

1 **SENATE FLOOR VERSION**

2 February 20, 2025

3 SENATE BILL NO. 529

By: Sacchieri of the Senate

4 and

5 Boles of the House

6
7
8 An Act relating to used motor vehicle and parts
9 dealers; amending 47 O.S. 2021, Sections 581, as
10 amended by Section 1, Chapter 107, O.S.L. 2022, 582,
11 as last amended by Section 4, Chapter 236, O.S.L.
12 2024, 583, as last amended by Section 19, Chapter 29,
13 O.S.L. 2023, and 584, as last amended by Section 58,
14 Chapter 452, O.S.L. 2024 (47 O.S. Supp. 2024,
15 Sections 581, 582, 583, and 584), which relate to the
16 Oklahoma Used Motor Vehicle, Dismantler, and
17 Manufactured Housing Commission; modifying certain
18 definitions; defining terms; authorizing Oklahoma
19 Used Motor Vehicle, Dismantler, and Manufactured
20 Housing Commission to regulate used powersports
21 vehicle dealers; requiring used powersports vehicle
22 dealers to purchase certain license; setting certain
23 fees for used powersports vehicle dealer license;
24 requiring used powersports vehicle dealers to procure
certain bond; requiring used powersports vehicle
dealers to acquire certain liability insurance;
creating conditions to revoke certain used
powersports vehicle dealer license; providing for
noncodification; and providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law not to be
23 codified in the Oklahoma Statutes reads as follows:

24 This act shall be known and may be cited as "Cody's Law".

1 SECTION 2. AMENDATORY 47 O.S. 2021, Section 581, as
2 amended by Section 1, Chapter 107, O.S.L. 2022 (47 O.S. Supp. 2024,
3 Section 581), is amended to read as follows:

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

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

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

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

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

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

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

22 (1) works for a commission or with intent to make a
23 profit or gain of money or other thing of value,

24 sells, offers to sell, or attempts to negotiate a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 15. "Retail implement dealer" means a business engaged
24 primarily in the sale of farm tractors as defined in Section 1-118

1 of this title or implements of husbandry as defined in Section 1-125
2 of this title or a combination thereof and is exempt from licensing
3 by the Commission for the sale of all-terrain vehicles, utility
4 vehicles, and motorcycles used exclusively for off-road use;

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

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

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

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

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

16 (1) receivers, trustees, administrators, executors,
17 guardians, or other persons appointed by or
18 acting pursuant to the judgment or order of any
19 court,

20 (2) public officers while performing their official
21 duties,

22 (3) employees of persons enumerated in the definition
23 of "used motor vehicle dealer" when engaged in
24

1 the specific performance of their duties as such
2 employees,

3 (4) mortgagees or secured parties as to sales of
4 motor vehicles constituting collateral on a
5 mortgage or security agreement, if the mortgagees
6 or secured parties shall not realize for their
7 own account from such sales any monies in excess
8 of the outstanding balance secured by such
9 mortgage or security agreement, plus the costs of
10 collection,

11 (5) any person acting as an auctioneer who has been
12 engaged by a seller to direct, conduct, control,
13 or be responsible for the sale of used motor
14 vehicles as part of an estate auction or
15 liquidation,

16 (6) any person, firm, corporation, or other legal
17 entity who sells, or contracts for the sale of,
18 the vehicles of the person, firm, corporation, or
19 other legal entity when such vehicles are sold in
20 liquidation, and any person, firm, corporation,
21 or other legal entity who serves as an agent in
22 such sale. The exclusion provided in this
23 paragraph shall not extend to any person, firm,
24 corporation, or other legal entity whose business

1 is the purchase, sale, or rental with option to
2 purchase, of motor vehicles, or to a location
3 used for such purposes,

4 (7) any person acting as an auctioneer who has been
5 engaged by a seller to direct, conduct, control,
6 or be responsible for the sale of used motor
7 vehicles as part of an auction held at a licensed
8 used motor vehicle dealer location. The
9 exclusion provided in this division shall not
10 extend to a person who auctions five or more used
11 motor vehicles in a nonliquidation sale held at a
12 licensed used motor vehicle dealer location which
13 is not regularly used as a vehicle auction, ~~or~~

