

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 998

By: Standridge of the Senate

and

Osburn of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Vehicle License and
11 Registration Act; requiring the Oklahoma Tax
12 Commission to implement a program for electronic
13 certificates of title and associated liens; requiring
14 certain competitive contracts; providing date to
15 establish program; requiring the Commission to
16 promulgate rules; requiring certain program
17 procedures; adding definitions; requiring certain
18 electronic documents and signatures be considered
19 valid; requiring certain certified copies of Oklahoma
20 Tax Commission records to be considered admissible
21 evidence; requiring certain consultation; providing
22 for codification; and providing an effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1105A of Title 47, unless there
is created a duplication in numbering, reads as follows:

A. On or before July 1, 2022, the Oklahoma Tax Commission shall
implement a program which will permit the electronic filing, storage

1 and delivery of motor vehicle certificates of title and allow a
2 lienholder to perfect, assign and release a lien on a motor vehicle
3 in lieu of submission and maintenance of paper documents as
4 otherwise provided in the provisions of Section 1101 et seq. of
5 Title 47 of the Oklahoma Statutes. The Tax Commission shall enter
6 into competitive contracts with qualified third-party service
7 providers offering electronic lien and title processing services,
8 subject to the provisions of the Oklahoma Central Purchasing Act,
9 Section 85.1 et seq. of Title 74 of the Oklahoma Statutes, to
10 provide necessary hardware, software and services to motor license
11 agents who shall provide an electronic filing, storage and delivery
12 system to be used by applicants for a certificate of title and for
13 filing or releasing a lien pursuant to the procedures prescribed by
14 the Oklahoma Tax Commission. The provisions of this section shall
15 apply to applications for certificates of title and liens filed
16 after June 30, 2022. The Tax Commission shall promulgate rules to
17 implement the provisions of this section.

18 B. The program authorized under subsection A of this section
19 shall include, but not be limited to, procedures:

20 1. For the delivery of a certificate of title, on a paper
21 document or in an electronic format, to the secured party having the
22 primary perfected security interest in a vehicle in lieu of delivery
23 to the record owner, notwithstanding the provisions of Section 1101
24 et seq. of Title 47 of the Oklahoma Statutes. Provided, when

1 electronic transmission of liens and lien satisfactions is used, a
2 certificate of title need not be issued or printed until the last
3 lien is satisfied and a clear certificate of title is issued to the
4 owner of the vehicle at their request;

5 2. Establishing qualifications for third-party service
6 providers offering electronic lien services;

7 3. Establishing reasonable fees, if necessary, to be charged by
8 service providers or contractors for the establishment, maintenance
9 and operation of the electronic lien title program;

10 4. Providing access to the electronic certificate of title
11 records including liens on record, for licensed motor vehicle
12 dealers and lienholders who participate in the program
13 notwithstanding the provisions of Section 1109 of Title 47 of the
14 Oklahoma Statutes;

15 5. Allowing motor license agents to participate in the
16 electronic lien title program. Participating motor license agents
17 shall receive all fees provided by the Oklahoma Vehicle License and
18 Registration Act unless otherwise provided in Section 1132A of Title
19 47 of the Oklahoma Statutes; and

20 6. For the acceptance and use of electronic or digital
21 signatures.

22 C. As used in this section and Section 1101 et seq. of Title 47
23 of the Oklahoma Statutes:

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1 1. "Deliver" or "delivery" means, with respect to a certificate
2 of title or lien, either the physical delivery of a paper document
3 or the electronic delivery of a document in an electronic format;

4 2. "Electronic format" means an electronic or digital format or
5 medium of any document, record or other information; and

6 3. "Possess" or "possession" means, with respect to a
7 certificate of title or lien, to hold or otherwise exercise control
8 over a document which is in either a physical or electronic format.

9 D. Any documents created, stored or delivered under the
10 electronic lien title program as provided in this section shall be
11 considered valid including any signatures which are generated
12 electronically or contained on a scanned copy. A certified copy of
13 the Oklahoma Tax Commission's electronic record of a motor vehicle
14 certificate of title or lien is admissible in any civil, criminal or
15 administrative proceeding in this state as evidence of the existence
16 and contents of the certificate of title or lien.

17 E. The Tax Commission is authorized to expend funds necessary
18 for the implementation of the program provided in subsection A of
19 this section from available monies in the Oklahoma Tax Commission
20 and Office of Management and Enterprise Services Joint Computer
21 Enhancement Fund created pursuant to Section 265 of Title 68 of the
22 Oklahoma Statutes.

23 F. In the development of the program provided in subsection A
24 of this section, the Oklahoma Tax Commission shall consult

1 interested parties including, but not limited to, representatives of
2 the Oklahoma Automobile Dealers Association, the Oklahoma Bankers
3 Association, the Oklahoma Credit Union Association and the Oklahoma
4 Tag Agent Coalition.

5 SECTION 2. This act shall become effective November 1, 2021.

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