

Used Motor Vehicle and Parts Commission Report By ADR Staff

Chairman John Longacre convened the May 14, 2013 session of the Used Motor Vehicle and Parts Commission (UMV&PC). Following roll call and approval of the April meeting minutes Longacre called on Commission Director John Maile for his report.

Director Maile noted that the expenditures statement was attached to the agenda. He then proceeded to inform the Commissioners on the status of relevant legislative issues. The legislation to eliminate the salesman's bond and increase the dealer bond from \$15,000 to \$25,000 has been signed by the Governor.

Manufactured Housing had two bills in the Legislature this session. One bill would change the license for manufactured home parks giving them a license. The bill passed and has been signed by the Governor. The other bill clarified that manufactured home manufacturers can only sell to manufactured home dealers. That bill has also passed the legislature and is expected to be signed by the Governor. The Commission will be writing rules on park licenses. They will need to be in the form of emergency rules.

Legislative liaison Curt Ruggow discussed the status of the crusher bill. It was noted that the scrap metal dealers who also have car crushers do not want to be regulated. Scrap metal dealers are currently regulated under the Department of Agriculture. The Department regulates the scales for that industry. The Commissioners agreed that it would be best to remove the 20 scrap metal dealers from the current proposed legislation and include them in legislation passed this session that would address car crushers.

Director Maile advised the Commissioners that John Crittenden, who serves as the liaison for the Commission from the Attorney General's Office, had information regarding possessory liens, commonly referred to as Title 42s. Assistant AG Crittenden advised the Commissioners that a productive meeting was held in their offices to consider information Commissioner Coddling had provided regarding fraudulent Title 42s. The Commissioner had provided actual scenarios that revealed crimes are being committed. The group decided that the evidence is adequate for pursuing prosecution. The group consisted of the division head, the first assistant to the Attorney General and others that are willing to start investigative files. The Attorney General has a Citizen Complaint Form on its web site. Each complaint submitted to the AG's office through the joint Commission/AG process will have its own investigative file. The chief of the multi-county grand jury will see each of those complaints. Mr. Crittenden explained to the Commissioners that evidentiary matters are tough; however the group looking into the issue is eager to pursue the matter.

Mr. Crittenden pointed out that intent, crime, and conspiracy in running up charges on a vehicle so you can profit by that when the repair is false is a serious issue and people doing that

need to be held accountable. He told the Commissioners that people are listening to them and their concerns regarding the Title 42 issue.

It was decided that dealers should complete the complaint form and first send it to the Used Motor Vehicle and Parts Commission. The Commission will serve as the “filter” for complaints that should be forwarded to the Attorney General’s office. (The complaint form and details outlining the complaint process are included elsewhere in this newsletter.) If you have been scammed by someone executing a Title 42, you should fill out the complaint form, provide as much information as possible and forward that complaint to the Used Motor Vehicle and Parts Commission.

Following a vote affirming receipt and approval of the expenditures report, Chairman Longacre called on Deputy Director Kenneth Whitehead for his report. Whitehead noted that staff had held four formal hearings to resolve complaints. One of the hearings resulted in a fine for an unlicensed salesperson.

Whitehead noted staff had completed 23 inspections during May and had also handled 47 complaints. Of the complaints, 17 were related to title issues; 17 to contract issues, three to mechanical issues; and one was listed as advertising. In addition, 27 dealers attended the education program.

Deputy Director Whitehead also noted that they had won three injunctions against unlicensed dealers.

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.