14 (8) any retail implement dealer that sells all-
15 terrain vehicles, utility vehicles, and
16 motorcycles used exclusively for off-road use, or

17 (9) a used powersports vehicle dealer;

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

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

6 21. "Used powersports vehicle" means any used motorcycle,
7 scooter, moped, all-terrain vehicle, and utility vehicle required to
8 be registered under the Oklahoma Vehicle License and Registration
9 Act, with the exception of all-terrain vehicles, utility vehicles,
10 and motorcycles used exclusively for off-road use which are sold by
11 a retail implement dealer;

12 22. "Used powersports vehicle dealer" means any person, firm,
13 or corporation, resident or nonresident, that is in the business of
14 selling any used powersports vehicles except for retail implement
15 dealers; and

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

1 SECTION 3. AMENDATORY 47 O.S. 2021, Section 582, as last
2 amended by Section 4, Chapter 236, O.S.L. 2024 (47 O.S. Supp. 2024,
3 Section 582), is amended to read as follows:

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

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

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

23 3. a. Each of the members appointed from a congressional
24 district shall, at the time of appointment, be a

1 resident in good faith of the congressional district
2 from which appointed, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23

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

4 E. 1. a. The Commission is hereby vested with the powers and
5 duties necessary and proper to enable it to fully and
6 effectively carry out the provisions and objectives of
7 Section 581 et seq. of this title and Section 2 of
8 this act, and is hereby authorized and empowered,
9 pursuant to the Administrative Procedures Act, to make
10 and enforce all reasonable rules and to adopt and
11 prescribe all forms necessary to accomplish such
12 purpose.

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

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

1 warranting the manufactured home to be free from
2 material defects.

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

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

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

13 a. to license used motor vehicle dealers, used
14 powersports vehicle dealers, wholesale used motor
15 vehicle dealers, dismantlers, manufactured home
16 dealers, manufactured home manufacturers, and
17 manufactured home installers,

18 b. to inspect used motor vehicle dealer, used powersports
19 vehicle dealer, dismantler, and manufactured home
20 dealer locations, and manufactured home manufacturers'
21 factories or assembly sites to ensure that they are in
22 an approved location, meet local zoning or other
23 municipal requirements, and have sufficient facilities
24 which shall include, but not be limited to, for retail

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

1 manufacturers and their consumers when, by mutual
2 written agreement executed after the dispute between
3 the parties has arisen, both parties have agreed to
4 use the Commission as their arbitration panel for
5 contract disputes.

6 F. 1. All fees and charges collected under the provisions of
7 Section 581 et seq. of this title and Section 2 of this act shall be
8 deposited by the Executive Director in the State Treasury in
9 accordance with the depository laws of this state in a special fund
10 to be known as the "Oklahoma Used Motor Vehicle, Dismantler, and
11 Manufactured Housing Commission Fund", which fund is hereby created.
12 Except as hereinafter provided, the monies in the fund shall be used
13 by the Commission for the purpose of carrying out and enforcing the
14 provisions of Section 581 et seq. of this title and Section 2 of
15 this act. Expenditures from the fund shall be warrants issued by
16 the State Treasurer against claims submitted by the Commission to
17 the Director of the Office of Management and Enterprise Services for
18 approval.

19 2. At the close of each fiscal year, the Commission shall file
20 with the Governor and the State Auditor and Inspector a true and
21 correct report of all fees and charges collected and received by it
22 during the preceding fiscal year and shall at the same time pay into
23 the General Revenue Fund of the state a sum equal to ten percent
24 (10%) of the gross fees and charges so collected and received.

1 3. All expenses incurred by the Commission in carrying out the
2 provisions of Section 581 et seq. of this title and Section 2 of
3 this act including, but not limited to, per diem, wages, salaries,
4 rent, postage, advertising, supplies, bond premiums, travel, and
5 subsistence for the Commissioners, the Executive Director,
6 employees, and legal counsel, and printing and utilities, shall be a
7 proper charge against the fund, exclusive of the portion thereof to
8 be paid into the General Revenue Fund as above set out; provided,
9 that in no event shall liability ever accrue hereunder against the
10 state in any sum whatsoever, or against the Oklahoma Used Motor
11 Vehicle, Dismantler, and Manufactured Housing Commission Fund, in
12 excess of the ninety percent (90%) of the fees and charges deposited
13 therein.

