

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE DISMANTLER, AND  
MANUFACTURED HOUSING COMMISSION  
CHAPTER 11. USED MOTOR VEHICLE REBUILDERS**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Licensing Qualifications, Procedures and Fees  
765:11-1-2 [AMENDED]  
Subchapter 3. Authority  
765:11-3-3 [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, and removes "shall" from definitions and replaces it with "means".

**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 13<sup>th</sup>, Suite 330, Oklahoma City, Oklahoma 73103, by February 17<sup>th</sup>, 2023.

**PUBLIC HEARING:**

The public hearing will be held on Tuesday, March 14<sup>th</sup>, 2023, at 10:30 AM, at the office of the Used Motor Vehicle Dismantler, and Manufactured Housing Commission, 421 NW 13<sup>th</sup>, 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 17<sup>th</sup>, 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 13<sup>th</sup>, Suite 330, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and be available after February 1<sup>st</sup>, 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 13<sup>th</sup>, Suite 330, Oklahoma City, Oklahoma 73103 (405)521-3600.

## CHAPTER 11. USED MOTOR VEHICLE REBUILDERS

### SUBCHAPTER 1. LICENSING QUALIFICATIONS, PROCEDURES AND FEES

#### 765:11-1-1. 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. and 47 O.S. Section 582(E). This Chapter will provide a description of the qualifications for obtaining a rebuilder's certificate, operation under this certificate, and the grounds and procedures for denial, suspension or revocation of a Rebuilder's Certificate.

#### 765:11-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning:

**"Rebuilder"** ~~shall be defined as set forth in 47 O.S. Section 581, as amended~~ means a used motor vehicle dealer who is engaged in the business of rebuilding repairable motor vehicles and who has paid the fee for and has been issued a rebuilder certificate as provided in 47 O.S. Section 591.5 et seq..

**"Rebuilder's certificate"** ~~shall be~~ means the license granted by the Oklahoma Used Motor Vehicle, Dismantler, and Parts Manufactured Housing Commission to a qualified rebuilder.

**"Rebuilding"** ~~shall be defined as~~ means the process of reconstructing and repairing a repairable motor vehicle to roadworthy condition, including the completion of cosmetic or aesthetic repairs.

**"Repairable motor vehicle"** ~~shall include~~ means damaged vehicles with an original or salvage certificate of title, ~~but shall not include~~ vehicles for which a junked title has been issued; or which meet the statutory definition of a junked vehicle; or which is sold without a certificate of title; or is sold on a bill of sale or Affidavit of Ownership; or other document which indicates the vehicle is being sold for the sole purpose of dismantling the vehicle or for parts only.

#### 765:11-1-3. Fees

The fees required for an initial application and renewal for a rebuilder's certificate are recited in 47 O.S. Section 591.5.

#### 765:11-1-4. Place of business

(a) An applicant for a rebuilder's certificate shall have an established place of business at the same location for which he is licensed to sell used motor vehicles. An applicant may have a facility separate from the licensed location where the rebuilding or repair of damaged vehicles takes place. Such facility shall be subject to inspection by employees of the Commission or law enforcement personnel to the same extent as authorized by 47 O.S. §581 et seq. and/or 47 O.S. § 591.1 et seq.

(b) The place of business of an applicant for a rebuilder's certificate shall also meet any applicable zoning, occupancy, and other requirement of the appropriate local government for the repair or reconstruction of motor vehicles at the rebuilder's location.

(c) In addition to complying with any local zoning ordinances, the Commission may require that the rebuilder's place of business have sight proof or opaque screening from adjoining property where it appears the use of the property by the rebuilder may be offensive to or detrimental to the adjoining properties.

#### **765:11-1-5. Application**

(a) **Form.** The application for a rebuilder's certificate shall be on a form prescribed by the Commission and shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the applicant for a rebuilder's certificate.

(b) **Verification.** Applications for rebuilder's certificate shall be verified by the oath or affirmation of the applicant.

#### **765:11-1-6. Qualifications**

An applicant for a rebuilder's certificate shall:

- (1) have sufficient facilities or access to sufficient facilities for the rebuilding and reconstructing of repairable motor vehicles to safe and operable condition;
- (2) have sufficient knowledge of the process of rebuilding and reconstructing vehicles to directly supervise said rebuilding process; and
- (3) perform said rebuilding or supervise said rebuilding to insure that the vehicle is safe for operation on the public roadways.

#### **765:11-1-7. Records**

(a) In addition to the record keeping requirements for a used motor vehicle dealer, a rebuilder shall keep a separate record of all vehicles bought at salvage pools or salvage disposal sales. The records shall include where and from whom the vehicle was purchased, where and to whom the vehicle was sold, the parts used to repair the vehicle to a roadworthy condition, and the disposition of the parts of the vehicle removed or not used in the repair of the vehicle.

(b) Said records shall be available for inspection by agents of this Commission in the same manner as all other records of a used motor vehicle dealer.

### **SUBCHAPTER 3. AUTHORITY**

#### **765:11-3-1. Authority of a rebuilder**

(a) A rebuilder who has been issued a rebuilder's certificate card pursuant to 47 O.S. Section 591.5, shall be authorized to purchase repairable motor vehicles at salvage pools or salvage disposal sales for the purpose of rebuilding those vehicles. A rebuilder shall also be authorized to buy wrecked vehicles for the purpose of using the parts thereof to repair or rebuild the rebuilder's own vehicles.

(b) The holder of a rebuilder's certificate shall not have the authority to act as an automotive dismantler.

#### **765:11-3-3. Authority to dispose of parts**

A rebuilder shall be is authorized to dispose of the parts not used from a repairable

motor vehicle in the rebuilding of the vehicle by selling said parts to a licensed automotive dismantler or selling said parts to a metal processor or crusher for scraps in accordance with applicable state laws. Any other disposition of said parts shall require a rebuilder to first be licensed as an automotive dismantler.

#### **SUBCHAPTER 4. OPERATION**

##### **765:11-4-1. Disclosure**

A rebuilder shall disclose to any prospective purchaser on a form approved by the Commission if the rebuilt vehicle was manufactured with or without air bags, whether the air bags were not deployed and are operable, or were deployed and replaced and are operable, or the air bags were deployed and not replaced, or if the air bags are missing and inoperable.

#### **SUBCHAPTER 5. ASSESSMENT OF FINE OR DENIAL, SUSPENSION, OR REVOCATION OF LICENSE**

##### **765:11-5-1. Grounds**

(a) A rebuilder's certificate may be denied, suspended, or revoked for the following reasons:

(1) Any of the grounds enumerated in 47 O.S. Section 584 for which a used motor vehicle dealer's license may be denied, suspended, or revoked.

(2) Committing any of the following acts may be deemed grounds for denial, suspension, or revocation of a rebuilder's certificate or assessment of fines pursuant to 47 O.S. Section 584(6)(d) and/or 47 O.S. Section 584(6)(e):

(A) Failure of the rebuilder to disclose in writing to the purchaser of the vehicle that the vehicle has been rebuilt;

(B) Failure of the rebuilder to disclose in writing to the purchaser of the vehicle that the vehicle has a rebuilt certificate of title;

(C) Selling a rebuilt vehicle on a salvage certificate of title;

(D) Failing to obtain a rebuilt vehicle inspection and/or obtain a rebuilt certificate of title prior to the sale of the rebuilt vehicle.

(b) The Commission may in addition to any other sanction or penalty assessed, impose a fine as authorized by law.