

1 following data from any seller of any amount of scrap metal as
2 defined by the Oklahoma Scrap Metal Dealers Act:

3 1. A legible photocopy of the seller's driver license or other
4 form of government issued photo identification that contains his or
5 her name, address, date of birth, weight and height;

6 2. Vehicle description and license tag number of the seller if
7 the vehicle was used to transport the material being sold;

8 3. Date and place of the transaction and the transaction number
9 as provided by the scrap metal dealer;

10 4. Description of the items sold and weight of the items as
11 required by the provisions of the Oklahoma Scrap Metal Dealers Act;

12 5. Whether the scrap metal is in wire, cable, bar, rod, sheet
13 or tube form;

14 6. If any insulation is on the scrap metal, the names and
15 addresses of the persons, groups or corporations from whom seller
16 purchased or obtained the materials; and

17 7. If apparent on the scrap metal, the name of the manufacturer
18 and serial number of each item of scrap metal.

19 B. Municipalities or other political subdivisions may adopt,
20 and scrap metal dealers shall abide by, local ordinances regarding
21 the format of the information required by subsection A of this
22 section, either written or electronic.

23 C. Records required by this section shall be made available at
24 any time to any person authorized by law for such inspection.

1 D. Purchases of thirty-five (35) pounds or more of scrap metal
2 containing a manufacturer's serial number or other unique label or
3 mark shall be held separate and apart so that the purchased scrap
4 metal may be readily identifiable from all other purchases for a
5 period of not less than ten (10) days from the date of purchase.
6 During the holding period the scrap metal dealer may not change the
7 form of the purchased scrap metal and shall permit any person
8 authorized by law to make inspection of such materials.

9 E. Purchases of thirty-five (35) pounds or more of scrap metal
10 which does not contain a manufacturer's serial number or other
11 unique label or mark shall either be held for the same time and in
12 the same manner as required by subsection D of this section; or in
13 the alternative, the scrap metal dealer shall be required to obtain
14 a digital image of the items purchased, the seller of the items, a
15 copy of the bill of sale and a copy of the seller's photo
16 identification. The digital image shall contain a depiction that
17 can reasonably be utilized for identification of the seller and the
18 items sold and captured in the common JPEG format with a minimum
19 resolution of 640 pixels by 480 pixels. The digital image shall be
20 retained by the purchaser for a minimum of ninety (90) days from the
21 date of purchase. For the purpose of this section a "digital image"
22 means a raster-based two-dimensional, rectangular array of static
23 data elements called pixels, intended for display on a computer

24

1 monitor or for transformation into another format, such as a printed
2 page.

3 F. No purchase of any amount of scrap metal from an exempted
4 seller, as defined by Section ~~1422~~ 11-91 of ~~this title~~ Title 2 of
5 the Oklahoma Statutes, shall be subject to any holding period or
6 digital imaging identification required by subsection D or E of this
7 section.

8 G. It shall be unlawful for any person to sell or purchase
9 copper material or copper wire from which the actual or apparent
10 insulation or other coating has been burned, melted or exposed to
11 heat or fire resulting in melting some or all of the insulation or
12 coating. This provision shall not apply to sales by or purchases
13 from an exempted seller.

14 H. It shall be unlawful for any scrap metal dealer to purchase
15 any item from a minor without having first obtained the consent, in
16 writing, of a parent or guardian of such minor. Such written
17 consent shall be kept with the book, record or other electronic
18 recording system required by subsection A of this section and, if
19 requested by a law enforcement agency where the purchase was made,
20 shall be transmitted to the law enforcement agency and may be kept
21 as a permanent record and made available for public inspection.