14 SECTION 4. AMENDATORY 47 O.S. 2021, Section 583, as last
15 amended by Section 19, Chapter 29, O.S.L. 2023 (47 O.S. Supp. 2024,
16 Section 583), is amended to read as follows:

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

3 2. a. Any person engaging, acting, or serving in the
4 capacity of a used motor vehicle dealer, used
5 powersports vehicle dealer, a manufactured home
6 dealer, restricted manufactured home park dealer, a
7 manufactured home installer, or a manufactured home
8 manufacturer, or having more than one place where any
9 such business, or combination of businesses, is
10 carried on or conducted shall be required to obtain
11 and hold a current license for each such business, in
12 which engaged.

13 b. If after a hearing in accordance with the provisions
14 of Section 585 of this title, the Oklahoma Used Motor
15 Vehicle, Dismantler, and Manufactured Housing
16 Commission shall find any person installing a mobile
17 or manufactured home to be in violation of any of the
18 provisions of Section 581 et seq. of this title, such
19 person may be subject to an administrative fine not
20 more than Five Hundred Dollars (\$500.00) for each
21 violation. Each day a person is in violation of
22 Section 581 et seq. of this title may constitute a
23 separate violation. All administrative fines
24 collected pursuant to the provisions of this

1 subparagraph shall be deposited in the fund
2 established in Section 582 of this title.
3 Administrative fines imposed pursuant to this
4 subparagraph may be enforceable in the district courts
5 of this state.

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

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

24 a. the applicant's financial standing,

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

12 2. All applications for license or licenses shall be

13 accompanied by the appropriate fee or fees in accordance with the

14 schedule hereinafter provided. In the event any application is

15 denied and the license applied for is not issued, the entire license

16 fee shall be returned to the applicant.

17 3. All bonds and licenses issued under the provisions of

18 Section 581 et seq. of this title shall expire on December 31,

19 following the date of issue and shall be nontransferable. All

20 applications for renewal of licenses shall be submitted by November

21 1 of each year of expiration, and licenses for completed renewals

22 received by November 1 shall be issued by January 10. If

23 applications have not been made for renewal of licenses, such

24 licenses shall expire on December 31 and it shall be illegal for any

1 person to represent himself or herself and act as a dealer
2 thereafter. Tag agents shall be notified not to accept dealers'
3 titles until such time as licenses have been issued. Beginning
4 January 1, 2016, all licenses shall be issued for a period of two
5 (2) years and the appropriate fees shall be assessed. The
6 Commission shall adopt rules necessary to implement the two-year
7 licensing provisions.

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

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

16 1. For each used motor vehicle dealer's license or used
17 powersports vehicle dealer's license and each wholesale used motor
18 vehicle dealer's license, Six Hundred Dollars (\$600.00). If a used
19 motor vehicle dealer, used powersports vehicle dealer, or a
20 wholesale used motor vehicle dealer has once been licensed by the
21 Commission in the classification for which he or she applies for a
22 renewal of the license, the fee for each subsequent renewal shall be
23 Three Hundred Dollars (\$300.00); provided, if an applicant holds a
24 license to conduct business as an automotive dismantler and parts

1 recycler issued pursuant to Section 591.1 et seq. of this title, the
2 initial fee shall be Two Hundred Dollars (\$200.00) and the renewal
3 fee shall be Two Hundred Dollars (\$200.00). If an applicant is
4 applying simultaneously for a license under this paragraph and a
5 license under paragraph 1 of Section 591.5 of this title, the
6 initial application fee shall be Four Hundred Dollars (\$400.00).
7 For the reinstatement of a used motor vehicle dealer's license or a
8 used powersports vehicle dealer's license after revocation for
9 cancellation or expiration of insurance pursuant to subsection F of
10 this section, the fee shall be Two Hundred Dollars (\$200.00);

