



1 manufactured home manufacturer selling directly to a licensed  
2 manufactured home dealer in this state without first obtaining a  
3 license or following other requirements therefor as provided in this  
4 section.

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

15            b.   A used motor vehicle dealer's license shall authorize  
16            one person to sell without a salesperson's license in  
17            the event such person shall be the owner of a  
18            proprietorship, or the person designated as principal  
19            in the dealer's franchise or the managing officer or  
20            one partner if no principal person is named in the  
21            franchise.

22            c.   If after a hearing in accordance with the provisions  
23            of Section 585 of this title, the Oklahoma Used Motor  
24            Vehicle and Parts Commission shall find any person

1 installing a mobile or manufactured home to be in  
2 violation of any of the provisions of this act, such  
3 person may be subject to an administrative fine of not  
4 more than Five Hundred Dollars (\$500.00) for each  
5 violation. Each day a person is in violation of this  
6 act may constitute a separate violation. All  
7 administrative fines collected pursuant to the  
8 provisions of this subparagraph shall be deposited in  
9 the fund established in Section 582 of this title.  
10 Administrative fines imposed pursuant to this  
11 subparagraph may be enforceable in the district courts  
12 of this state.

13 d. A salesperson's license may not be issued under a  
14 wholesale used motor vehicle dealer's license.

15 3. Any person except persons penalized by administrative fine  
16 violating the provisions of this section shall, upon conviction, be  
17 fined not to exceed Five Hundred Dollars (\$500.00). A second or  
18 subsequent conviction shall be punished by a fine not to exceed One  
19 Thousand Dollars (\$1,000.00); provided that each day such unlicensed  
20 person violates this section shall constitute a separate offense,  
21 and any vehicle involved in a violation of this subsection shall be  
22 considered a separate offense.

23 B. 1. Applications for licenses required to be obtained under  
24 the provisions of the Oklahoma Used Motor Vehicle and Parts

1 Commission shall be verified by the oath or affirmation of the  
2 applicant and shall be on forms prescribed by the Commission and  
3 furnished to the applicants, and shall contain such information as  
4 the Commission deems necessary to enable it to fully determine the  
5 qualifications and eligibility of the several applicants to receive  
6 the license or licenses applied for. The Commission shall require  
7 in the application, or otherwise, information relating to:

- 8 a. the applicant's financial standing,
- 9 b. the applicant's business integrity,
- 10 c. whether the applicant has an established place of  
11 business and is engaged in the pursuit, avocation, or  
12 business for which a license, or licenses, is applied  
13 for,
- 14 d. whether the applicant is able to properly conduct the  
15 business for which a license, or licenses, is applied  
16 for, and
- 17 e. such other pertinent information consistent with the  
18 safeguarding of the public interest and the public  
19 welfare.

20 2. All applications for license or licenses shall be  
21 accompanied by the appropriate fee or fees in accordance with the  
22 schedule hereinafter provided. In the event any application is  
23 denied and the license applied for is not issued, the entire license  
24 fee shall be returned to the applicant.

1           3. All bonds and licenses issued under the provisions of this  
2 act shall expire on December 31, following the date of issue and  
3 shall be nontransferable. All applications for renewal of licenses  
4 shall be submitted by November 1 of each year of expiration, and  
5 licenses for completed renewals received by November 1 shall be  
6 issued by January 10. If applications have not been made for  
7 renewal of licenses, such licenses shall expire on December 31 and  
8 it shall be illegal for any person to represent himself or herself  
9 and act as a dealer thereafter. Tag agents shall be notified not to  
10 accept dealers' titles until such time as licenses have been issued.  
11 Beginning January 1, 2016, all licenses shall be issued for a period  
12 of two (2) years and the appropriate fees shall be assessed. The  
13 Commission shall adopt rules necessary to implement the two-year  
14 licensing provisions.

15           4. A used motor vehicle salesperson's license shall permit the  
16 licensee to engage in the activities of a used motor vehicle  
17 salesperson. Salespersons shall not be allowed to sell vehicles  
18 unless applications and fees are on file with the Commission and the  
19 motor vehicle salesperson's or temporary salesperson's license  
20 issued. A temporary salesperson's license, salesperson's renewal or  
21 reissue of salesperson's license shall be deemed to have been issued  
22 when the appropriate application and fee have been properly  
23 addressed and mailed to the Commission.

24

1 Dealers' payrolls and other evidence will be checked to  
2 ascertain that all salespersons for such dealers are licensed.

