shall be submitted to  
19 the Tax Commission by the employing motor license agent. If the  
20 authorization to inspect vehicles is withdrawn or the employer-  
21 employee relationship is terminated, the motor license agent,  
22 immediately, shall notify the Tax Commission and return any  
23 remaining inspection forms to the Tax Commission. The fee for the  
24 inspection shall be Four Dollars (\$4.00). The motor license agent



1 shall retain Three Dollars (\$3.00) of the fee. Fees received by a  
2 motor license agent or an authorized employee thereof shall be  
3 handled and accounted for in the manner as prescribed by law for any  
4 other fees paid to or received by a motor license agent. Out-of-  
5 state vehicles brought into this state by a person licensed in  
6 another state to sell new or used vehicles to be sold within this  
7 state at a motor vehicle auction which is limited to dealer-to-  
8 dealer transactions shall not be required to be inspected, unless  
9 the vehicle is purchased by an Oklahoma dealer. Any person licensed  
10 in another state to sell new or used motor vehicles, who offers a  
11 motor vehicle for sale within this state at a motor vehicle auction  
12 which is limited to dealer-to-dealer transactions, shall not be  
13 within the definition of "owner" in Section 1102 of this title, for  
14 purposes of Section 1101 et seq. of this title.

15 N. A licensed motor vehicle dealer, upon payment of a fee of  
16 Fifteen Dollars (\$15.00), may reassign an out-of-state certificate  
17 of title to a used motor vehicle provided such dealer obtains the  
18 appropriate inspection form required by either subsection L or M of  
19 this section and attaches the form to the out-of-state certificate  
20 of title. Motor license agents shall be allowed to retain Two  
21 Dollars and twenty-five cents (\$2.25) of the fee plus an additional  
22 Two Dollars (\$2.00) or Three Dollars (\$3.00) as provided in  
23 subsections L and M of this section for performance of the  
24 inspection. Two Dollars (\$2.00) of the fee shall be deposited in

1 the Tax Commission Reimbursement Fund. An out-of-state vehicle  
2 which has been rebuilt shall be inspected pursuant to the provisions  
3 of Section 1111 of this title. The Tax Commission shall train motor  
4 license agents in interpreting vehicle identification numbers to  
5 assure that it accurately describes the vehicle and to detect  
6 rollback or alteration of the odometer. Failure of a motor license  
7 agent to inspect the vehicle and make the required notations shall  
8 be a misdemeanor punishable by a fine of not more than One Thousand  
9 Dollars (\$1,000.00) for the first offense and Five Thousand Dollars  
10 (\$5,000.00) for the second offense or subsequent offense, or by  
11 imprisonment in the county jail for not more than six (6) months, or  
12 by both such fine and imprisonment.

13 O. The ownership of any unrecovered vehicle which has been  
14 declared a total loss by an insurer because of theft shall be  
15 transferred to the insurer by an unrecovered-theft vehicle title;  
16 provided, the ownership of any such vehicle which has been declared  
17 a total loss by an insurer licensed by the Insurance Department of  
18 the State of Oklahoma and maintaining a multi-state motor vehicle  
19 salvage processing center in this state shall be transferred to the  
20 insurer by a salvage or an unrecovered-theft title without the  
21 requirement of a visual inspection of the vehicle identification  
22 number by the insurer. Upon recovery of the vehicle, the ownership  
23 shall be transferred by an original title, salvage title, or junked

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1 title, as may be appropriate based upon an estimate of the amount of  
2 loss submitted by the insurer.

3 P. When an insurance company makes a total loss settlement on a  
4 total loss vehicle and the insurance company or a salvage pool  
5 authorized by the insurance company is unable to obtain the properly  
6 endorsed certificate of ownership or other evidence of ownership  
7 acceptable to the Oklahoma Tax Commission within thirty (30) days  
8 following acceptance by the owner of an offer of an amount in  
9 settlement of a total loss, that insurance company or salvage pool,  
10 on a form provided by the Oklahoma Tax Commission and signed under  
11 penalty of perjury, may request the Oklahoma Tax Commission to issue  
12 the applicable salvage title for the vehicle. The request shall  
13 include information declaring that the requester has made at least  
14 two written attempts to obtain the certificate of ownership or other  
15 acceptable evidence of title.

16 Q. The owner of any vehicle which is incapable of operation or  
17 use on the public roads and has no resale value, except as parts,  
18 scrap or junk, may deliver the certificate of title to the vehicle  
19 to the Tax Commission for cancellation. Upon verification that any  
20 perfected lien against the vehicle has been released, the  
21 certificate of title shall be canceled without any fee, charge, or  
22 cost required from the owner. The vehicle identification numbers on  
23 the certificates of title shall be preserved in the computer files  
24 of the Tax Commission for at least five (5) years from the date of

1 cancellation of the certificate of title. The Tax Commission shall  
2 prescribe and provide an affidavit form to be completed by the owner  
3 of any vehicle for which the certificate of title is canceled. No  
4 title or registration shall subsequently be issued for a vehicle for  
5 which the certificate of title has been surrendered pursuant to this  
6 subsection. The Tax Commission shall prescribe a form for the  
7 transfer of ownership of a vehicle for which the certificate of  
8 title has been canceled.

