

July 31, 2020

Jeffrey Cartmell
Office of the Governor
The Honorable J. Kevin Stitt
Oklahoma State Capitol
2300 N Lincoln Blvd.
Oklahoma City, Oklahoma 73105

Dear Jeffrey,

Please see the attached Administrative Rules Report as directed by Executive Order 2020-03. I hope the report is clear and easy to read. If you need any further information or details please do not hesitate to contact me.

Regards,

Brad Bailey
Executive Director
Oklahoma Motor Vehicle Commission
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Oklahoma Motor Vehicle Commission

Administrative Rules Report - Executive Order 2020-03

Comprehensive Review of Administrative Rules as of July 31, 2020 Report Submitted by Brad Bailey

Title: Executive Director

Email: brad.bailey@omvc.ok.gov

Method Used to Conduct Review: Detailed review of OMVC administrative rules. Consultation with Deputy Director Marilyn Maxwell and Assistant Attorney General Sandra Balzer

Total Number of Unnecessary, Costly, Ineffective, Duplicative or Outdated Regulations: 1

Title 465 Oklahoma Motor Vehicle Commission

Section	Title	Date Last Amended/Codified	Costly	Ineffective	Duplicate	Location of Duplication	Outdated / Unnecessary	Necessary	Explanation of Determined Category
Chapter 1 - Administrative Operations									
Subchapter 1 - Description of Organization									
465:1-1-1	Purpose	3/13/1991						X	To summarize the purpose of the rules in the subchapter
465:1-1-2	Composition of the Commission	3/13/1991						X	Necessary to describe the creating legislative authority, membership, geographic structure of appointments, Chairman, quorum and length of terms for commissioners
465:1-1-3	Executive Director	3/13/1991						X	Necessary to describe the qualifications of the Executive Director
465:1-1-4	Duties	3/13/1991						X	Necessary to summarize the duties of the commission
465:1-1-5	Hearings	3/13/1991						X	Necessary to summarize the authority of the Commission to conduct hearings
Subchapter 3 - General Course and Method of Operations									
465:1-3-1	Office	6/11/1998						X	Necessary to identify the Commission office location and define the hours of operation
465:1-3-2	Commission Meetings	3/13/1991						X	Necessary to define the time and place of regular Commission meetings and compliance with Open Meeting Act procedures
465:1-3-3	Seal	3/13/1991						X	Necessary to describe the official Seal of the Oklahoma Motor Vehicle Commission
465:1-3-4	Correspondence	3/13/1991						X	Necessary to summarize procedure for sending correspondence to the Executive Director

Subchapter 5 - Public Rights									
465:1-5-1	Access to Records	3/13/1991						X	Necessary to define location of office records and rights of request by members of the public
465:1-5-2	Public Inspection of Rules, Orders and Decisions	3/13/1991						X	Necessary to define location of rules, orders and decisions and rights of request by members of the public
465:1-5-3	Public Submission	3/13/1991						X	Necessary to define the right of the general public to make submissions or requests to the Executive Director
Subchapter 7 - Procedures Pertaining to Individual Proceedings									
465:1-7-1	Purpose	3/13/1991						X	To summarize the purpose of the rules in the subchapter
465:1-7-2	Proceedings Initiated by a Person or Entity	6/1/2004						X	Necessary to define and summarize right of persons and entities to file informal complaints, formal complaints and hearings
465:1-7-3	Proceedings Initiated by the Commission	6/1/2004						X	Necessary to define authority and procedure by which the Commission may file complaints or conduct hearings
Subchapter 9 - Petitions									
465:1-9-1	Promulgate, Amend or Repeal a Rule	3/13/1991						X	Necessary to summarize and define the procedure by which an interested person may request promulgation, amendment or repeal of a rule.
465:1-9-2	Declaratory Ruling	3/13/1991						X	Necessary to define the procedure by which an interested person may petition the Commission for a declaratory ruling
Chapter 10 - License									
Subchapter 1 - Commission Licensing Procedures									
465:10-1-1	Purpose	3/13/1991						X	To summarize the purpose of the rules in the subchapter
465:10-1-2	Consideration of Initial Applications for License	5/12/2003						X	Necessary to define the time frame and possible orders for approval or denial of a license
465:10-1-3	Application Approved	5/12/2003						X	Necessary to define an Approved License
465:10-1-4	Application Approved on Contingency	5/12/2003						X	Necessary to define a License Approved on Contingency