11 2. For a used motor vehicle dealer's license or used
12 powersports vehicle dealer's license, for each place of business in
13 addition to the principal place of business, Two Hundred Dollars
14 (\$200.00);

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

20 4. a. For each manufactured home dealer's license or a
21 restricted manufactured home park dealer's license,
22 Six Hundred Dollars (\$600.00), and for each place of
23 business in addition to the principal place of
24 business, Four Hundred Dollars (\$400.00), and

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

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

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

10 6. a. For each manufactured home manufacturer selling
11 directly to a licensed manufactured home dealer in
12 this state, One Thousand Five Hundred Dollars
13 (\$1,500.00), and

14 b. For each renewal of a manufactured home manufacturer's
15 license, One Thousand Five Hundred Dollars
16 (\$1,500.00);

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

22 8. A used manufactured home inspection fee of Seventy-five
23 Dollars (\$75.00) shall be paid by the installer at or before the
24

1 time of installation of any used manufactured home sited and
2 installed in this state; and

- 3 9. a. For a used powersports vehicle dealer's license, Five
4 Hundred Dollars (\$500.00), and for each place of
5 business in addition to the principal place of
6 business, Three Hundred Dollars (\$300.00), and
7 b. For each renewal of a used powersports vehicle
8 dealer's license, and renewal for each place of
9 business in addition to the principal place of
10 business, Two Hundred Fifty Dollars (\$250.00).

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

23 2. The license issued to each manufactured home installer and
24 each manufactured home manufacturer shall specify the location of

1 the place of business. If the business location is changed, the
2 Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing
3 Commission shall be notified immediately of the change and the
4 Commission may endorse the change of location on the license without
5 charge. The license of each licensee shall be posted in a
6 conspicuous place in the place or places of business of the
7 licensee.

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

15 E. 1. a. Each applicant for a used motor vehicle dealer's or
16 used powersports vehicle dealer's license shall
17 procure and file with the Commission a good and
18 sufficient bond in the amount of Twenty-five Thousand
19 Dollars (\$25,000.00). Each new applicant for a used
20 motor vehicle dealer's license or used powersports
21 vehicle dealer's license for the purpose of conducting
22 a used motor vehicle auction shall procure and file
23 with the Commission a good and sufficient bond in the
24 amount of Fifty Thousand Dollars (\$50,000.00). An

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

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

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

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

1 resale or use in this state. A manufacturer may not
2 sell, exchange, or lease-purchase with an option to
3 own in any form a manufactured home to a person in
4 this state directly or indirectly through a
5 distributor or third party who is not a licensed
6 manufactured home dealer or a restricted manufactured
7 home park dealer.

8 g. The bond shall be approved as to form by the Attorney
9 General and conditioned that the applicant shall not
10 practice fraud, make any fraudulent representation, or
11 violate any of the provisions of Section 581 et seq.
12 of this title in the conduct of the business for which
13 the applicant is licensed. One of the purposes of the
14 bond is to provide reimbursement for any loss or
15 damage suffered by any person by reason of issuance of
16 a certificate of title by a used motor vehicle dealer,
17 used powersports vehicle dealer, a wholesale used
18 motor vehicle dealer, a restricted manufactured home
19 park dealer or a manufactured home dealer.

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

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

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

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

17 SECTION 5. AMENDATORY 47 O.S. 2021, Section 584, as last
18 amended by Section 58, Chapter 452, O.S.L. 2024 (47 O.S. Supp. 2024,
19 Section 584), is amended to read as follows:

20 Section 584. A. The Oklahoma Used Motor Vehicle, Dismantler,
21 and Manufactured Housing Commission may deny an application for a
22 license, impose a fine not to exceed One Thousand Dollars
23 (\$1,000.00) per occurrence and/or revoke or suspend a license after
24

1 it has been granted, when any provision of Sections 581 through 588
2 of this title is violated or for any of the following reasons:

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

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

9 3. For any willful failure to comply with any provision of
10 Section 581 et seq. of this title or with any rule promulgated by
11 the Commission under authority vested in it by Sections 581 through
12 588 of this title;

