

MINUTES OF A MEETING
OF THE
OKLAHOMA MOTOR VEHICLE COMMISSION

In conformity with the Oklahoma Open Meeting Act, advance notice of this regularly scheduled meeting was transmitted to the Oklahoma Secretary of State on October 14, 2010; and, public notice of this meeting, together with the agenda, was posted in prominent public view on the front door of the Northwest Office Center, 4334 NW Expressway, Oklahoma City, on December 12, 2011 at 10:00am. The announcement of the Board meeting and agenda were also posted on the OMVC website www.omvc.ok.gov on December 12, 2011 at 10:00am.

The Oklahoma Motor Vehicle Commission met in a regular session at 10:00 a.m. December 13, 2011 in the Conference Room of the Northwest Office Center, 4334 N.W. Expressway in Oklahoma City. Chairman Randy Coy called the meeting to order. A roll call was held; members present were Greg Cable, Carol Carver, Gene Chumbley, Randy Coy, Fred Harlan, Dan Mullins, Dick Reynolds, and Eric Stuteville. Member absent was Leonard Northcutt.

The Chairman announced that there were enough members present to constitute a quorum. Also present were Roy Dockum, Executive Director, Marilyn Maxwell, Deputy Director, and Sandra Balzer, Assistant Attorney General.

Each Commission Member had received a copy of the **Minutes** of the November 8, 2011 Commission Meeting. Dick Reynolds made a motion, seconded by Fred Harlan, to approve the Minutes as submitted. The Chairman called for a roll call vote; votes were as follows:

Greg Cable – aye	Randy Coy – aye	Dick Reynolds – aye
Carol Carver – aye	Fred Harlan – aye	Eric Stuteville – aye
Gene Chumbley – aye	Dan Mullins – aye	

Motion carried unanimously.

The **Claims** and **Financial Statement** for the month of November 2011 were presented by the Director. A motion to approve both was made by Dan Mullins, seconded by Dick Reynolds. The Chairman called for a roll call vote; votes were as follows:

Greg Cable – aye	Randy Coy – aye	Dick Reynolds – aye
Carol Carver – aye	Fred Harlan – aye	Eric Stuteville – aye
Gene Chumbley – aye	Dan Mullins – aye	

Motion carried unanimously.

Hearing:

In the Matter of the Protest by Axis Holdings, Ltd., dba BMW Motorcycles of Oklahoma, of the Notice of Termination from BMW of North America, LLC

Roy Dockum announced that the OMVC received a Notice of Dismissal from the Protestant on Monday afternoon December 12, after the meeting agenda had been posted. As a result, a hearing on the matter was not necessary.

Discussion and Possible Action on Proposed Changes to OMVC Required Criteria for any “Spot Delivery” Agreement or Form

The Director reviewed the current criteria requirements for any OMVC approved “Spot Delivery” Agreement or Form, and presented five (5) proposed changes as follows:

1. Add the following:
Dealer agrees:
 5. To pay off trade-in vehicle(s) within 7 days of funding of the contract.
2. Add the following:
Consumer agrees:
 10. To be responsible for any payments on trade-in vehicle(s) prior to completion of the terms of this agreement, unless provided for otherwise by written agreement.
3. Amend item #1 under the “**Dealer agrees**” section to read:
Dealer agrees:
 1. That **Consumer** has the right to terminate the contract if ~~financing the finance contract is~~ has not arranged been funded within 15 20 days, or within 10 days after all the required documentation has been fulfilled by consumer (see item #5 of **Consumer agrees**), whichever is later;
4. Amend item #5 under the “**Consumer agrees**” section to read:
Consumer agrees:
 5. To promptly fulfill credit approval requirements ~~(i.e., copies of required documents); of the financial institution, provided such requirements are communicated to consumer within 10 days of contract date; for example, these could include such items as documentation of income and/or residency, telephone interview with a representative of the finance company, or other stipulations;~~
5. Amend item #9 under the “**Consumer agrees**” section to read:
Consumer agrees:
 9. That if the vehicle is returned for any reason, **Consumer** will pay to **Dealer** the sum of ~~25~~ 35 cents per mile for miles driven in excess of 50 miles per day during the term of the agreement.

The Director asked for feedback and discussion of the proposed changes, and further requested that the Commission delay action on the changes until the January 2012 meeting. After discussion and questions, the members of the Commission took no action at this meeting.

Director’s Report:

The Director reported that beginning in January he would be presenting a monthly legislative report on bills that could affect the OMVC.