9 R. The owner of a vehicle which is not within the last ten (10)  
10 model years, not roadworthy and not capable of repair for operation  
11 or use on the roads and highways, or a vehicle which is being sold  
12 to a scrap metal dealer pursuant to Section 11-92 of Title 2 of the  
13 Oklahoma Statutes, shall transfer the vehicle only upon a  
14 certificate of ownership prescribed by the Tax Commission, if the  
15 certificate of title to the vehicle is lost, has been canceled, or  
16 otherwise not available. The prescribed ownership form shall  
17 include the names and addresses of the buyer and seller, the driver  
18 license number or social security number of the seller, the make and  
19 model of the vehicle, and the public vehicle identification number.  
20 If there is no public vehicle identification number, the vehicle  
21 shall be inspected by a law enforcement officer to verify the  
22 absence of the number on the vehicle and the prescribed ownership  
23 form shall include a signed statement, by such officer, verifying  
24 the absence of the number.

1 The certificate of ownership shall be completed in triplicate.  
2 The buyer and seller shall each retain a copy. Within thirty (30)  
3 days of the transaction, the seller shall submit one copy to the Tax  
4 Commission or a motor license agent accompanied with a fee of Four  
5 Dollars (\$4.00). One Dollar (\$1.00) shall be retained by the motor  
6 license agent and Three Dollars (\$3.00) shall be deposited in the  
7 Oklahoma Tax Commission Reimbursement Fund in the State Treasury.

8 Upon receipt of the certificate, the Tax Commission shall verify  
9 that any perfected lien upon the vehicle has been released. If the  
10 lien is not released, the Tax Commission shall mail notice of the  
11 transfer to the lienholder at the lienholder's last-known address.  
12 If a certificate of title has been issued, it shall be canceled and  
13 the vehicle identification number shall be preserved in the computer  
14 of the Tax Commission for at least five (5) years. The buyer of the  
15 vehicle may not be sued and shall not be liable for monetary damages  
16 to the lienholder, however, the vehicle shall be subject to a valid  
17 repossession by a lienholder.

18 S. The Tax Commission shall notify the chief administrative  
19 officer of the agency or department responsible for issuing motor  
20 vehicle certificates of title in each state in the United States of  
21 the types of motor vehicle certificate of title effective in  
22 Oklahoma on and after January 1, 1989.

23 T. When registering for the first time in this state a  
24 remanufactured vehicle which has not been registered in any other

1 state since its remanufacture, before issuing a certificate of  
2 title, the Tax Commission shall require the applicant to deliver a  
3 statement of origin from the remanufacturer.

4 U. If a vehicle is sold to a foreign buyer pursuant to the  
5 provisions of the Automotive Dismantlers and Parts Recycler Act, the  
6 licensed seller shall stamp the title with: "EXPORT ONLY.  
7 NONTRANSFERABLE IN THE UNITED STATES." The licensed seller shall  
8 supply the Tax Commission the title number, the vehicle  
9 identification number and the foreign buyer's bid identification  
10 number on a form prescribed by the Tax Commission. The Tax  
11 Commission shall cancel the title, and the vehicle identification  
12 number shall be preserved in the computer files of the Tax  
13 Commission for a period ~~of~~ not less than five (5) years.

14 V. The Tax Commission shall not be considered a necessary party  
15 to any lawsuit which is instigated for the purpose of determining  
16 ownership of a vehicle, wherein the Tax Commission's only  
17 involvement would be to issue title, and the court shall issue an  
18 order dismissing the Tax Commission from the pending action. In the  
19 event no other party or lienholder can be identified as to ownership  
20 or claim, the Tax Commission shall accept an affidavit of ownership  
21 from the party claiming ownership and issue proper title thereon.

22 SECTION 2. AMENDATORY 47 O.S. 2021, Section 1107, is  
23 amended to read as follows:

24

1 Section 1107. A. In the event of the sale or transfer of the  
2 ownership of a vehicle for which a certificate of title has been  
3 issued as provided by Section 1105 of this title, the holder of such  
4 certificate shall endorse on the back of same a complete assignment  
5 thereof with warranty of title in form printed thereon with a  
6 statement of all liens or encumbrances on the vehicle, sworn to  
7 before a notary public or some other person authorized by law to  
8 take acknowledgments, and deliver same to the purchaser or  
9 transferee at the time of delivery to the purchaser or transferee of  
10 the vehicle; provided, a transfer of the ownership of a vehicle to  
11 an insurer resulting from the settlement of a total loss claim shall  
12 not require a notarized signature on the certificate of title. In  
13 the event that any other documents required for a transfer of the  
14 ownership of a vehicle to an insurer resulting from the settlement  
15 of a total loss claim require a notarized signature, such documents  
16 shall be permitted to be signed electronically pursuant to Section  
17 15-109 of Title 12A of the Oklahoma Statutes in lieu of such  
18 requirement. The purchaser or transferee, unless such person is a  
19 bona fide used motor vehicle dealer licensed by this state, a retail  
20 implement dealer in connection with the purchase or transfer of off-  
21 road vehicles or a charitable organization shall, within thirty (30)  
22 days from the time of delivery to the purchaser or transferee of the  
23 vehicle, present the assigned certificate of title and the insurance  
24 security verification to the vehicle to the Oklahoma Tax Commission,

1 or one of its motor license agents, accompanied by a fee of Eleven  
2 Dollars (\$11.00), together with any motor vehicle excise tax or  
3 license fee that may be due, whereupon a new certificate of title,  
4 shall be issued to the assignee. One Dollar (\$1.00) of each fee  
5 shall be deposited in the Oklahoma Tax Commission Reimbursement  
6 Fund. Any charitable organization utilizing the exemption  
7 authorized by this subsection shall receive training as prescribed  
8 by the Oklahoma Used Motor Vehicle and Parts Commission.

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



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

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

14 SECTION 3. This act shall become effective November 1, 2022.

15 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE  
16 February 9, 2022 - DO PASS  
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