

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1457

BY: RICE

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; DEFINING TERMS;
REQUIRING CERTAIN NOTICE PRIOR TO USE OF CERTAIN
REPLACEMENT PARTS; PROVIDING FOR CIVIL ACTIONS;
PROVIDING FOR CODIFICATION; AND PROVIDING AN
EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1625 of Title 47, unless there
is created a duplication in numbering, reads as follows:

As used in this act:

1. "Customer" means the owner, the agent of the owner, or a family member, employee, or any other person whose use of the vehicle is authorized by the owner;
2. "Motor vehicle" means every self-propelled vehicle intended primarily for use and operation on the public highways. The term does not include trucks and truck-tractors having a gross vehicle weight of more than eight thousand five hundred (8,500) pounds, nor does it include farm tractors and other machines and tools used in the production, harvesting, and care of farm products, nor does it include motorcycles;

3. "Motor vehicle repair garage" means any natural person, partnership, corporation, trust, association, or group of persons associated in fact although not a legal entity, which, with intent to make a profit or gain of money or other thing of value, engages in the business or occupation of performing repairs on a motor vehicle, including repairs on body parts;

4. "Repairs on a motor vehicle" or "repairs" includes maintenance, diagnosis, repairs, service, and parts replacement but does not include washing the vehicle or adding gasoline or oil to the vehicle; and

5. "Notice" means notice given to the person entitled thereto, either in person or in writing. Such notice in writing shall be conclusively presumed to have been given when deposited by registered or certified mail, return receipt requested and postage prepaid, in the United States mail and addressed to such person at his address as it appears on the invoice or such check, draft, or order.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1626 of Title 47, unless there is created a duplication in numbering, reads as follows:

1. A motor vehicle repair garage shall notify and obtain the permission of a customer prior to the use of replacement parts that do not meet a manufacturer's specifications when motor vehicle repairs are performed.

2. The permission may be oral or written. Oral permission from a customer must be noted on the invoice as to the date and time permission was obtained.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1627 of Title 47, unless there is created a duplication in numbering, reads as follows:

This act may be enforced civilly by the Attorney General, the district attorney where the alleged violation occurred, or by the aggrieved party.

The court may award reasonable attorney fees and costs to the prevailing party, and a customer shall be entitled to three (3) times the customer's damages for failure of any motor vehicle repair garage or any employee of such garage to comply with this act, except for clerical errors or omissions; but in no event shall such damages be less than One Hundred Fifty Dollars (\$150.00). The customer shall first demand his damages from the motor vehicle repair garage at least ten (10) days prior to the filing of any such action, exclusive of Saturday, Sunday, and any legal holiday.

SECTION 4. This act shall become effective September 1, 1991.

43-1-5148

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