22 I. A scrap metal dealer shall obtain from each seller of a
23 scrap metal item regulated by the Oklahoma Scrap Metal Dealers Act,
24 or a parent or guardian on behalf of a minor, a written declaration

1 of ownership containing a legible signature of the seller. The
2 declaration of ownership shall be in the following form and shall
3 appear on the bill of sale or transaction ticket to be completed by
4 the seller in the presence of the purchaser at the time of the
5 transaction:

6 "I hereby affirm under penalty of prosecution that I am the
7 rightful owner of the hereon described merchandise; or I am an
8 authorized representative of the rightful owner and affirm that I
9 have been given authority by the rightful owner to sell the hereon
10 described merchandise.

11 _____
12 Signature"

13 J. If requested by a law enforcement agency, a scrap metal
14 dealer shall report in writing all purchases of scrap metal as
15 defined by the Oklahoma Scrap Metal Dealers Act within forty-eight
16 (48) hours following such purchase. The report shall contain all
17 the information required by this section.

18 K. A scrap metal dealer purchasing a vehicle from any person
19 shall be required to record the information required in subsection A
20 of this section and the make, model, license tag number and vehicle
21 identification number of the purchased vehicle. A person selling a
22 vehicle to a scrap metal dealer shall be required to present to the
23 dealer the title of the vehicle or a ~~verified bill of sale from the~~
24 ~~owner of the vehicle or other proof of ownership~~ certificate of

1 ownership form, as approved by the Oklahoma Tax Commission and
2 available at the Tax Commission or through a motor license agent, in
3 addition to signing a declaration of ownership as required by
4 subsection I of this section. The provisions of this subsection
5 shall not apply to sales, purchases or other transfer of vehicles
6 between scrap metal dealers and licensed automotive dismantlers and
7 parts recyclers.

8 L. The provisions of the Oklahoma Scrap Metal Dealers Act shall
9 not apply to the sale or purchase of aluminum beverage cans for
10 recycling purposes.

11 M. A scrap metal dealer shall not enter into any cash
12 transactions in excess of One Thousand Dollars (\$1,000.00) in
13 payment for the purchase of scrap metal that is listed in subsection
14 B of Section ~~1424~~ 11-93 of ~~this title~~ Title 2 of the Oklahoma
15 Statutes unless the transaction is made with an exempted seller.
16 Payment by check shall be issued and made payable only to the seller
17 of the scrap metal whose identification information has been
18 obtained pursuant to the provisions of this section.

19 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1105, as
20 amended by Section 1, Chapter 158, O.S.L. 2012 (47 O.S. Supp. 2015,
21 Section 1105), is amended to read as follows:

22 Section 1105. A. As used in the Oklahoma Vehicle License and
23 Registration Act:

24

- 1 1. "Salvage vehicle" means any vehicle which is within the last
2 ten (10) model years and which has been damaged by collision or
3 other occurrence to the extent that the cost of repairing the
4 vehicle for safe operation on the highway exceeds sixty percent
5 (60%) of its fair market value, as defined by Section 1111 of this
6 title, immediately prior to the damage. For purposes of this
7 section, actual repair costs shall only include labor and parts for
8 actual damage to the suspension, motor, transmission, frame or
9 unibody and designated structural components;
- 10 2. "Rebuilt vehicle" means any salvage vehicle which has been
11 rebuilt and inspected for the purpose of registration and title;
- 12 3. "Flood-damaged vehicle" means a salvage or rebuilt vehicle
13 which was damaged by flooding or a vehicle which was submerged at a
14 level to or above the dashboard of the vehicle and on which an
15 amount of loss was paid by the insurer;
- 16 4. "Unrecovered-theft vehicle" means a vehicle which has been
17 stolen and not yet recovered;
- 18 5. "Recovered-theft vehicle" means a vehicle, including a
19 salvage or rebuilt vehicle, which was recovered from a theft; and
- 20 6. "Junked vehicle" means any vehicle which is incapable of
21 operation or use on the highway, has no resale value except as a
22 source of parts or scrap and has an eighty percent (80%) loss in
23 fair market value.
- 24

