

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3663

By: Kannady

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6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 1140, as last amended by Section 2,
Chapter 195, O.S.L. 2019 (47 O.S. Supp. 2019, Section
9 1140), which relates to motor license agents;
10 modifying basis for removal of motor license agents;
providing that motor license agents are subject to
11 removal for cause by the Oklahoma Tax Commission; and
providing an effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1140, as
15 last amended by Section 2, Chapter 195, O.S.L. 2019 (47 O.S. Supp.
16 2019, Section 1140), is amended to read as follows:

17 Section 1140. A. The Oklahoma Tax Commission shall adopt rules
18 prescribing minimum qualifications and requirements for locating
19 motor license agencies and for persons applying for appointment as a
20 motor license agent. Such qualifications and requirements shall
21 include, but not be limited to, the following:

- 22 1. Necessary job skills and experience;
23 2. Minimum office hours;

- 1 3. Provision for sufficient staffing, equipment, office space
2 and parking to provide maximum efficiency and maximum convenience to
3 the public;
- 4 4. Obtainment of a faithful performance surety bond as provided
5 for by law;
- 6 5. In counties with a population in excess of thirty thousand
7 (30,000) persons according to the latest Federal Decennial Census, a
8 requirement that operation of a motor license agency be the primary
9 source of income for the agent;
- 10 6. That the applicant has not been convicted of a felony and
11 that no felony charges are pending against the applicant;
- 12 7. That a complete financial statement be submitted by the
13 applicant on forms provided by the Tax Commission;
- 14 8. That a report of the applicant's credit history be obtained
15 through the appropriate credit bureau; and
- 16 9. That the location specified in the application for
17 appointment as a motor license agent not be owned by a member of the
18 Oklahoma Tax Commission or an employee of the Oklahoma Tax
19 Commission or any person related to a member of the Oklahoma Tax
20 Commission or an employee of the Tax Commission within the third
21 degree by consanguinity or affinity and that the location not be
22 within a three-mile radius of an existing motor license agency
23 unless the applicant is assuming the location of an operating
24 agency. If the applicant is assuming the location of an existing or

1 operating agency, the current agent may submit a letter of
2 resignation contingent upon the appointment of the applicant
3 regardless of the population of the municipality in which the agency
4 is located. The Tax Commission may, at its discretion, approve the
5 relocation of an existing agency within a three-mile radius of
6 another existing agency only if a naturally intervening geographic
7 barrier within that radius causes the locations to be separated by
8 not less than three (3) miles of roadway by the most direct route.

9 B. After the necessary information has been forwarded to the
10 Tax Commission, the Tax Commission or its designees may select
11 applicants to be interviewed and each item of information shall be
12 reviewed.

13 Any person making application to the Tax Commission for the
14 purpose of becoming a motor license agent shall pay when submitting
15 the application, a nonrefundable application fee of One Hundred
16 Dollars (\$100.00). All such application fees shall be deposited in
17 the Oklahoma Tax Commission Revolving Fund.

18 C. Upon application by a person to serve as a motor license
19 agent, in such counties, the Tax Commission is authorized to make a
20 determination whether such person and such location meets the
21 qualifications and requirements prescribed herein and, if such be
22 the case, may appoint such person to serve as a motor license agent.

23 D. A motor license agent, appointed pursuant to this
24 subsection, shall be permitted to operate a motor license agency at

1 a single location and shall be prohibited from operating subagencies
2 or branch agencies.

3 Motor license agents appointed pursuant to this section shall be
4 subject to all laws relating to motor license agents and shall be
5 subject to removal ~~at the will of~~ for cause by the Tax Commission.

6 The Tax Commission shall appoint as many motor license agents as
7 it deems necessary to carry out the provisions of the Motor Vehicle
8 License and Registration Act. Provided, that in counties with a
9 population in excess of twenty-five thousand (25,000) persons,
10 according to the latest Federal Decennial Census, having only one
11 motor license agent serving the county, the Tax Commission shall
12 establish at least one additional agency to serve the county.

