

1 ENGROSSED SENATE
2 BILL NO. 527

By: Reinhardt of the Senate

3 and

4 Bashore of the House

5
6 An Act relating to certificates of title; amending 47
7 O.S. 2021, Section 1110, as last amended by Section
8 70, Chapter 452, O.S.L. 2024 (47 O.S. Supp. 2024,
9 Section 1110), which relates to perfection of
10 security interest; modifying certain time limit;
11 modifying provisions related to mailing of certain
12 release; updating statutory language; repealing 47
13 O.S. 2021, Section 1110, as last amended by Section
14 1, Chapter 323, O.S.L. 2024 (47 O.S. Supp. 2024,
15 Section 1110), which relates to perfection of
16 security interest; providing an effective date; and
17 declaring an emergency.

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

19 SECTION 1. AMENDATORY 47 O.S. 2021, Section 1110, as
20 last amended by Section 70, Chapter 452, O.S.L. 2024 (47 O.S. Supp.
21 2024, Section 1110), is amended to read as follows:

22 Section 1110. A. 1. Except for a security interest in
23 vehicles held by a dealer for sale or lease, a vehicle registered by
24 a federally recognized Indian tribe as provided in subsection G of
this section, and a vehicle being registered in this state which was
previously registered in another state and which title contains the
name of a secured party on the face of the other state certificate
or title, and except as otherwise provided in subsection B of

1 Section 1105 of this title, a security interest in a vehicle as to
2 which a certificate of title may be properly issued by Service
3 Oklahoma shall be perfected only when a lien entry form, and the
4 existing certificate of title, if any, or application for a
5 certificate of title and manufacturer's certificate of origin
6 containing the name and address of the secured party and the date of
7 the security agreement and the required fee are delivered to Service
8 Oklahoma or to a licensed operator. As used in this section, the
9 term "dealer" shall be defined as provided in Section 1-112 of this
10 title and the term "security interest" shall be defined as provided
11 in paragraph (35) of Section 1-201 of Title 12A of the Oklahoma
12 Statutes. When a vehicle title is presented to a licensed operator
13 for transferring or registering and the documents reflect a
14 lienholder, the licensed operator shall perfect the lien pursuant to
15 subsection G of Section 1105 of this title. For the purposes of
16 this section, the term "vehicle" shall not include special mobilized
17 machinery, machinery used in highway construction or road material
18 construction and rubber-tired road construction vehicles including
19 rubber-tired cranes. The filing and duration of perfection of a
20 security interest, pursuant to the provisions of Title 12A of the
21 Oklahoma Statutes, including, but not limited to, Section 1-9-311 of
22 Title 12A of the Oklahoma Statutes, shall not be applicable to
23 perfection of security interests in vehicles as to which a
24 certificate of title may be properly issued by Service Oklahoma,

1 except as to vehicles held by a dealer for sale or lease and except
2 as provided in subsection D of this section. In all other respects
3 Title 12A of the Oklahoma Statutes shall be applicable to such
4 security interests in vehicles as to which a certificate of title
5 may be properly issued by Service Oklahoma.

6 2. Whenever a person creates a security interest in a vehicle,
7 the person shall surrender to the secured party the certificate of
8 title or the signed application for a new certificate of title, on
9 the form prescribed by Service Oklahoma, and the manufacturer's
10 certificate of origin. The secured party shall deliver the lien
11 entry form and the required lien filing fee within ~~twenty-five (25)~~
12 sixty (60) days as provided hereafter with certificate of title or
13 the application for certificate of title and the manufacturer's
14 certificate of origin to Service Oklahoma or to a licensed operator.
15 If the lien entry form, the lien filing fee and the certificate of
16 title or application for certificate of title and the manufacturer's
17 certificate of origin are delivered to Service Oklahoma or to a
18 licensed operator within ~~twenty-five (25)~~ sixty (60) days after the
19 date of the lien entry form, perfection of the security interest
20 shall begin from the date of the execution of the lien entry form,
21 but otherwise, perfection of the security interest shall begin from
22 the date of the delivery to Service Oklahoma or to a licensed
23 operator.

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1 3. a. For each security interest recorded on a certificate
2 of title, or manufacturer's certificate of origin,
3 such person shall pay a fee of Ten Dollars (\$10.00),
4 which shall be in addition to other fees provided for
5 in the Oklahoma Vehicle License and Registration Act.
6 Upon the receipt of the lien entry form and the
7 required fees with either the certificate of title or
8 an application for certificate of title and
9 manufacturer's certificate of origin, a licensed
10 operator shall, by placement of a clearly
11 distinguishing mark, record the date and number shown
12 in a conspicuous place, on each of these instruments.
13 Of the ten-dollar fee, the licensed operator shall
14 retain Two Dollars (\$2.00) for recording the security
15 interest lien.

