

## **Used Motor Vehicle and Parts Commission Report**

### **By ADR Staff**

Chairman John Longacre convened the April 9, 2013 session of the Used Motor Vehicle and Parts Commission (UMV&PC). Following roll call and approval of the March meeting minutes, Longacre called on Commission Director John Maile for his report.

Director Maile told the Commissioners that he and Deputy Director Kenneth Whitehead have increased their enforcement efforts on the curbstoners and instructed investigators to focus more on curbstoners. Maile has filed two injunctions in Tulsa County and two in Oklahoma County.

Director Maile reminded the Commissioners that their fiscal year begins July 1 so the Commission staff will be working on the budget and Maile will be communicating with the Commissioners by email. Commissioners should identify any elements they want to emphasize for the next fiscal year.

The Legislature is still in session. The bill to eliminate the salespersons bond and increase the dealer bond has been well accepted so far. It is now on the Senate floor.

The bill to license car crushers has run into some opposition and Curt Roggow, the Commission's legislative liaison, has asked for guidance as to the approach he should take. He reminded the Commissioners that the bill they requested was SB 792 and there were five bills out there dealing with car crushers. Three bills dealt with scrap metal issues and SB 792 regulates the car crushers. The scrap metal association wants to be regulated by the Department of Agriculture. That agency is the entity that regulates scales in the state. Roggow said that they were trying to negotiate one objective. The scrap metal association does not want to be under two entities and have two licenses. Some scrap metal dealers have a crusher off to the side and they don't want to be regulated by multiple entities.

Commissioner Holman pointed out that the intent of the Commission was to protect the public. Some individuals find an abandoned car, retrieve it and have it crushed in exchange for some cash. The Commissioner could not see any reason for the crushers being under the Department of Agriculture who only deals with the regulation of their scales.

Commissioner Norm Latham inquired regarding the position of law enforcement. Roggow stated that he had received a call from the Oklahoma State Bureau of Investigation (OSBI) and they are in support of SB 792.

Commissioner Holman suggested that the issue of a license fee be set aside and reminded the group that they had no interest in regulating scrap metal processors. Their interest was in making sure when a car was crushed that certain criteria was met. The fee was not where the Commission started when the issue was first discussed. Protecting the public and anyone that has an interest in a car was the core issue.

Commissioner Longacre reiterated the importance of proper processing when it is a titled vehicle.

Commissioners agreed that it was important that the regulation of those who crush cars must remain in the legislation.

John Maile explained that wrecker operators were concerned because they have a lot of abandoned vehicles they have crushed. They have time and money invested and aren't getting anything out of a vehicle that they take to a crusher. They don't want to go through the Title 42 process to get a title in order to have a vehicle crushed. They prefer to use their Title 42 paper work as an alternative to having a vehicle crushed.

Maile had visited with the President of the Oklahoma Wrecker Owners Association (OWOA) regarding the issue. He explained that in order for the commission to accept exempting wrecker operators from needing a title in order to have a vehicle crushed, they would have to have some kind of sanction, for instance, if a wrecker operator filed a fraudulent Title 42. Maile suggested to them that processing a fraudulent Title 42 should be grounds for their license to be revoked. The OWOA President discussed the issue with some of his board members and they were in agreement that processing a fraudulent Title 42 should result in the loss of license. Maile suggested that the exemption for the title would only apply to licensed wrecker operators.

Following a vote affirming receipt and approval of the expenditures report, Chairman Longacre called on Deputy Director Kenneth Whitehead for his report.

Whitehead's written report indicated the commission staff had completed 31 inspections and handled 27 used car dealer complaints and one manufactured housing dealer complaint. Of the complaints, 11 were related to title issues, seven to contract issues; the remaining five were listed as miscellaneous. In addition, 27 people had attended the education program.

Applicants for a new license and dealers involved in significant rule violations are required to attend the Commission's education program to acquire or maintain their state license. Sessions are held at 9 a.m. the second Monday of each month – one day prior to the Commission meeting – in the conference room at 2401 NW 23, Oklahoma City. You are asked to call 405-521-3600 to make reservations so staff can be prepared to accommodate you.