

CHAPTER 60. MOTOR VEHICLES

SUBCHAPTER 9. MOTOR VEHICLE LICENSE AGENTS/AGENCIES

PART 13. PROVISIONS FOR MOTOR LICENSE AGENT APPLICATION AND APPOINTMENT

710:60-9-130. Appointment/operation of motor license agents/agencies in municipalities having a population in excess of 8,500, located in a county having a population in excess of 130,000 [REVOKED]

710:60-9-130.1 Purpose

The provisions of this Part have been promulgated to facilitate the application and appointment guidelines for motor license agents appointed on or after July 1, 2009, pursuant to the Oklahoma Vehicle License and Registration Act (47 O.S. § 1140 et seq.), which are in addition to all other requirements and restrictions set forth in this Subchapter.

710:60-9-131. Application for the position of a motor license agent

- (a) The applicant must not have been convicted of a felony and/or no felony charges may be pending against the applicant.
- (b) The applicant must submit an authorization for release of criminal history and credit history along with a personal financial statement in a manner prescribed by the Tax Commission.
- (c) The applicant must be in compliance with all tax laws of the state of Oklahoma.
- (d) Prior to appointment as a motor license agent, applicants for an appointment must submit an estimated budget, including the number of agency employees, for approval by the Oklahoma Tax Commission.
- (e) As a condition precedent to appointment as a motor license agent, applicant must obtain a faithful performance surety bond as provided by law. The applicant is to contact the Oklahoma Tax Commission for the amount of the bond required for the location of the agency. A commitment by the bonding company to issue the required bond in the amount specified by the Oklahoma Tax Commission or an affidavit that the applicant will provide a cash bond, must be attached to the applicant for the appointment as a motor license agent.
- (f) The application and the non-refundable statutory application fee is to be submitted to the Motor Vehicle Division of the Oklahoma Tax Commission.

710:60-9-133. Primary source of income

Effective July 1, 2009, the compensation from the agency must be the primary source of income for all appointed motor license agents. The motor license agent shall annually submit an affidavit that the income from the agency is the motor license agent's primary source of income. The Commission may confirm the accuracy of that affidavit by examining income information from Commission files, or from an outside state or federal agency. By accepting appointment as a motor license agent, the appointee expressly grants consent to the Commission to examine the appointee's tax records, and other appropriate income-related information, for this purpose.

710:60-9-134. Motor license agency location, staffing, equipment, office space, parking, and hours

- (a) The location of the applicant's agency shall not be within a three (3) mile radius of an existing agency unless the applicant assumes the location of an existing agency. The Oklahoma Tax

Commission may, at its discretion, approve the relocation of an existing agency within a three mile radius of another existing agency only if a naturally intervening geographic barrier within that radius causes the locations to be separated by not less than three (3) miles of roadway by the most direct route.

(b) No motor license agent shall select a location owned by a member of the Oklahoma Legislature or to any person related to a member of the Oklahoma Legislature within the third degree of consanguinity (by blood relation) or affinity (by marriage).

(c) The number of agency employees is to be determined by the motor license agent subject to the Oklahoma Tax Commission's approval.

(d) The motor license agent shall maintain adequate equipment to accommodate the employees of the agency and sufficient seating arrangements for the taxpayers as determined by the Oklahoma Tax Commission.

(e) The Oklahoma Tax Commission shall determine the amount of office space the motor license agent shall maintain to provide a working area for the employees which is separate from the waiting area of the public. However, the amount of such office space shall not be less than Eight Hundred (800) square feet.

(f) The Oklahoma Tax Commission shall determine the amount of public parking the motor license agent shall maintain. However, the number of parking spaces shall not be less than five (5) with at least one (1) space reserved for disabled persons. It shall be the responsibility of the motor license agent to ensure compliance with all applicable local and ADA (Americans with Disabilities Act) parking and customer access requirements.

(g) In addition to the payment of costs required by *OAC 710:60-9-131(f)* for new agents, existing motor license agents shall be responsible for all costs incurred by the Tax Commission when relocating an existing agency. Such payment may be waived by the Tax Commission in case of emergency or unforeseen business conditions beyond the control of the agent.

(h) The motor license agent shall provide and maintain, within the agency, a personal computer with internet access for use during normal business hours. The personal computer equipment provided by the motor license agent must satisfy the technical requirements established for such equipment by the Commission. Should those technical requirements change, it shall be the responsibility of the motor license agent to upgrade or replace their personal computer equipment as necessary to remain in continuous compliance.

710:60-9-135. Minimum office hours [REVOKED]

710:60-9-137. Appointment

(a) Based upon the findings of a feasibility study performed by the Commission and other information as may be deemed applicable, the Administrator of the Commission may, at the Administrator's discretion, make motor license agent appointment recommendations to the Commission.

(b) The successful applicant will be furnished a letter of appointment.

(c) If the applicant is rejected, the applicant will be forwarded a notification of rejection along with the reason for rejection.

(d) The successful applicant must accept or reject the appointment, in writing, within thirty (30) days of the appointment letter.

(e) If the applicant accepts the appointment, the applicant will be required to open the agency within fifteen (15) days after acceptance of the appointment, unless a time extension is granted by the Commission.