465:10-1-5	Application Deferred	5/12/2003						X	Necessary to define procedure for a License deferred upon receipt of further documentation
465:10-1-6	Application Denied	5/12/2003						X	Necessary to define procedure for a Denied License
465:10-1-7	Consideration of Other Applications for License	5/26/2009						X	Necessary to define procedure for review of other licenses such as manufacturer representative, salesperson registration and off premise display
Subchapter 3 - License Identification and Changes									
465:10-3-1	Purpose	9/11/2020						X	To summarize the purpose of the rules in the subchapter
465:10-3-2	Name to be Placed on Dealer's License	5/11/2007						X	Necessary to describe the style and format of dealer's licenses
465:10-3-3	Salesperson's Registration	9/11/2020						X	Necessary to describe the procedure and rules for a salesperson's registration
465:10-3-4	Changes to be Reported	6/11/2011						X	Necessary to communicate the requirement for dealers, manufacturers or distributors to inform the commission of changes in business relationships and locations.
465:10-3-5	Renewal of Licenses	9/11/2020						X	Necessary to define the time frame for annual license and registration renewal periods.
Subchapter 5 - Denial, Suspension or Revocation of License									
465:10-5-1	Purpose	3/11/1991						X	To summarize the purpose of the rules in the subchapter
465:10-5-2	Dealer license contingent on manufacturer licensing status	3/11/1991						X	Necessary to communicate that dealer license may be suspended or revoked if manufacturer is not licensed
465:10-5-3	Duty to comply with registration laws	3/11/1991						X	Necessary to ensure compliance by licensees with Oklahoma Vehicle License and Registration Act
Subchapter 7 - Off Premise Sale and Display									
465:10-7-1	Purpose	5/11/2007						X	To summarize the purpose of the rules in the subchapter
465:10-7-2	Receipt of Applications	5/26/2009						X	Necessary to define the procedure and timing for requests for off premises sales and displays
465:10-7-3	Off Premise Events	5/26/2009						X	Necessary to communicate the limits applied to off premise displays and sales

Subchapter 9 - Dealership Locations									
465:10-9-1	Purpose	5/11/2007						X	To summarize the purpose of the rules in the subchapter
465:10-9-2	Definition of Established Place of Business	5/11/2007						X	Necessary to communicate the definition and requirements of an established place of business
465:10-9-3	Use of Trade Name at Remote Used Car Locations	3/13/1991					X		May not be necessary as this applies to used motor vehicle dealerships and therefore may be better placed under the authority of the Used Motor Vehicle Commission
Chapter 15 - Advertising									
Subchapter 1 - General Provisions									
465:15-1-1	Purpose	4/27/1992						X	To summarize the purpose of the rules in the subchapter
465:15-1-2	Definitions	6/11/2011						X	Necessary to provide the definitions of terms used throughout the OMVC advertising rules
Subchapter 3 - Specific Advertising Regulations									
465:15-3-1	General Prohibition	4/27/1992						X	Necessary to provide an broad description of OMVC authority to address false and misleading advertising
465:15-3-2	Availability of Vehicles	6/11/2011						X	Necessary to communicate requirement that dealers actually have vehicles being advertised for sale in inventory
465:15-3-3	Accuracy	4/27/1992						X	Necessary to communicated OMVC has broad authority to require clear, accurate and conspicuous advertising
465:15-3-4	Bait Advertisement	4/27/1992						X	Necessary to communicate the firm prohibition of bait and switch advertisements
465:15-3-5	Layout	4/27/1992						X	Necessary to communicate requirement that printed and broadcast advertisements be accurate and clearly presented
465:15-3-6	Manufacturer's Suggested Retail Price	4/27/1992						X	Necessary to define the term MSRP as it applies to new motor vehicles and requirement that all costs except taxes, license and title fees must be included

465:15-3-7	Dealer Price Advertising	6/11/2011						X	Necessary to communicate requirement for all price advertising to be the price that all buyers will pay and must not include rebates or incentives available to only a select group of consumers
465:15-3-8	Identification	6/11/2011						X	Necessary to communicate requirement that advertisements of price be associated with specific vehicles identified by Model year, make, style or trim level and demonstrator status if applicable
465:15-3-10	Auction	4/27/1992						X	Necessary to define what a bone fide auction vehicle is in terms of advertising.
465:15-3-11	Authorized Dealer	4/27/1992						X	Necessary to communicate the proper means of advertising the term "authorized dealer"
465:15-3-12	Lease Advertisements	4/27/1992						X	Necessary to communicate the requirement that lease advertisements comply with both Oklahoma Law and Federal Truth in Lending Act requirements (Regulation M)
465:15-3-13	Payment Disclosure	4/27/1992						X	Necessary to communicate the requirement that credit financing advertisements comply with both Oklahoma Law and Federal Truth in Lending Act requirements (Regulation Z)
465:15-3-14	Prohibited Statements	6/11/2011						X	Necessary to define and communicate the list of statements prohibited in new motor vehicle advertising
465:15-3-15	Dealership Name	5/26/2005						X	Necessary to communicate requirement that all advertising by new motor vehicle dealer must include the dealer name
Subchapter 5 - Finding of Violation									
465:15-51.1	Enforcement	5/26/2009						X	Necessary to communicate the enforcement procedures that will taken by the Commission in response to advertising violations
465:15-5-1.2	Violation	5/26/2009						X	Necessary to communicate that a violation of OMVC advertising rules are considered a violation of Oklahoma Motor Vehicle Commission law
465:15-5-2	Hearing	4/27/1992						X	Necessary to communicate that a finding of the Commission is the only way a licensee can be found to be in violation of the rules.

Chapter 20 - Temporary License Plates

Subchapter 1 - General Provisions

465:20-1-1	Purpose	5/26/2008						X	To summarize the purpose of the rules in the subchapter
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Subchapter 3 - Design and Placement

465:20-3-1	Form and Substance of Temporary License Plate	5/26/2008						X	Necessary to define the physical dimensions and design of an Oklahoma temporary license plate
465:20-3-2	Content of the Temporary License Plate	5/26/2008						X	Necessary to define the content and layout of the Oklahoma temporary license plate