

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 474

 By: Leewright of the Senate

 and

 Kannady of the House

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9 An Act relating to motor vehicle dealers; amending 47
10 O.S. 2011, Section 1128, which relates to dealer
11 license plates; removing certain penalty; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1128, is
15 amended to read as follows:

16 Section 1128. A. Every person manufacturing or having a
17 contract to sell new vehicles in this state shall file a verified
18 application for a general distinctive number for all new vehicles
19 owned or controlled by the manufacturer or dealer; provided, the
20 Oklahoma Tax Commission shall issue a license to sell such new motor
21 vehicles only for those types of new vehicles for which the
22 applicant has a sales contract or franchise; provided, further, that
23 no license shall be issued to any applicant that has not complied
24 with the provisions of Sections 561 through 568 of this title and

1 does not hold a current license issued by the Oklahoma Motor Vehicle
2 Commission pursuant thereto. A separate manufacturer's or dealer's
3 license shall be required for each separate county within which such
4 manufacturer or dealer has an established place of business and upon
5 payment of a license fee of Ten Dollars (\$10.00) there shall be
6 assigned and issued to such manufacturer or dealer a Certificate of
7 Registration and one license plate which shall be displayed upon
8 each vehicle of such manufacturer or dealer when same is operated,
9 driven, or displayed on any street, road, or highway, in the same
10 manner as hereinbefore provided for vehicles owned by other persons.
11 Such a manufacturer or dealer in new vehicles may obtain as many
12 additional license plates as may be desired, upon the payment of the
13 sum of Ten Dollars (\$10.00) for each additional plate; provided that
14 no such license plate issued to any manufacturer or dealer shall be
15 used or displayed upon any secondhand or used vehicle, or upon any
16 new vehicle which is used for a service car, or private use, or for
17 hire. Any person, with consent of the dealer, may operate a motor
18 vehicle, with the dealer's tag affixed, while contemplating
19 purchase, so long as this intent is limited to a consecutive
20 seventy-two-hour period, or a weekend. An individual holding a
21 valid salesman's license issued by the Oklahoma Motor Vehicle
22 Commission shall not be subject to this limitation. If such person
23 also buys and sells used vehicles, he shall, after obtaining his new
24 motor vehicle dealer's license from the Oklahoma Motor Vehicle

1 Commission, also obtain a used motor vehicle dealer's license, from
2 the Used Motor Vehicle and Parts Commission, the cost of which shall
3 be as prescribed in Section 1101 et seq. of this title.

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

9 C. Application for manufacturer's or dealer's license must show
10 that such dealer or manufacturer has not violated any of the
11 provisions of this section; and such license shall be nonassignable;
12 and any such license may be suspended temporarily or revoked by the
13 Commission for violation or failure to comply with this section⁷; and
14 provided, the holder of such license shall be given ten (10) days'
15 notice of hearing to suspend or cancel such license. If any such
16 person subject to any of the licenses required in this section fails
17 to obtain it when due, a penalty of twenty-five cents (\$0.25) per
18 day on each such license shall be charged in the same manner as is
19 now provided on delinquent motor vehicle registrations, and after a
20 period of thirty (30) days such penalty shall be equal to the
21 license fee. It shall be the duty of every person licensed to sell
22 new or used motor vehicles to advise each purchaser in writing about
23 his title requirements and payment of any taxes due. Each used
24 motor vehicle must display a proper Oklahoma license plate or a used

1 dealer's license plate. ~~Dealers failing to comply with provisions~~
2 ~~of this section shall be responsible for all taxes due on such sales~~
3 ~~or on such vehicles.~~

4 D. Every person engaged in the business of transporting and
5 delivering new or used vehicles by driving, either singly or by
6 towbar, saddle mount or full mount method, engaging in drive-away
7 operations as defined in Section 3 of Title 85 of the Oklahoma
8 Statutes, or any combination thereof, from the manufacturer or
9 shipper to the dealer or consignee and using the public highways of
10 this state shall file with the Commission a verified application for
11 in-transit license plates to identify such vehicles. The
12 application shall provide for a general distinctive number for all
13 vehicles so transported. Upon payment of a license fee of Ten
14 Dollars (\$10.00) there shall be assigned and issued to such person
15 one in-transit plate. Such in-transit plate shall be used by such
16 person only on vehicles when so transported. Such person may obtain
17 as many additional in-transit plates as desired upon payment of a
18 fee of Ten Dollars (\$10.00) for each additional plate. Provided, a
19 used motor vehicle dealer shall use a used dealer license plate in
20 lieu of the in-transit license plate for transporting a used motor
21 vehicle and, in such cases, shall be exempt from making application
22 for an in-transit license plate. Provided further, only a person
23 who possesses a valid motor carrier authority issued by the Federal
24 Motor Carrier Safety Administration, or a valid for-hire authority

1 issued by the Corporation Commission may use the in-transit license
2 plates obtained by them as herein authorized for transporting new or
3 used manufactured homes from one location to another location within
4 Oklahoma or from a point in another state to a point in this state.
5 Nothing contained in this section shall relieve any person from the
6 payment of license fees otherwise provided by law. When the
7 Commission deems it advisable and in the public interest, it may
8 require the holder of any in-transit license, or any person making
9 application therefor, to file a proper surety bond in any amount it
10 deems proper, not to exceed Ten Thousand Dollars (\$10,000.00).

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

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

16 SECTION 2. This act shall become effective November 1, 2017.

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18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
19 04/11/2017 - DO PASS.
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