1 B. The owner of every vehicle in this state shall possess a
2 certificate of title as proof of ownership of such vehicle, except
3 those vehicles registered pursuant to Section 1120 of this title and
4 trailers registered pursuant to Section 1133 of this title,
5 previously titled by anyone in another state and engaged in
6 interstate commerce, and except as provided in subsection M of this
7 section. Except for owners that possess an agricultural exemption
8 permit pursuant to Section 1358.1 of Title 68 of the Oklahoma
9 Statutes, the owner of an all-terrain vehicle or a motorcycle used
10 exclusively off roads or highways in this state which is purchased
11 or the ownership of which is transferred on or after July 1, 2005,
12 and the owner of a utility vehicle used exclusively off roads and
13 highways in this state which is purchased or the ownership of which
14 is transferred on or after July 1, 2008, shall possess a certificate
15 of title as proof of ownership. Any person possessing an
16 agricultural exemption permit and owning an all-terrain vehicle or a
17 motorcycle used exclusively off roads or highways in this state
18 which is purchased or the ownership of which is transferred on or
19 after July 1, 2008, shall possess a certificate of title as proof of
20 ownership. Upon receipt of proper application information by such
21 owner, the Oklahoma Tax Commission shall issue an original or
22 transfer certificate of title. Until July 1, 2008, any security
23 interest in an all-terrain vehicle that attached and was perfected
24 before July 1, 2005, and that has not otherwise terminated shall

1 remain perfected, and shall take priority over any subsequently
2 perfected security interest in the same all-terrain vehicle,
3 notwithstanding that a certificate of title may have been issued
4 with respect to the same all-terrain vehicle on or after July 1,
5 2005, and that a lien may have been recorded on said certificate of
6 title. There shall be eight types of certificates of title:

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

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

13 3. Rebuilt title for any motor vehicle which is a rebuilt
14 vehicle;

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

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

20 6. Remanufactured title for any vehicle which is a
21 remanufactured vehicle;

22 7. Unrecovered-theft title for any motor vehicle which has been
23 stolen and not recovered; and
24

1 8. Rebodied title for any motor vehicle which is a rebodied
2 vehicle.

3 Application for a certificate of title, whether the initial
4 certificate of title or a duplicate, may be made to the Tax
5 Commission or any motor license agent. When application is made
6 with a motor license agent, the application information shall be
7 transmitted either electronically or by mail to the Tax Commission
8 by the motor license agent. If the application information is
9 transmitted electronically, the motor license agent shall forward
10 the required application along with evidence of ownership, where
11 required, by mail. Where the transmission of application
12 information cannot be performed electronically, the Tax Commission
13 is authorized to provide postage paid envelopes to motor license
14 agents for the purpose of mailing the application along with
15 evidence of ownership, where required. The Tax Commission shall
16 upon receipt of proper application information issue an Oklahoma
17 certificate of title. The certificates may be mailed to the
18 applicant. Upon issuance of a certificate of title, the Tax
19 Commission shall provide the appropriate motor license agent with
20 confirmation of such issuance.

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

23 a. a full description of the vehicle,
24

- b. the manufacturer's serial or other identification number,
- c. the motor number and the date on which first sold by the manufacturer or dealer to the owner,
- d. any distinguishing marks,
- e. a statement of the applicant's source of title,
- f. any security interest upon the vehicle, and
- g. such other information as the Tax Commission may require.

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

- a. the vehicle has been damaged or stolen,
- b. the owner did or did not receive any payment for the loss from an insurer, or
- c. the vehicle is titled or registered in a state that does not classify the vehicle or brand the title because of damage to or loss of the vehicle similar to the classifications or brands utilized by this state.