3 C. The schedule of license fees to be charged and received by  
4 the Commission for the licenses issued hereunder shall be as  
5 follows:

6 1. For each used motor vehicle dealer's license and each  
7 wholesale used motor vehicle dealer's license, Six Hundred Dollars  
8 (\$600.00). If a used motor vehicle dealer or a wholesale used motor  
9 vehicle dealer has once been licensed by the Commission in the  
10 classification for which he or she applies for a renewal of the  
11 license, the fee for each subsequent renewal shall be Three Hundred  
12 Dollars (\$300.00); provided, if an applicant holds a license to  
13 conduct business as an automotive dismantler and parts recycler  
14 issued pursuant to Section 591.1 et seq. of this title, the initial  
15 fee shall be Two Hundred Dollars (\$200.00) and the renewal fee shall  
16 be Two Hundred Dollars (\$200.00). If an applicant is applying  
17 simultaneously for a license under this paragraph and a license  
18 under paragraph 1 of Section 591.5 of this title, the initial  
19 application fee shall be Four Hundred Dollars (\$400.00). For the  
20 reinstatement of a used motor vehicle dealer's license after  
21 revocation for cancellation or expiration of insurance pursuant to  
22 subsection F of this section, the fee shall be Two Hundred Dollars  
23 (\$200.00);

24

1        2. For a used motor vehicle dealer's license, for each place of  
2 business in addition to the principal place of business, Two Hundred  
3 Dollars (\$200.00);

4        3. For each used motor vehicle salesperson's license and  
5 renewal, Fifty Dollars (\$50.00), and for a transfer, Fifty Dollars  
6 (\$50.00);

7        4. For each holder who possesses a valid new motor vehicle  
8 dealer's license from the Oklahoma Motor Vehicle Commission, Two  
9 Hundred Dollars (\$200.00) shall be the initial fee for a used motor  
10 vehicle license and the fee for each subsequent renewal shall be Two  
11 Hundred Dollars (\$200.00);

12        5.    a. For each manufactured home dealer's license or a  
13                restricted manufactured home park dealer's license,  
14                Six Hundred Dollars (\$600.00), and for each place of  
15                business in addition to the principal place of  
16                business, Four Hundred Dollars (\$400.00), and

17                b. For each renewal of a manufactured home dealer's  
18                license or a restricted manufactured home park  
19                dealer's license, and renewal for each place of  
20                business in addition to the principal place of  
21                business, Three Hundred Dollars (\$300.00);

22        6.    a. For each manufactured home installer's license, Four  
23                Hundred Dollars (\$400.00), and  
24

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

3           7. a. For each manufactured home manufacturer selling  
4           directly to a licensed manufactured home dealer in  
5           this state, One Thousand Five Hundred Dollars  
6           (\$1,500.00), and

7           b. For each renewal of a manufactured home manufacturer's  
8           license, One Thousand Five Hundred Dollars  
9           (\$1,500.00); ~~and~~

10          8. For each manufactured home salesperson's license or renewal  
11          thereof, Fifty Dollars (\$50.00), and for each transfer, Fifty  
12          Dollars (\$50.00);

13          9. Any manufactured home manufacturer who sells a new  
14          manufactured home to be shipped to or sited in the State of Oklahoma  
15          shall pay an installation inspection fee of Seventy-five Dollars  
16          (\$75.00) for each new single-wide manufactured home and One Hundred  
17          Twenty-five Dollars (\$125.00) for each new multi-floor manufactured  
18          home; and

19          10. A used manufactured home inspection fee of Seventy-five  
20          Dollars (\$75.00) shall be paid by the installer at or before the  
21          time of installation of any used manufactured home sited and  
22          installed in the State of Oklahoma.

23          D. 1. The license issued to each used motor vehicle dealer,  
24          each wholesale used motor vehicle dealer, each restricted



1 manufactured home park dealer and each manufactured home dealer  
2 shall specify the location of the place of business. If the  
3 business location is changed, the Oklahoma Used Motor Vehicle and  
4 Parts Commission shall be notified immediately of the change and the  
5 Commission may endorse the change of location on the license. The  
6 fee for a change of location shall be One Hundred Dollars (\$100.00),  
7 and the fee for a change of name, Twenty-five Dollars (\$25.00). The  
8 license of each licensee shall be posted in a conspicuous place in  
9 the place or places of business of the licensee.

10 2. The license issued to each manufactured home installer, and  
11 each manufactured home manufacturer shall specify the location of  
12 the place of business. If the business location is changed, the  
13 Oklahoma Used Motor Vehicle and Parts Commission shall be notified  
14 immediately of the change and the Commission may endorse the change  
15 of location on the license without charge. The license of each  
16 licensee shall be posted in a conspicuous place in the place or  
17 places of business of the licensee.

