

1 STATE OF OKLAHOMA

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

3 SUBCOMMITTEE RECOMMENDATION
4 FOR ENGROSSED

5 SENATE BILL NO. 998

By: Standridge of the Senate

and

Osburn of the House

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9 SUBCOMMITTEE RECOMMENDATION

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 designation of a vendor; providing date to establish
15 program; requiring the Commission to promulgate
16 rules; requiring certain program procedures; adding
17 definitions; requiring certain electronic documents
18 and signatures be considered valid; requiring certain
19 certified copies of Oklahoma Tax Commission records
20 to be considered admissible evidence; requiring
21 certain consultation; providing for codification; and
22 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
6 designate a vendor or vendors, subject to the provisions of the
7 Oklahoma Central Purchasing Act, Section 85.1 et seq. of Title 74 of
8 the Oklahoma Statutes, to provide necessary hardware, software and
9 services to motor license agents who shall provide an electronic
10 filing, storage and delivery system to be used by applicants for a
11 certificate of title and for filing or releasing a lien pursuant to
12 the procedures prescribed by the Oklahoma Tax Commission. The
13 provisions of this section shall apply to applications for
14 certificates of title and liens filed after June 30, 2022. The Tax
15 Commission shall promulgate rules to implement the provisions of
16 this section.

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

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

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

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

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

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

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

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

21 C. As used in this section and Section 1101 et seq. of Title 47
22 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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