The declaration shall be based upon the best information and knowledge of the owner and shall be in addition to the requirements

1 specified in paragraph 1 of this subsection. The Tax Commission
2 shall not issue a certificate of title for a vehicle which is
3 subject to the provisions of this paragraph without the required
4 declaration, completed and signed by the owner of the vehicle. Upon
5 receipt of an application without the properly completed
6 declaration, the Tax Commission shall return the application to the
7 applicant with notice that the title may not be issued without the
8 required declaration. Nothing in this paragraph shall prohibit the
9 Tax Commission from recognizing the type of or brand on a title or
10 other ownership document issued by another state or the inspection
11 conducted in another state and issuing the appropriate certificate
12 of title for the vehicle.

13 3. The certificate of title shall have the following security
14 features:

- 15 a. intaglio printing or security thread, with or without
- 16 watermark,
- 17 b. latent images,
- 18 c. fluorescent inks,
- 19 d. micro print,
- 20 e. void background, and
- 21 f. color coding.

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

1 5. The certificate of title shall be of such size and design
2 and color as the Tax Commission may direct pursuant to the
3 provisions of this section. The title shall be on colored paper or
4 other material as designated by the Tax Commission and be of such
5 intensity or hue as will allow easy identification as to whether the
6 title is an original title, a salvage title, a rebuilt title,
7 remanufactured title, rebodied title or a junked title. The type of
8 title shall be identified on the front of the certificate of title.
9 The original title, rebuilt title, remanufactured title, an
10 unrecovered-theft title, rebodied title or classic title shall be
11 identified by the word "Original", "Rebuilt", "Remanufactured",
12 "Unrecovered Theft", "Rebodied" or "Classic" printed in the upper
13 right quadrant of the certificate of title, in the space which is
14 currently captioned "type of title". A rebodied title shall also
15 identify on the front of the title the year, make and model of the
16 originally manufactured vehicle which has been rebodied and display
17 a notation that reads as follows: "This vehicle has been assembled
18 with new major components licensed by the original manufacturer".

19 D. 1. To obtain an original certificate of title for a vehicle
20 that is being registered for the first time in this state which has
21 not been previously registered in any other state, the applicant
22 shall be required to deliver, as evidence of ownership, a
23 manufacturer's certificate of origin properly assigned by the
24 manufacturer, distributor, or dealer licensed in this or any other

1 state shown thereon to be the last transferee to the applicant upon
2 a form to be prescribed and approved by the Tax Commission. A
3 manufacturer's certificate of origin shall contain:

- 4 a. the manufacturer's serial or other identification
5 number,
- 6 b. date on which first sold by the manufacturer to the
7 dealer,
- 8 c. any distinguishing marks including model and the year
9 same was made,
- 10 d. a statement of any security interests upon the
11 vehicle, and
- 12 e. such other information as the Tax Commission may
13 require.

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

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

22 E. In the absence of a dealer's or manufacturer's number, the
23 Tax Commission may assign such identifying number to the vehicle,
24 which shall be permanently stamped, burned or pressed or attached

1 into the vehicle, and a certificate of title shall be delivered to
2 the applicant upon payment of all fees and taxes, and the remaining
3 copies shall be permanently filed and indexed by the Tax Commission.
4 The Tax Commission shall assign an identifying number to any rebuilt
5 vehicle if the vehicle identification number displayed on the
6 rebuilt vehicle does not accurately describe the vehicle as rebuilt.
7 The motor license agent, at the time of inspection of the rebuilt
8 vehicle pursuant to Section 1111 of this title, shall identify the
9 make, model, and year for the body to accurately describe the
10 rebuilt vehicle. At the time of the inspection, an appropriate
11 identifying number shall be permanently stamped, burned, pressed, or
12 attached on the rebuilt vehicle. The assigned identifying number
13 shall be recorded on the certificate of title for the rebuilt
14 vehicle. The dealer's or manufacturer's vehicle identification
15 number on the rebuilt vehicle shall be preserved in the computer
16 files of the Tax Commission for at least five (5) years.