18 3. Every used motor vehicle salesperson shall have the license  
19 upon his or her person when engaged in business, and shall display  
20 same upon request. The name of the employer of the salesperson  
21 shall be stated on the license and if there is a change of employer,  
22 the license holder shall immediately mail the license to the  
23 Commission for its endorsement of the change thereon. There shall  
24 be no penalty for not having a license upon his or her person.

1           4. Every manufactured home installer shall have the license  
2 available for inspection at the primary place of business of the  
3 licensee. This license shall be valid for the licensee and all of  
4 the employees of the licensee. Any person who is not an employee of  
5 the licensee must obtain a separate manufactured home installer  
6 license regardless of whether such person is acting in the capacity  
7 of a contractor or subcontractor.

8           E. 1. a. Each applicant for a used motor vehicle dealer's  
9                   license shall procure and file with the Commission a  
10                   good and sufficient bond in the amount of Twenty-five  
11                   Thousand Dollars (\$25,000.00). Each new applicant for  
12                   a used motor vehicle dealer's license for the purpose  
13                   of conducting a used motor vehicle auction shall  
14                   procure and file with the Commission a good and  
15                   sufficient bond in the amount of Fifty Thousand  
16                   Dollars (\$50,000.00). An applicant who intends to  
17                   conduct a used motor vehicle auction who provides  
18                   proof that the applicant has check and title insurance  
19                   in an amount not less than Fifty Thousand Dollars  
20                   (\$50,000.00) shall only be required to have a bond in  
21                   the amount of Twenty-five Thousand Dollars  
22                   (\$25,000.00).

23           b. Each new applicant for a used motor vehicle dealer  
24                   license for the purpose of conducting a used motor

1 vehicle business which will consist primarily of non-  
2 auction consignment sales which are projected to equal  
3 Five Hundred Thousand Dollars (\$500,000.00) or more in  
4 gross annual sales shall procure and file with the  
5 Commission a good and sufficient bond in the amount of  
6 Fifty Thousand Dollars (\$50,000.00). The Commission  
7 shall prescribe by rule the method of operation of the  
8 non-auction consignment dealer in order to properly  
9 protect the interests of all parties to the  
10 transaction and to provide sanctions against dealers  
11 who fail to comply with the rules.

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

16 d. Any used motor vehicle dealer who, for the purpose of  
17 being a rebuilder, applies for a rebuilder  
18 certificate, as provided in Section 591.5 of this  
19 title, whether as a new application or renewal, shall  
20 procure and file with the Commission a good and  
21 sufficient bond in the amount of Fifteen Thousand  
22 Dollars (\$15,000.00), in addition to any other bonds  
23 required.

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1 e. Each applicant for a manufactured home dealer's  
2 license or a restricted manufactured home park  
3 dealer's license shall procure and file with the  
4 Commission a good and sufficient bond in the amount of  
5 Thirty Thousand Dollars (\$30,000.00).

6 f. Each manufactured home manufacturing facility selling  
7 directly to a licensed manufactured home dealer in  
8 this state shall procure and file with the Commission  
9 a good and sufficient bond in the amount of Thirty  
10 Thousand Dollars (\$30,000.00). In addition to all  
11 other conditions and requirements set forth herein,  
12 the bond shall require the availability of prompt and  
13 full warranty service by the manufacturer to comply  
14 with all warranties expressed or implied in connection  
15 with each manufactured home which is manufactured for  
16 resale in this state. A manufacturer may not sell,  
17 exchange, or lease-purchase a manufactured home to a  
18 person in this state who is not a licensed  
19 manufactured home dealer.

20 g. The bond shall be approved as to form by the Attorney  
21 General and conditioned that the applicant shall not  
22 practice fraud, make any fraudulent representation, or  
23 violate any of the provisions of this act in the  
24 conduct of the business for which the applicant is

1 licensed. One of the purposes of the bond is to  
2 provide reimbursement for any loss or damage suffered  
3 by any person by reason of issuance of a certificate  
4 of title by a used motor vehicle dealer, a wholesale  
5 used motor vehicle dealer, a restricted manufactured  
6 home park dealer or a manufactured home dealer.

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

11 F. Any used motor vehicle dealer or wholesale used motor  
12 vehicle dealer is required to furnish and keep in force a minimum of  
13 Twenty-five Thousand Dollars (\$25,000.00) of single liability  
14 insurance coverage on all vehicles offered for sale or used in any  
15 other capacity in demonstrating or utilizing the streets and  
16 roadways in accordance with the financial responsibility laws of  
17 this state.

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

23 H. Any manufactured home installer is required to furnish and  
24 keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00)

1 of general liability with products and completed operations  
2 insurance coverage.

3 SECTION 2. This act shall become effective November 1, 2019.

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5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
6 03/28/2019 - DO PASS.

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