13 E. All motor license agents shall be self-employed independent
14 contractors and shall be under the supervision of the Tax
15 Commission; provided, any agent authorized to issue registrations
16 pursuant to the International Registration Plan shall also be under
17 the supervision of the Corporation Commission, subject to rules
18 promulgated by the Corporation Commission pursuant to the provisions
19 of subsection E of Section 1166 of this title. Any such agent, upon
20 being appointed, shall furnish and file with the Tax Commission a
21 bond in such amount as may be fixed by the Tax Commission. Such
22 agent shall be removable at the will of the Tax Commission. Such
23 agent shall perform all duties and do such things in the
24 administration of the laws of this state as shall be enjoined upon

1 and required by the Tax Commission or the Corporation Commission.
2 Provided, the Tax Commission may operate a motor license agency in
3 any county where a vacancy occurs.

4 F. In the event of a vacancy existing by reason of resignation,
5 removal, death or otherwise, in the position of any motor license
6 agent, the Tax Commission is hereby empowered and authorized to take
7 any and all actions it deems appropriate in order to provide for the
8 orderly transition and for the maintenance of operations of the
9 motor license agency including but not limited to the designation of
10 one of its regular employees to serve as "acting agent" without
11 bond, and to receive and expend all fees or charges authorized or
12 provided by law and exercise the same powers and authority as a
13 regularly appointed motor license agent. An acting agent may be
14 authorized by the Tax Commission equally as the preceding agent to
15 make disbursements from any balances in the preceding motor license
16 agent's operating account and the agent's operating funds for the
17 payment of expenses of operations and salaries and other overhead.
18 If such funds are insufficient, the Tax Commission is authorized to
19 expend from funds appropriated for the operation of the Tax
20 Commission such amounts as are necessary to maintain and continue
21 the operation of any such motor license agency until a successor
22 agent is appointed and qualified. The Tax Commission may require a
23 blanket fiduciary bond of the agency employees.

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1 G. Any motor license agency operated by a motor license agent
2 who has been charged with a felony shall be closed immediately. The
3 Tax Commission shall determine whether the motor license agency
4 shall be reopened and operated by the motor license agent. The
5 determination shall be effected as soon as possible to prevent
6 additional inconvenience to the public.

7 H. When an application for registration is made with the Tax
8 Commission, Corporation Commission or a motor license agent, a
9 registration fee of One Dollar and seventy-five cents (\$1.75) shall
10 be collected for each license plate or decal issued. Such fees
11 shall be in addition to the registration fees on motor vehicles and
12 when an application for registration is made to the motor license
13 agent such motor license agent shall retain a fee as provided in
14 Section 1141.1 of this title. When the fee is paid by a person
15 making application directly with the Tax Commission or Corporation
16 Commission, as applicable, the registration fees shall be in the
17 same amount as provided for motor license agents and the fee
18 provided by Section 1141.1 of this title shall be deposited in the
19 Oklahoma Tax Commission Revolving Fund or as provided in Section
20 1167 of this title, as applicable. The Tax Commission shall prepare
21 schedules of registration fees and charges for titles which shall
22 include the fees for such agents and all fees and charges paid by a
23 person shall be listed separately on the application and
24 registration and totaled on the application and registration. The

1 motor license agents shall charge only such fees as are specifically
2 provided for by law, and all such authorized fees shall be posted in
3 such a manner that any person shall have notice of all fees that are
4 imposed by law.

5 I. No person shall be appointed as a motor license agent unless
6 the person has attested under oath that the person is not related by
7 affinity or consanguinity within the third degree to:

- 8 1. Any member of the Oklahoma Tax Commission; or
- 9 2. Any employee of the Tax Commission.

10 J. Any motor license agent appointed under the provisions of
11 this title shall be responsible for all costs incurred by the Tax
12 Commission when relocating an existing motor license agency. The
13 Tax Commission may waive payment of such costs in case of unforeseen
14 business or emergency conditions beyond the control of the agent.

15 SECTION 2. This act shall become effective November 1, 2020.

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