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

21 1. As evidence of ownership, if the vehicle has not previously
22 been titled in the United States, the documents constituting valid
23 proof of ownership in the country in which the vehicle was
24

1 originally purchased, together with a notarized translation of any
2 such documents; and

3 2. As evidence of compliance with federal law, copies of the
4 bond release letters for the vehicle issued by the United States
5 Environmental Protection Agency and the United States Department of
6 Transportation, together with a receipt issued by the Internal
7 Revenue Service indicating that the applicable federal gas guzzler
8 tax has been paid.

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

21 G. When registering in this state a vehicle which was titled in
22 another state and which title contains the name of a secured party
23 on the face of the other state certificate of title, or such state
24 certificate is being held by the secured party in that state or any

1 other state, the Tax Commission or the motor license agent shall
2 complete a lien entry form as prescribed by the Tax Commission. The
3 owner of such vehicle shall file an affidavit with the Tax
4 Commission or the motor license agent stating that title to the
5 vehicle is being held by a secured party has not been issued
6 pursuant to the laws of the state where titled, and that there is an
7 existing lien or encumbrance on the vehicle. The current name and
8 address of the secured party or lienholder shall also be stated in
9 the affidavit. The form of the affidavit shall be prescribed by the
10 Tax Commission and contain any other information deemed necessary by
11 the Tax Commission. A statement of the lien or encumbrance shall be
12 included on the Oklahoma certificate of title and the lien or
13 encumbrance shall be deemed continuously perfected as though it had
14 been perfected pursuant to Section 1110 of this title. For
15 completing the lien entry form and recording the security interest
16 on the certificate of title, the Tax Commission or the motor license
17 agent shall collect a fee of Three Dollars (\$3.00) which shall be in
18 addition to other fees provided by the Oklahoma Vehicle License and
19 Registration Act. The fee, if collected by the motor license agent
20 pursuant to this subsection, shall be retained by the motor license
21 agent.

22 H. The charge for each certificate of title issued, except for
23 junked titles as defined in paragraph 4 of subsection B of this
24 section, shall be Eleven Dollars (\$11.00), which charge shall be in

1 addition to any other fees or taxes imposed by law for such vehicle.
2 One Dollar (\$1.00) of each such charge shall be deposited in the
3 Oklahoma Tax Commission Reimbursement Fund. However, the charge
4 shall not apply to any vehicle which is to be registered in this
5 state pursuant to the provisions of Section 1120 or 1133 of this
6 title and which was registered in another state at least sixty (60)
7 days prior to the time it is required to be registered in this
8 state. When an insurer requests a salvage or junk title in the name
9 of the insurer resulting from the settlement of a total loss claim
10 and upon presentation of appropriate proof of loss documentation as
11 required by the Commission, such transfer may be processed as one
12 title transaction, without first requiring issuance of a replacement
13 certificate of title in the name of the vehicle owner. The fee
14 shall be Twenty-two Dollars (\$22.00). Two Dollars (\$2.00) of this
15 fee shall be deposited in the Oklahoma Tax Commission Reimbursement
16 Fund.

17 I. The vehicle identification number of a junked vehicle shall
18 be preserved in the computer files of the Tax Commission for a
19 period of not less than five (5) years. The charge of junked titles
20 as defined in paragraph 4 of subsection B of this section shall be
21 Four Dollars (\$4.00). The fee remitted to the Tax Commission shall
22 be deposited in the Oklahoma Tax Commission Reimbursement Fund.

23 J. If a vehicle is sold to a resident of another state
24 destroyed, dismantled, or ceases to be used as a vehicle, the owner

1 shall immediately notify the Tax Commission. Absent evidence to the
2 contrary, failure to notify the Tax Commission shall be prima facie
3 evidence that the vehicle has been in continuous operation in this
4 state.

5 K. If a vehicle is stolen, the owner shall immediately notify
6 the appropriate law enforcement agency. Immediately after receiving
7 such notification, the law enforcement agency shall notify the Tax
8 Commission.

