

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE DISMANTLER, AND
MANUFACTURED HOUSING COMMISSION
CHAPTER 12. SALVAGE POOLS AND DISPOSAL SALES**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 6. Titling [NEW]

765:12-6-1 [NEW]

SUMMARY:

The proposed rules add new language addressing salvage and junk titles.

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 12. SALVAGE POOLS AND SALVAGE DISPOSAL SALES

SUBCHAPTER 1. LICENSING QUALIFICATIONS, PROCEDURES AND FEES

765:12-1-1. 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 used motor vehicle dealer's license for the purpose of conducting salvage disposal sales and/or sales by salvage pools.

765:12-1-2. Fees

The fees required for an application or renewal of a used motor vehicle dealer's license for the purpose of conducting salvage disposal sales and/or sales by salvage pools shall be the same as those paid by used motor vehicle dealer applicants. An application fee will be returned to the applicant in the event the license is denied.

765:12-1-3. Applicant

Any person or business which regularly conducts a salvage disposal sale or acts as a salvage pool shall be licensed as a used motor vehicle dealer.

765:12-1-4. Bond and insurance

(a) **Dealer bond.** A salvage pool or salvage disposal sale shall be required to obtain and maintain the used motor vehicle dealer surety bond required for a used motor vehicle auction.

(b) **Liability insurance.** A salvage pool or salvage disposal sale shall be required to obtain and maintain liability insurance as required for a used motor vehicle dealer.

SUBCHAPTER 5. PERMITTED BUYERS

765:12-5-1. Qualifications

Sales at a salvage pool or salvage disposal sale shall be open only to any person who is a resident of the state of Oklahoma, a company representative of a business that is based in this state, or any person who may legally purchase salvage vehicles in his or her home state or country.

765:12-5-2. Verification

It shall be the duty of the owner, manager or person in charge of any salvage pool or salvage disposal sale to prohibit bidding by, and refuse to sell to, any person who is not qualified to purchase salvage vehicles as provided by Oklahoma statute or the Rules of this Commission.

SUBCHAPTER 6. TITLING

765:12-6-1. Titles

Prior to the sale of any motor vehicle at salvage pool or salvage disposal sales, a salvage title or juked title shall be issued for any salvage or junked vehicle as defined in 47 O. S. Section 1105. The salvage pool or salvage disposal sale shall be responsible for determining whether a vehicle to be sold at its sale has the appropriate type of title.

SUBCHAPTER 7. REPORTS

765:12-7-1. Reports of salvage vehicle sales transactions

(a) A salvage pool or salvage disposal sale shall provide a register or report to the Commission of all salvage vehicle sales transactions. Said register or report shall be provided to the Commission without cost or charge. The register or report shall be provided by electronic transmission in a form compatible to the Commission so that said report may be accessed and reviewed by Commission personnel without substantial modification or reformatting.

(b) The register or report shall contain the year, make, model, style and vehicle identification number of each vehicle sold in a salvage vehicle sales transaction and the name and addresses of the seller and the purchaser. The register or report shall be in alphabetical order by purchaser. If more than one person purchases vehicles using the name of a company, business or other entity, the register or report shall list the name of the company, business or other entity followed by the name of the individual.

(c) Submission of the information required in said report or register shall not relieve the salvage pools or salvage disposal sales from any of the record keeping requirements of a used motor vehicle dealer or producing said records for Commission personnel as requested.

(d) The report shall be submitted to the Commission within seven (7) working days of the sale of the salvage vehicle sales transaction.

765:12-7-2. Pre-sale information

When offering a vehicle for sale for an insurance company, a salvage pool or salvage disposal sale must provide on its web site the full seventeen-digit vehicle identification number (VIN) of the vehicle and the name of the insurance company selling the vehicle.

765:12-7-3. Post sale information

After completion of bidding on a salvage vehicle offered for sale by an insurance company, the salvage pool or salvage disposal sale shall show the identifying or registration number of the winning bidder on any sale that takes place on the Internet or by on-line bidding.

SUBCHAPTER 9. PAYMENTS TO THE COMMISSION

765:12-9-1. Fees Report

Salvage pools or salvage disposal sales shall remit to the Commission a fee as provided by statute for each salvage vehicle sales transaction. Said fee shall be paid

by the tenth of each month following the month in which the salvage vehicle sales transaction occurred. A summary report of all salvage vehicle sales transactions for the previous month shall accompany said remittance.