16 b. It shall be unlawful for any person to solicit,
17 accept, or receive any gratuity or compensation for
18 acting as a messenger and for acting as the agent or
19 representative of another person in applying for the
20 recording of a security interest or for the
21 registration of a motor vehicle and obtaining the
22 license plates or for the issuance of a certificate of
23 title therefor unless Service Oklahoma has appointed
24 and approved the person to perform such acts; and

1 before acting as a messenger, any such person shall
2 furnish to Service Oklahoma a surety bond in such
3 amount as Service Oklahoma shall determine
4 appropriate.

5 4. The certificate of title or the application for certificate
6 of title and manufacturer's certificate of origin with the record of
7 the date of receipt clearly marked thereon shall be returned to the
8 debtor together with a notice that the debtor is required to
9 register and pay all additional fees and taxes due within thirty
10 (30) days from the date of purchase of the vehicle.

11 5. Any person creating a security interest in a vehicle that
12 has been previously registered in the debtor's name and on which all
13 taxes due the state have been paid shall surrender the certificate
14 of ownership to the secured party. The secured party shall have the
15 duty to record the security interest as provided in this section and
16 shall, at the same time, obtain a new certificate of title which
17 shall show the secured interest on the face of the certificate of
18 title.

19 6. The lien entry form with the date and assigned number
20 thereof clearly marked thereon shall be returned to the secured
21 party. If the lien entry form is received and authenticated, as
22 herein provided, by a licensed operator, the licensed operator shall
23 make a report thereof to Service Oklahoma upon the forms and in the
24 manner as may be prescribed by Service Oklahoma.

1 7. Service Oklahoma shall have the duty to record the lien upon
2 the face of the certificate of title issued at the time of
3 registering and paying all fees and taxes due on the vehicle.

4 8. When there is an active lien from a commercial lender in
5 place on a vehicle, licensed operators shall be prohibited from
6 transferring the certificate of title on that vehicle until the lien
7 is satisfied, except when the title is transferred:

8 a. to a person whose name is included on the loan for
9 which the lien is placed pursuant to an agreement by
10 the lender and any party to the title,

11 b. to a trust created by a person whose name is included
12 on the loan for which the lien is placed, or

13 c. from a person who has died, upon the submission of a
14 death certificate.

15 The provisions of this paragraph shall not be construed to release
16 any lien or debt based solely upon a transfer of certificate of
17 title.

18 B. 1. A secured party shall, within seven (7) business days
19 after the satisfaction of the security interest, furnish directly or
20 by mail a release of a security interest to Service Oklahoma and
21 mail a copy thereof to the last-known address of the debtor. If the
22 security interest has been satisfied by payment from a licensed used
23 motor vehicle dealer to whom the motor vehicle has been transferred,
24 the secured party shall also, within seven (7) business days after

1 ~~such satisfaction~~ receipt of a written request from such licensed
2 used motor vehicle dealer, mail an additional copy of the release to
3 the dealer. If the secured party fails to furnish the release as
4 required, the secured party shall be liable to the debtor for a
5 penalty of One Hundred Dollars (\$100.00). Following the seven (7)
6 business days after satisfaction of the lien and upon receipt by the
7 lienholder of written communication demanding the release of the
8 lien, thereafter the penalty shall increase to One Hundred Dollars
9 (\$100.00) per day for each additional day beyond seven (7) business
10 days until accumulating to One Thousand Five Hundred Dollars
11 (\$1,500.00) or the value of the vehicle, whichever is less, and, in
12 addition, any loss caused to the debtor by such failure.

13 2. Upon release of a security interest the owner may obtain a
14 new certificate of title omitting reference to the security
15 interest, by submitting to Service Oklahoma or to a licensed
16 operator:

- 17 a. a release signed by the secured party, an application
18 for new certificate of title, and the proper fees, or
- 19 b. by submitting to Service Oklahoma or the licensed
20 operator an affidavit, supported by such documentation
21 as Service Oklahoma may require, by the owner on a
22 form prescribed by Service Oklahoma stating that the
23 security interest has been satisfied and stating the
24 reasons why a release cannot be obtained, an

1 application for a new certificate of title and the
2 proper fees.

3 Upon receiving such affidavit that the security interest has been
4 satisfied, Service Oklahoma shall issue a new certificate of title
5 eliminating the satisfied security interest and the name and address
6 of the secured parties who have been paid and satisfied. Service
7 Oklahoma shall accept a release of a security interest in any form
8 that identifies the debtor, the secured party, and the vehicle, and
9 contains the signature of the secured party. Service Oklahoma shall
10 not require any particular form for the release of a security
11 interest.

12 The words "security interest" when used in the Oklahoma Vehicle
13 License and Registration Act do not include liens dependent upon
14 possession.

15 C. Service Oklahoma shall file and index certificates of title
16 so that at all times it will be possible to trace a certificate of
17 title to the vehicle designated therein, identify the lien entry
18 form, and the names and addresses of secured parties, or their
19 assignees, so that all or any part of such information may be made
20 readily available to those who make legitimate inquiry of Service
21 Oklahoma as to the existence or nonexistence of security interest in
22 the vehicle.