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

- 20 1. Are offered for sale at auction;
- 21 2. Have been solely used as vehicles for rent under the
22 ownership of a licensed motor vehicle dealer or a person engaged in
23 the business of renting motor vehicles; or

24

1 3. Have not been registered in this or any other state for more
2 than one (1) year.

3 The inspection shall include a comparison of the vehicle
4 identification number on the vehicle with the number recorded on the
5 ownership records and the recording of the actual odometer reading
6 on the vehicle. The four-dollar fee shall be collected by the motor
7 license agent or Tax Commission when the title is issued. The motor
8 license agent shall retain Two Dollars (\$2.00). The remaining Two
9 Dollars (\$2.00) shall be deposited in the Oklahoma Tax Commission
10 Reimbursement Fund.

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

14 M. No title for any out-of-state vehicle offered for sale at
15 salvage pools, salvage disposal sales, or an auction, or by a dealer
16 or a licensed automotive dismantler and parts recycler, shall be
17 issued without an inspection to compare the vehicle identification
18 number on the vehicle with the number recorded on the ownership
19 record and to record the actual odometer reading on the vehicle.
20 Upon request of the seller, person or entity conducting an auction,
21 dealer or licensed dismantler, the inspection shall be conducted at
22 the location or place of business of the sale, auction, dealer, or
23 the dismantler. The inspection shall be conducted by any motor
24 license agent or a duly authorized employee thereof; provided, if

1 the vehicle identification number on the vehicle offered for sale at
2 salvage pools, salvage disposal sales or a classic or antique
3 auction does not match the number recorded on the ownership record,
4 the inspection may be conducted at the location of or place of
5 business of such sale or auction by any state, county or city law
6 enforcement officer. The Tax Commission may enter into reciprocal
7 agreements with other states for such inspections to be performed at
8 locations outside the boundaries of this state for vehicles which:

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

15 The inspection shall be certified upon forms prescribed by the Tax
16 Commission. The name and other identification of the authorized
17 person conducting the inspection shall be legibly printed or typed
18 on the form. Prior to any inspection by any employee of a motor
19 license agent, the motor license agent shall notify the Tax
20 Commission of the name and any other identification information
21 requested by the Tax Commission of the authorized person. A
22 signature specimen of the authorized person shall be submitted to
23 the Tax Commission by the employing motor license agent. If the
24 authorization to inspect vehicles is withdrawn or the employer-

1 employee relationship is terminated, the motor license agent,
2 immediately, shall notify the Tax Commission and return any
3 remaining inspection forms to the Tax Commission. The fee for the
4 inspection shall be Four Dollars (\$4.00). The motor license agent
5 shall retain Three Dollars (\$3.00) of the fee. Fees received by a
6 motor license agent or an authorized employee thereof shall be
7 handled and accounted for in the manner as prescribed by law for any
8 other fees paid to or received by a motor license agent. Out-of-
9 state vehicles brought into this state by a person licensed in
10 another state to sell new or used vehicles to be sold within this
11 state at a motor vehicle auction which is limited to dealer-to-
12 dealer transactions shall not be required to be inspected, unless
13 the vehicle is purchased by an Oklahoma dealer. Any person licensed
14 in another state to sell new or used motor vehicles, who offers a
15 motor vehicle for sale within this state at a motor vehicle auction
16 which is limited to dealer-to-dealer transactions, shall not be
17 within the definition of "owner" in Section 1102 of this title, for
18 purposes of Section 1101 et seq. of this title.