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

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

17 6. Being a used motor vehicle dealer, used powersports vehicle
18 dealer, a used motor vehicle salesperson, a wholesale used motor
19 vehicle dealer, or a manufactured home dealer, a restricted
20 manufactured home park dealer, a manufactured home installer, a
21 manufactured home salesperson or a manufactured home manufacturer
22 who:

23 a. resorts to or uses any false or misleading advertising
24 in connection with business as a used motor vehicle

1 dealer, used powersports vehicle dealer, wholesale
2 used motor vehicle dealer or a restricted manufactured
3 home park dealer or manufactured home dealer,
4 installer or manufacturer,

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

7 c. has been convicted of a felony crime that
8 substantially relates to the occupation of a used
9 motor vehicle dealer, a used powersports vehicle
10 dealer, a wholesale used motor vehicle dealer, a
11 manufactured home dealer, a restricted manufactured
12 home park dealer, a manufactured home installer or a
13 manufactured home manufacturer and poses a reasonable
14 threat to public safety,

15 d. has committed a fraudulent act in selling, purchasing
16 or otherwise dealing in motor vehicles, powersports
17 vehicles, or manufactured homes or has misrepresented
18 the terms and conditions of a sale, purchase, or
19 contract for sale or purchase of a motor vehicle,
20 powersports vehicle, or manufactured home or any
21 interest therein including an option to purchase such
22 motor vehicles, powersports vehicle, or manufactured
23 homes,

24

- 1 e. has engaged in business under a past or present
2 license issued pursuant to Sections 581 through 588 of
3 this title, in such a manner as to cause injury to the
4 public or to those with whom the licensee is dealing,
5 f. has failed to meet or maintain the conditions and
6 requirements necessary to qualify for the issuance of
7 a license,
8 g. has failed or refused to furnish and keep in force any
9 bond required under Sections 581 through 588 of this
10 title,
11 h. has installed or attempted to install a manufactured
12 home in an unworkmanlike manner, or
13 i. employs a person in connection with the sale of
14 manufactured homes without first obtaining a
15 certificate of registration for the person;

16 7. Being a used motor vehicle dealer who:

- 17 a. does not have an established place of business,
18 b. employs a person in connection with the sale of used
19 vehicles without first obtaining a certificate of
20 registration for the person,
21 c. fails or refuses to furnish or keep in force single
22 limit liability insurance on any vehicle offered for
23 sale and otherwise required under the financial
24 responsibility laws of this state, or

1 d. is not operating from the address shown on the license
2 if this change has not been reported to the
3 Commission; ~~or~~

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

6 a. does not have an established place of business,

7 b. fails or refuses to furnish or keep in force garage
8 liability and completed operations insurance, or

9 c. is not operating from the address shown on the license
10 if this change has not been reported to the
11 Commission; or

12 9. Being a used powersports vehicle dealer who:

13 a. does not have an established place of business,

14 b. employs a person in connection with the sale of used
15 powersports vehicles without first obtaining a
16 certificate of registration for the person, or

17 c. is not operating from the address shown on the license
18 if this change has not been reported to the
19 Commission.

20 B. 1. The Commission shall deny an application for a license,
21 or revoke or suspend a license after it has been granted, if a
22 manufactured home dealer does not meet the following guidelines and
23 restrictions:
24

- 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,

1 firm or corporation engaged in the business of selling
2 manufactured homes inside a park, and

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

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

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

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

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

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

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

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

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

21 The suspension, revocation or refusal to issue or renew a
22 license or the imposition of any other penalty by the Commission
23 shall be in addition to any penalty which might be imposed upon any
24

1 licensee upon a conviction at law for any violation of Sections 581
2 through 588 of this title.

3 H. As used in this section:

4 1. "Substantially relates" means the nature of criminal conduct
5 for which the person was convicted has a direct bearing on the
6 fitness or ability to perform one or more of the duties or
7 responsibilities necessarily related to the occupation; and

8 2. "Poses a reasonable threat" means the nature of criminal
9 conduct for which the person was convicted involved an act or threat
10 of harm against another and has a bearing on the fitness or ability
11 to serve the public or work with others in the occupation.

12 SECTION 6. This act shall become effective November 1, 2025.

13 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE
14 February 20, 2025 - DO PASS

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