

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE DISMANTLER, AND
MANUFACTURED HOUSING COMMISSION
CHAPTER 38. MANUFACTURED HOME SALESPERSON**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Registration Qualifications, Procedures and Fees

765:38-1-4 [AMENDED]

765:38-1-5 [AMENDED]

Subchapter 5. Assessment of Fine or Denial, Suspension, or Revocation of
Certificate of Registration

765:38-5-1 [AMENDED]

SUMMARY:

The proposed rule amendments correct certificate of registration expiration date, updates grounds for denial of applicants with a felony conviction and removing unnecessary language.

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.

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 38. MANUFACTURED HOME SALESPERSON**

SUBCHAPTER 1. REGISTRATION QUALIFICATIONS, PROCEDURES AND FEES

765:38-1-1. 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. 47 O.S. Section 582 (E) and 47 O.S. Section 583.1B (2019 Supp.) This Chapter will provide a description of the qualifications for obtaining a manufactured home salesperson's certificate of registration, authority of a salesperson, and the grounds and procedure for assessment of a fine or denial, suspension, or revocation of a manufactured home salesperson's certificate of registration.

765:38-1-2. Fees

The fees required for an application or renewal of manufactured home salesperson's certificate of registration are recited in 47 O.S. Section 583.1.

765:38-1-3. Applicant

(a) **Activities requiring certificate of registration.** A manufactured home salesperson is anyone who has been engaged by a manufactured home dealer to buy, sell, exchange, negotiate or act as an agent for the purchase, sale or exchange of an interest in a manufactured home on behalf of the dealer for whom the salesperson is employed. A salesperson shall include anyone employed by the manufactured home dealer who is involved in any part of the sales process, including but not limited to the sales manager and finance and/or insurance manager.

(b) **Information required.** An applicant shall provide sufficient information on the application or otherwise to enable the Commission to determine whether the applicant should be granted a certificate of registration. The information shall include:

- (1) information relating to the applicant's business integrity, the applicant's experience in the same or similar businesses, and his business history,
- (2) whether the applicant will devote full or part time to the business, and
- (3) any other pertinent information consistent with the safeguarding of the public interest and welfare.

(c) **Application required.** Applications for certificate of registration shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to such applicants. The applications shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the applicant for the certificate of registration applied for.

(d) **Activity not authorized.** A salesperson's certificate of registration shall not authorize the person to refer a prospective customer or consumer to another manufactured home dealer and obtain compensation therefor without an employment relationship with the other manufactured home dealer.

765:38-1-4. Issuance of certificate of registration

(a) **Prerequisite.** A certificate of registration for a manufactured home salesperson will not be issued, renewed, or endorsed until the employing dealer is licensed and has certified that the applicant for said certificate is in his employ. Dealers' payrolls and other evidence will be checked to ascertain that all salespersons for such dealers are registered. The dealer shall pay for the certificate of registration, but may do so on a reimbursable basis, or any other plan satisfactory to its dealership organization. All salesperson's certificates of registration will be sent to the dealer for distribution to the respective applicants, and the dealer will determine that all its personnel required to obtain certificates have done so.

(b) **Permanent certificate of registration.** A permanent salesperson's certificate of registration shall be issued after approval of the applicant by the Commission. A salesperson's certificate shall consist of an identification card bearing the name, name of employer, address, signature of the Executive Director, the dealer's license number ~~prefixed with MH, (MH-0000)~~. The card shall be carried upon his person at all times when acting as a manufactured home salesperson at licensee location.

765: 38-1-5. Renewal of certificate of registration

All certificates shall expire on the 31st day of December, of each odd numbered year following the date of issue and shall be nontransferable.

765:38-1-6. Changes

(a) **Employer.** If the salesperson changes employer, the holder of the certificate of issue shall immediately upon employment by another manufactured home dealer, apply for a salesperson's certificate of registration with the new employer. The salesperson shall surrender his salesperson's certificate of registration upon termination of the employment relationship.

(b) **Notice.** The dealer will notify the Commission in writing when a salesperson's employment is terminated. The dealer may be liable for actions of the salesperson until proper notice is filed with the Commission.

SUBCHAPTER 3. AUTHORITY OF SALESPERSONS

765:38-3-1. Authority

(a) **Salesperson only.** A manufactured home salesperson's certificate of registration shall permit the holder to engage in the activities of a manufactured home salesperson. A salesperson's certificate of registration does not entitle the holder to perform as a dealer as defined in 47 O.S. Section 581. A manufactured home salesperson's certificate of registration does not entitle a person to separately own manufactured homes for sale or any interest in the manufactured homes or dealer business without first qualifying as a partner, corporate member, or part owner of the dealership and meeting the qualifications of a dealer as prescribed in 47 O.S. Sections 581-583.

(b) **One card only.** A salesperson may not hold more than one manufactured home salesperson's certificate of registration at any one time or be employed by or sell for any dealer other than the dealer and at the address designated on the salesperson's certificate,

with the exception that the licensed dealer has more than one location. Then the licensed dealer and salesperson may sell on each location properly licensed as additional locations.

(c) **Restrictions.** A salesperson's certificate of registration shall not be issued for an individual who is not actively engaged in the activities of a manufactured home salesperson.

SUBCHAPTER 5. ASSESSMENT OF FINE OR DENIAL, SUSPENSION, OR REVOCAION OF CERTIFICATE OF REGISTRATION

765:38-5-1. Grounds

(a) The Commission may deny an application for certificate of registration, or suspend or revoke a certificate after it has been granted for violation of any statute or regulation relating to the purchase, sale, display for sale, or transfer of a manufactured home; or if it is determined that the license is being or has been issued for the benefit of a person who would not or could not qualify for the license in his or her own right and;

(b) On satisfactory proof of unfitness of the applicant or the holder of the certificate of registration under the standards established under Title 47 Oklahoma Statutes § 581 et seq. or the Rules of the Commission,

(c) For fraudulent or material misstatements made by the applicant in any application for license or certificate of registration,

(d) For any willful failure to comply with, or continued or flagrant violation of, any provision of Title 47 Oklahoma Statutes § 581 et. seq. or with any rule promulgated by the Commission.

(e) A change of condition after a certificate issued resulting in failure to maintain the qualifications for license,

(f) Conviction of ~~a crime involving moral turpitude~~ or any felony which in the opinion of the Commission may have a direct bearing on the ability of the applicant or holder to act as a used motor vehicle salesperson without endangering those with whom the applicant or holder may deal in the conducting of the duties of a manufactured home salesperson.

(g) Committing any act within the preceding ten (10) years, which resulted in the revocation of a similar license in another state,

(h) Engaging in business under a past or present license or certificate of registration in such a manner as to cause injury to the public or those with whom the holder is dealing, or;

(i) For violation of any statute or regulation relating to the purchase, sale, display for sale, or transfer of a manufactured home; or if it is determined that the certificate is being or has been issued for the benefit of a person who would not or could not qualify for the certificate in his or her own right.

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

765:38-5-2. Prohibitions

A person whose certificate of registration has been revoked or denied or whose certificate was surrendered in lieu of revocation or under circumstances such that said certificate of registration could have been revoked, shall not have a financial interest of any

kind in a manufactured home sales business, nor shall that person participate in any way, including in an advisory position, in the operation of a manufactured home sales business.