19 N. A licensed motor vehicle dealer, upon payment of a fee of
20 Fifteen Dollars (\$15.00), may reassign an out-of-state certificate
21 of title to a used motor vehicle provided such dealer obtains the
22 appropriate inspection form required by either subsection L or M of
23 this section and attaches the form to the out-of-state certificate
24 of title. Motor license agents shall be allowed to retain Two

1 Dollars and twenty-five cents (\$2.25) of the fee plus an additional
2 Two Dollars (\$2.00) or Three Dollars (\$3.00) as provided in
3 subsections L and M of this section for performance of the
4 inspection. Two Dollars (\$2.00) of the fee shall be deposited in
5 the Tax Commission Reimbursement Fund. An out-of-state vehicle
6 which has been rebuilt shall be inspected pursuant to the provisions
7 of Section 1111 of this title. The Tax Commission shall train motor
8 license agents in interpreting vehicle identification numbers to
9 assure that it accurately describes the vehicle and to detect
10 rollback or alteration of the odometer. Failure of a motor license
11 agent to inspect the vehicle and make the required notations shall
12 be a misdemeanor punishable by a fine of not more than One Thousand
13 Dollars (\$1,000.00) for the first offense and Five Thousand Dollars
14 (\$5,000.00) for the second offense or subsequent offense, or by
15 imprisonment in the county jail for not more than six (6) months, or
16 by both such fine and imprisonment.

17 O. The ownership of any unrecovered vehicle which has been
18 declared a total loss by an insurer because of theft shall be
19 transferred to the insurer by an unrecovered-theft vehicle title;
20 provided, the ownership of any such vehicle which has been declared
21 a total loss by an insurer licensed by the Insurance Department of
22 the State of Oklahoma and maintaining a multi-state motor vehicle
23 salvage processing center in this state shall be transferred to the
24 insurer by a salvage or an unrecovered-theft title without the

1 requirement of a visual inspection of the vehicle identification
2 number by the insurer. Upon recovery of the vehicle, the ownership
3 shall be transferred by an original title, salvage title, or junked
4 title, as may be appropriate based upon an estimate of the amount of
5 loss submitted by the insurer.

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

19 Q. The owner of any vehicle which is incapable of operation or
20 use on the public roads and has no resale value, except as parts,
21 scrap or junk, may deliver the certificate of title to the vehicle
22 to the Tax Commission for cancellation. Upon verification that any
23 perfected lien against the vehicle has been released, the
24 certificate of title shall be canceled without any fee, charge, or

1 cost required from the owner. The vehicle identification numbers on
2 the certificates of title shall be preserved in the computer files
3 of the Tax Commission for at least five (5) years from the date of
4 cancellation of the certificate of title. The Tax Commission shall
5 prescribe and provide an affidavit form to be completed by the owner
6 of any vehicle for which the certificate of title is canceled. No
7 title or registration shall subsequently be issued for a vehicle for
8 which the certificate of title has been surrendered pursuant to this
9 subsection. The Tax Commission shall prescribe a form for the
10 transfer of ownership of a vehicle for which the certificate of
11 title has been canceled.

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

1 absence of the number on the vehicle and the prescribed ownership
2 form shall include a signed statement, by such officer, verifying
3 the absence of the number.

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

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

21 S. The Tax Commission shall notify the chief administrative
22 officer of the agency or department responsible for issuing motor
23 vehicle certificates of title in each state in the United States of
24

1 the types of motor vehicle certificate of title effective in
2 Oklahoma on and after January 1, 1989.

3 T. When registering for the first time in this state a
4 remanufactured vehicle which has not been registered in any other
5 state since its remanufacture, before issuing a certificate of
6 title, the Tax Commission shall require the applicant to deliver a
7 statement of origin from the remanufacturer.

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

18 V. The Tax Commission shall not be considered a necessary party
19 to any lawsuit which is instigated for the purpose of determining
20 ownership of a vehicle, wherein the Tax Commission's only
21 involvement would be to issue title, and the court shall issue an
22 order dismissing the Tax Commission from the pending action. In the
23 event no other party or lienholder can be identified as to ownership
24

1 or claim, the Tax Commission shall accept an affidavit of ownership
2 from the party claiming ownership and issue proper title thereon.

3 SECTION 3. This act shall become effective November 1, 2016.
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5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
6 04/05/2016 - DO PASS.
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