

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE DISMANTLER, AND
MANUFACTURED HOUSING COMMISSION
CHAPTER 1. ORGANIZATION AND METHOD OF OPERATIONS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

765:1-1-2 [AMENDED]

765:1-1-6 [AMENDED]

SUMMARY:

The proposed rules modify the agency name from Oklahoma Used Motor Vehicle and Parts Commission to Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission.

AUTHORITY:

Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission;

47 O.S. Section 582(E)(1);

75 O.S. Section 583 B.3.;

75 O.S. Section 302 et.seq

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle Dismantler, and Manufactured Housing Commission, 421 NW 13th, Suite 330, Oklahoma City, Oklahoma 73103, by February 17th, 2023.

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14th, 2023, at 10:30 AM, at the office of the Used Motor Vehicle Dismantler, and Manufactured Housing Commission, 421 NW 13th, Suite 100, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle Dismantler, and Manufactured Housing Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 17th, 2023.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle Dismantler, and Manufactured Housing Commission, 421 NW 13th, Suite 330, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 1st, 2023, at the office of the Used Motor Vehicle Dismantler, and Manufactured Housing Commission.

CONTACT PERSON: John W. Maile, Director, Used Motor Vehicle Dismantler, and
Manufactured Housing Commission, 421, NW 13th, Suite 330, Oklahoma City,
Oklahoma 73103 (405)521-3600.

CHAPTER 1. ORGANIZATION AND METHOD OF OPERATIONS

765:1-1-1. Purpose

The rules of this Chapter have been adopted for the purpose of complying with the provisions of 75 O.S. Section 250 et seq., 75 O.S. Section 302, and 47 O.S. Section 582 (E). This Chapter will provide a description of the Commission, a statement of the types of meetings of the Commission and the procedures for the meetings, and the methods whereby the public may obtain information or make submissions or requests.

765:1-1-2. Description of Commission

(a) **Creation.** The Oklahoma Used Motor Vehicle, Dismantler, and Parts Manufactured Housing Commission (hereinafter "Commission") is created by 47 O.S. Section 581 et seq. Applicable definitions and the powers and the duties of the Commission are set forth in 47 O.S. Section 581 et seq. and 47 O.S. Section 591.1 et seq.

(b) **Members.** The Commission shall consist of ten (10) members, one from each of the congressional districts of the state, a chair and all other members selected from the state at large.

(c) **Quorum.** Six (6) members of the Commission shall constitute a quorum and may transact any business or hold any hearing by a simple majority vote of the quorum. If a quorum is not present, the Chairman may postpone or cancel the meeting for lack of a quorum.

765:1-1-2.1 Meetings of the Commission

(a) Monthly meeting.

(1) The Commission shall hold at least one regular meeting each month of each calendar year at its office in Oklahoma City.

(2) The Commission shall meet at its offices in Oklahoma City, Oklahoma, on the second Tuesday in each month to transact such business as may properly come before it. Notice of any change of any monthly meetings schedule will be in accordance with the Oklahoma Open Meeting Act.

(b) **Special meetings.** Special meetings shall be held upon call of the Chairman by notice given to the members of the Commission at least forty-eight (48) hours prior to the time the meeting is to be held; such notice to be given by telephone, letter, fax or email. Special meetings shall be held in compliance with the Oklahoma Open Meeting Act.

(c) **Emergency meetings.** The Commission may hold an emergency meeting for any purpose authorized in the Open Meeting Act, 25 O.S. Section 301 et seq.

(d) **Continued or reconvened meetings.** Any meeting may be continued or reconvened as authorized in the Open Meeting Act, 25 O.S. Section 301 et seq.

(e) **Other meetings.** The Commission may hold other meetings as it deems necessary, at the same location monthly meetings may be held. All meetings shall be held in compliance with the provision of its enabling act, the Open Meeting Act and the Oklahoma Administrative Procedures Act.

(f) **Procedure for meetings.** The Commission may adopt such rules of procedure as the Commission deems appropriate. In absence of a specified procedure, the Chair

may determine whether a specific action may be taken and the procedure therefore. The action or procedure shall not conflict with any statutory procedural meeting requirements.

(g) **Effect of vote denying application.** An application which is considered by the Commission for approval or denial and upon which a vote is taken which has the effect of denying the application, need not be reconsidered by the Commission for a period of three (3) months from the date of the original vote.

765:1-1-3. Executive Director

The Executive Director shall be in charge of the Commission's office and shall conduct and direct the activities thereof in the manner as directed by the Commission.

765:1-1-4. Office location

The office of the Commission is in Oklahoma City, Oklahoma.

765:1-1-5. Office hours

The Commission office shall be open to the public a minimum of eight hours each day, except Saturday and Sunday, and any legal holiday established by statute or proclamation of the Governor.

765:1-1-6. Official seal

(a) The official seal of the Oklahoma Used Motor Vehicle, Dismantler, and Parts and Manufactured Housing Commission shall be as follows: The official Star of the State of Oklahoma bordered by the inscription, "Oklahoma Used Motor Vehicle, Dismantler, and Parts Manufactured Housing Commission."

(b) The Executive Director shall be the custodian of the official seal and shall affix the imprint or the facsimile thereof to all license certificates issued by the Oklahoma Used Motor Vehicle, Dismantler, and Parts Manufactured Housing Commission.

765:1-1-7. Communications

Every communication in writing to the Commission shall be addressed to the Executive Director of the Commission at the principal office unless the Commission directs otherwise.

765:1-1-8. Public inspection of records

(a) All rules and other written statements of policy or interpretations formulated, adopted, or used by the Commission in the discharge of its functions, and all final orders, decisions, and opinions will be made available for public inspection at the Commission's principal office during regular office hours.

(b) Financial Statements submitted to the Commission as part of an application for a license shall not be deemed public records. Social Security numbers and Driver's License numbers shall not be public records.

765:1-1-9. Copies of records

(a) Copies of official records of the Commission may be made and may be certified by the Executive Director and his/her designee. A fee for such copies and certification may be charged as provided in a fee schedule enacted by the Commission. The fee for each of the following items shall be as follows:

- (1) \$.25 mechanical copy
- (2) \$1.00 certified mechanical copy
- (3) \$5.00 list of Wholesale Used Motor Vehicle Dealers
- (4) \$10.00 list of Automotive Dismantlers or Rebuilders
- (5) \$10.00 list of Crushers
- (6) \$10.00 list of Manufactured Home Dealers or Salespersons
- (7) \$25.00 list of Used Motor Vehicle Dealers
- (8) \$35.00 list of Used Motor Vehicle Salesmen
- (9) \$50.00 label list of any kind
- (10) \$10.00 hourly research fee
- (11) Actual cost of transcription of hearings as submitted by transcriber.
- (12) \$100.00 Deposit to begin transcription of an individual proceeding.

(b) Requests for copies of Commission files must be made between the hours of 9:00AM and 4:00PM Monday through Friday (excluding holidays), providing the copier is available and authorized personnel is available for copy service. Otherwise copying will be scheduled upon request. Any requests requiring research will have to be scheduled with authorized personnel as time permits. Any material in the office of the Commission which is privileged or protected from publication by state law, shall not be copied, nor be available for public inspection.