Consideration of Proposed Agreed Settlements and Fines:

The Commission considered the following proposed Agreed Settlements with offers to pay a fine in lieu of a hearing:

1. David Stanley Chrysler Jeep Dodge, MWC. \$1000 for violations of the Delivery Agreement and the Temporary Tag Rule;
2. Norman Chrysler Jeep Dodge, Norman. \$500 for a violation of the Delivery Agreement;
3. Smith Family Nissan, Elk City. \$250 for an advertising violation;

4. Norman Chrysler Jeep Dodge, Norman. \$1450 for 11 unlicensed salesperson violations;
5. Edmond Hyundai, Edmond. \$750 for 4 unlicensed salesperson violations;
6. Barry Sanders Honda, Stillwater. \$200 for 2 unlicensed salesperson violations;
7. Barry Sanders Supercenter, Stillwater. \$200 for 2 unlicensed salesperson violations;
8. Fiat of Edmond, Edmond. \$100 for an unlicensed salesperson violation;
9. Lawton Chrysler Jeep Dodge, Lawton. \$100 for an unlicensed salesperson violation;
10. Fowler's I-240 Chrysler Jeep Dodge, OKC. \$200 for 2 unlicensed salesperson violations;
11. Jerry Ferguson Buick GMC, Broken Arrow. \$200 for 2 unlicensed salesperson violations;
12. Crown Bristow Auto World, Bristow. \$100 for an unlicensed salesperson violation;
13. Fenton Nissan East, MWC. \$100 for an unlicensed salesperson violation;
14. Ferguson Buick GMC, Norman. \$100 for an unlicensed salesperson violation;
15. Fowler Toyota, Norman. \$600 for 6 unlicensed salesperson violations;
16. Jackie Cooper Nissan, Tulsa. \$100 for an unlicensed salesperson violation;
17. Lawton Chrysler Jeep Dodge, Lawton. \$100 for an unlicensed salesperson violation;
18. Norman Chrysler Jeep Dodge, Norman. \$100 for an unlicensed salesperson violation;
19. Roberts Auto Center, Pryor. \$100 for an unlicensed salesperson violation; and,
20. Roberts Dodge Chrysler Jeep, Pryor. \$100 for an unlicensed salesperson violation.

Greg Cable made a motion, seconded by Dick Reynolds, to accept the offers to pay the fines in lieu of a hearing, as recommended by the Director. The Chairman called for a roll call vote; votes were as follows:

Greg Cable – aye	Randy Coy – aye	Dick Reynolds – aye
Carol Carver – aye	Fred Harlan – aye	Eric Stuteville – aye
Gene Chumbley – aye	Dan Mullins – aye	

Motion carried unanimously.

Initial License Applications:

The following License Applications were presented for consideration and action:

MANUFACTURERS / DISTRIBUTORS

- a. **Brammo Inc – Ashland, OR**
Application for a Manufacturer License for Brammo Motorcycles
Director recommended approval
- b. **Oreion Motors LLC – Albuquerque, NM**
Application for a Manufacturer License for Oreion Reeper Mini Trucks
Director recommended approval

DEALERS

- c. **Durant Honda–Yamaha – Durant**
Application for adding Oreion Mini Trucks to existing dealership
Director recommended approval

- d. **Seth Wadley Auto Group – Pauls Valley**
Application for purchase of existing dealership (Marc Heitz Auto Valley)
Director recommended approval pending franchise agreement
- e. **Warren Vocational Truck – Oklahoma City**
Application for new dealership for Caterpillar Heavy Trucks
Director recommended approval
- f. **Warren Vocational Truck – Tulsa**
Application for new dealership for Caterpillar Heavy Trucks
Director recommended approval

MANUFACTURERS / DISTRIBUTORS OF RV TOWABLES

- g. **Allen Camper Manufacturing Co. – Allen, OK**
Director recommended approval
- h. **Heartland Recreational Vehicles, LLC – Elkhart, IN**
Director recommended approval
- i. **Keystone RV Company – Goshen, IN**
Director recommended approval

DEALERS OF RV TOWABLES

- j. **Bell Camper Sales – Bartlesville**
Director recommended approval
- k. **Camperland of Oklahoma – Tulsa**
Director recommended approval
- l. **Earl’s Lake Country RV Inc. – Muskogee**
Director recommended approval
- m. **Floyd’s R.V.’s – Norman**
Director recommended approval pending franchise agreement for Keystone RVs
- n. **Idle-Time RV Sales and Service – Allen**
Director recommended approval
- o. **Jamatt RV Sales – Poteau**
Director recommended approval pending franchise agreement for Open Range RVs
- p. **Lewis RV Center – Oklahoma City**
Director recommended approval
- q. **McClain’s RV Superstore – Oklahoma City**
Director recommended approval pending franchise agreement for Winnebago RVs

- r. **Rolling Retreats RV Sales – Elk City**
Director recommended approval
- s. **Robbins RV – Idabel**
Director recommended approval
- t. **Route 66 RV's, Inc. – Claremore**
Director recommended approval
- u. **RV Station LP – Colbert**
Director recommended approval

Motion was made by Fred Harlan, seconded by Dan Mullins, to approve all applications as recommended by the Director. The Chairman called for a roll call vote; votes were as follows:

Greg Cable – aye	Randy Coy – aye	Dick Reynolds – aye
Carol Carver – aye	Fred Harlan – aye	Eric Stuteville – aye
Gene Chumbley – aye	Dan Mullins – aye	

Motion carried unanimously.

The Chairman asked if there was any **New Business**. There being no New Business, he asked if there was a motion to adjourn. Dick Reynolds made the motion to adjourn, seconded by Carol Carver. Motion carried unanimously. Meeting adjourned at 11:05 a.m.

Approved by: _____ Date: _____