

ENROLLED SENATE
BILL NO. 196

By: Littlefield of the Senate

and

Adair, Breckinridge and
Bryant (John) of the House

An Act relating to public health and safety; amending 63 O.S. 1991, Sections 4005, as amended by Section 4, Chapter 284, O.S.L. 1992, 4037, 4044, as amended by Section 24, Chapter 284, O.S.L. 1992 and 4213, as amended by Section 54, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1992, Sections 4005, 4044 and 4213), which relate to the Oklahoma Vessel and Motor Registration Act, exemptions, dealer agreements, permits for display and sale of new vessels or motors held off premises and disposal of marine sewage in state waters; modifying statutory reference; exempting canoes from certain dealer agreements; increasing radius for certain display or sale; modifying certain date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 4005, as amended by Section 4, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1992, Section 4005), is amended to read as follows:

Section 4005. A. A vessel or motor shall not be required to be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title, if:

1. Such vessel or motor is owned by the United States, a state other than the State of Oklahoma, any agency thereof, or any subdivision of the state; provided, however, if such vessel is used for recreational or rental purposes on the waters of this state, said vessel shall be registered and numbered in accordance with ~~this act~~ Section 4002 et seq. of this title;

2. Such vessel or motor is owned by a visiting nonresident and is currently registered in another state. Provided that if any such vessel or motor remains in Oklahoma in excess of sixty (60) calendar days, such vessel or motor shall be registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act and the registration fees due thereon from the date of entry into Oklahoma must be paid;

3. Such vessel or motor is from a country other than the United States provided such vessel or motor does not remain in Oklahoma in excess of sixty (60) calendar days;

4. Such vessel is a john boat, provided a john boat shall be required to be titled pursuant to the provisions of Section 4008 of this title;

5. Such vessel is used exclusively and solely as a lifeboat;

6. Such vessel is used exclusively and solely for racing purposes;

7. Such vessel is a commercial flotation device which is issued a permit by the Oklahoma Scenic River Commission pursuant to the provisions of Section 1461 et seq. of Title 82 of the Oklahoma Statutes; provided, a commercial flotation device shall be required to be titled pursuant to the provisions of Section 4008 of this title; or

8. Such vessel is a documented vessel provided such documented vessel shall be required to be registered pursuant to the provisions of Section 4016 of this title.

B. Motors classified as inboard motors shall not be required to be titled or registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act.

C. All vessels and motors which are owned by the State of Oklahoma, its agencies or departments, or political subdivisions thereof, or which, under the law, would be exempt from direct ad valorem taxation, shall be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act.

D. All other vessels shall be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 4037, is amended to read as follows:

Section 4037. A. The following are the subjects that shall be covered by a dealer agreement:

1. Length of term of dealer agreement;
2. Performance and marketing standards;
3. Notice provisions relative to termination, cancellation, or nonrenewal of a dealer agreement;
4. The parties' respective obligations relative to preparation and delivery of the product and warranty service;
5. The parties' respective obligations upon termination, cancellation, or nonrenewal of the dealer agreement relative to the disposal of inventory and equipment, furnishings, special tools, and signs required by the manufacturer or distributor and acquired within the two (2) years last preceding such termination, cancellation, or nonrenewal; and

6. Process and procedure for the resolution of disputes between the parties.

B. 1. No manufacturer shall enter into a dealer agreement with a dealer for the same product line regardless of brand name within a fifteen (15) mile radius of an existing dealer of the same product line regardless of brand name, provided any dealer agreements in existence on June 3, 1989, may be extended or re-issued.

2. The provisions of this subsection shall not apply to dealer agreements relating to inboard and inboard/outboard motors or to dealer agreements relating to canoes.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 4044, as amended by Section 24, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1992, Section 4044), is amended to read as follows:

Section 4044. The Oklahoma Tax Commission shall issue permits for displays and sales of new vessels or motors which are held off the premises of a licensed dealer thereof as follows:

1. A promotion by an individual new vessel or motor dealer which is held off the premises of such dealer and at which sales activities are conducted may be held only under the following conditions:

- a. the dealer participates in an advertised vessel or motor show in which at least two other vessel or motor dealers are participating,

- b. application for a permit for a sales promotion by an individual dealer shall be made to the Commission at least seven (7) calendar days prior to such promotion, and such permit shall be issued by the Commission upon payment of a fee of Fifty Dollars (\$50.00) per event,
- c. the permit shall be valid for a period not to exceed fourteen (14) consecutive days, and
- d. the Commission shall not issue a permit to a dealer if he has obtained a permit within the past forty-five (45) calendar days for the same location;

2. A dealer may not be denied a permit on the grounds that the sales promotion is to be held within the relevant market area of another dealer of the same product line; and

3. A dealer who fails to obtain such a permit shall be subject to the penalties and fines provided for in Section 4041 of Title 63 of the Oklahoma Statutes.

Provided, a permit shall not be required pursuant to the provisions of this section for a display or sale of new vessels or motors which is held off the premises of a licensed dealer if the display or sale is held within a ~~fifteen (15)~~ twenty-five (25) mile radius of the location of the dealership.

SECTION 4. AMENDATORY 63 O.S. 1991, Section 4213, as amended by Section 54, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1992, Section 4213), is amended to read as follows:

Section 4213. A. No person shall place or dispose of marine sewage in any waters of this state.

B. On and after July 1, ~~1993~~ 1995, no person shall operate a vessel equipped with a marine toilet which is not a total retention system in accordance with federal regulations regarding marine toilets.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 27th day of May, 1993.

President of the Senate

Passed the House of Representatives the 27th day of May, 1993.

Speaker of the House of Representatives