23 D. 1. Any security interest in a vehicle properly perfected
24 prior to July 1, 1979, may be continued as to its effectiveness or

1 duration as provided by Sections 1-9-510 and 1-9-515 of Title 12A of
2 the Oklahoma Statutes, or may be terminated, assigned, or released
3 as provided by Sections 1-9-512, 1-9-513, and 1-9-514 of Title 12A
4 of the Oklahoma Statutes, as fully as if this section had not been
5 enacted, or, at the option of the secured party, may also be
6 perfected under this section, and, if so perfected, the time of
7 perfection under this section shall be the date the security
8 interest was originally perfected under the prior law.

9 2. Upon request of the secured party, the debtor or any other
10 holder of the certificate of title shall surrender the certificate
11 of title to the secured party and shall do such other acts as may be
12 required to perfect the security interest under this section.

13 E. If a manufactured home is permanently affixed to real
14 estate, an Oklahoma certificate of title may be surrendered to
15 Service Oklahoma or a licensed operator for cancellation. When the
16 document of title is surrendered, the owner shall provide the legal
17 description or the appropriate tract or parcel number of the real
18 estate and other information as may be required on a form provided
19 by Service Oklahoma. Service Oklahoma may not cancel a document of
20 title if a lien has been registered or recorded. Service Oklahoma
21 or the licensed operator shall notify the owner and any lienholder
22 that the title has been surrendered to Service Oklahoma and that
23 Service Oklahoma may not cancel the title until the lien is
24 released. Such notification shall include a description of the lien

1 and such notification to the owner shall be accompanied by the
2 return of title surrendered. Permanent attachment to real estate
3 does not affect the validity of a lien recorded or registered with
4 Service Oklahoma before the document of title is canceled pursuant
5 to this section. The rights of a prior lienholder pursuant to a
6 security agreement or the provisions of a credit transaction and the
7 rights of the state pursuant to a tax lien are preserved. Service
8 Oklahoma or the licensed operator shall forward the information to
9 the county assessor of the county where the real estate is located
10 and indicate whether the original document of title has been
11 canceled. A fee of Five Dollars (\$5.00) shall accompany the
12 application for cancellation of title. When the fee is paid by a
13 person making an application directly with Service Oklahoma, the fee
14 shall be deposited in the Oklahoma Tax Commission ~~Revolving~~ Fund.
15 Beginning January 1, 2023, the fee shall be deposited in the Service
16 Oklahoma Revolving Fund. A fee paid to a licensed operator shall be
17 retained by the licensed operator. The owner of a manufactured home
18 upon which the document of title has been properly surrendered may
19 apply to Service Oklahoma for issuance of a new original certificate
20 of title upon submission of:

- 21 1. An attestation from the homeowner indicating ownership of
22 the manufactured home and the nonexistence of any security interest
23 or lien of record in the manufactured home; and

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1 2. A title opinion by a licensed attorney, determining that the
2 owner of the manufactured home has marketable title to the real
3 property upon which the manufactured home is located and that no
4 documents filed of record in the county clerk's office concerning
5 the real property contain a mortgage, recorded financial statement,
6 judgment, or lien of record. Persons or entities to whom the title
7 opinion is addressed may rely on the title opinion. A security
8 interest in a manufactured home perfected pursuant to this section
9 shall have priority over a conflicting interest of a mortgagee or
10 other lien encumbrancer, or the owner of the real property upon
11 which the manufactured home became affixed or otherwise permanently
12 attached. The holder of the security interest in the manufactured
13 home, upon default, may remove the manufactured home from such real
14 property. The holder of the security interest in the manufactured
15 home shall reimburse the owner of the real property who is not the
16 debtor and who has not otherwise agreed to access the real property
17 for the cost of repair of any physical injury to the real property,
18 but shall not be liable for any diminution in value to the real
19 property caused by the removal of the manufactured home, trespass,
20 or any other damages caused by the removal. The debtor shall notify
21 the holder of the security interest in the manufactured home of the
22 street address, if any, and the legal description of the real
23 property upon which the manufactured home is affixed or otherwise
24 permanently attached and shall sign such other documents, including

1 any appropriate mortgage, as may reasonably be requested by the
2 holder of such security interest.

3 F. In the case of motor vehicles or trailers, notwithstanding
4 any other provision of law, a transaction does not create a sale or
5 security interest merely because it provides that the rental price
6 is permitted or required to be adjusted under the agreement either
7 upward or downward by reference to the amount realized upon sale or
8 other disposition of the motor vehicle or trailer.

9 G. A security interest in vehicles registered by a federally
10 recognized Indian tribe shall be deemed valid under Oklahoma law if
11 validly perfected under the applicable tribal law and the lien is
12 noted on the face of the tribal certificate of title.

13 SECTION 2. REPEALER 47 O.S. 2021, Section 1110, as last
14 amended by Section 1, Chapter 323, O.S.L. 2024 (47 O.S. Supp. 2024,
15 Section 1110), is hereby repealed.

16 SECTION 3. This act shall become effective July 1, 2025.

17 SECTION 4. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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