

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2771

By: Kirby

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 564.1, as amended by Section 1, Chapter 56, O.S.L. 1993 (47 O.S. Supp. 1993, Section 564.1), which relates to off-premise display and sale of certain new vehicles; modifying authorization for off-premise sale of certain vehicles; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 564.1, as amended by Section 1, Chapter 56, O.S.L. 1993 (47 O.S. Supp. 1993, Section 564.1), is amended to read as follows:

Section 564.1 Licensing of off-premises displays of new motor vehicles and off-premise sales of new motor vehicles and new recreational vehicles.

A. The Oklahoma Motor Vehicle Commission shall provide for licensing of off-premise displays of new motor vehicles and off-premise sales of new motor vehicles and new recreational vehicles, by currently licensed new motor vehicle dealers as follows:

1. An off-premise display with prior approval by the manufacturer or distributor for promotional purposes not at the

established place of business may be held under the following conditions:

- a. a disclaimer that the motor vehicles are for display purposes only and not for sale shall be placed on the motor vehicles in a manner to be prescribed by the Commission,
- b. no selling activities shall be conducted, and
- c. display is in dealer's factory-approved area of sales and service responsibility;

2. Except as otherwise provided by this section, an off-premise promotion by an individual new motor vehicle or new recreational vehicle dealer at which sales activities are conducted with prior written approval by the manufacturer or distributor may be held only under the following conditions:

- a. the dealer shall hold the sales promotion within a five-mile radius of the licensed individual dealer, but not closer than a five-mile radius of an existing same line-make dealer, unless written permission is obtained from the same line-make dealer,
- b. the sales promotion shall not be held on the first day of the week, commonly called Sunday,
- c. a license for a sales promotion by an individual dealer shall be obtained from the Commission at the rate of Fifteen Dollars (\$15.00) per vehicle, per event, and
- d. the sponsoring entity of the sales promotion shall obtain a permit from the Commission at the rate of Two Hundred Dollars (\$200.00) per event. The license shall be for a period not to exceed ten (10) consecutive days;

3. Except as otherwise provided by this section, a sales promotion by new motor vehicles or new recreational vehicle dealers

selling the same line-make of new motor vehicles or new recreational vehicles, at which sales activities are conducted and with prior written approval by the manufacturer or distributor shall be held only under the following conditions:

- a. all participants in the sales promotion shall be new motor vehicle or new recreational vehicle dealers who are located within a ten-mile radius of the proposed sales promotion site,
- b. the promotion shall not be held within a one-mile radius of a nonparticipating new motor vehicle or new recreational vehicle dealer of the same line-make, unless written permission is obtained from the same line-make dealer,
- c. the sales promotion shall not be held on the first day of the week, commonly called Sunday,
- d. a license for a sales promotion under this paragraph shall be obtained from the Commission at the rate of Fifteen Dollars (\$15.00) per vehicle, per event,
- e. the sponsoring entity of the sales promotion shall obtain a license from the Commission at the rate of Two Hundred Dollars (\$200.00) per event, and
- f. the license shall be for a period not to exceed ten (10) consecutive days; ~~and~~

4. Except as otherwise provided by this section, a sales promotion in which all the participating new motor vehicle or new recreational vehicle dealers are located within a ten-mile radius of the proposed location of the sales promotion event or participating new motor vehicle or new recreational vehicle dealers that are bound together by a common charter that operates within such a described area, at which selling activities are conducted and with prior written approval of the manufacturer or distributor, shall be conducted only under the following conditions:

- a. a license for a sales promotion described in this paragraph shall be obtained from the Commission at the rate of Fifteen Dollars (\$15.00) per vehicle, per event,
- b. the license shall be for a period not to exceed ten (10) consecutive days. The promotion shall not be held within a five-mile radius of a nonparticipating new motor vehicle or new recreational vehicle dealer of the same line-make, unless written permission is obtained from the same line-make dealer,
- c. the sales promotion shall not be held on the first day of the week, commonly called Sunday, and
- d. the sponsoring entity of the sales promotion shall obtain a license from the Commission at the rate of Two Hundred Dollars (\$200.00) per event.

B. The Oklahoma Motor Vehicle Commission is authorized to provide a variance to the distance requirements pursuant to this section for any off-premise promotion or sales promotion if such promotional activities are conducted within municipally owned or controlled facilities or within the grounds of any fair association organized pursuant to the provisions of Title 2 of the Oklahoma Statutes for Agricultural Fair Corporations, the Free Oklahoma State Fair, Free District Fairs, and Agricultural and Industrial Expositions and Fairs or any county, district or state fair. The Oklahoma Motor Vehicle Commission shall promulgate procedures and rules and regulations effectuating the provisions of this subsection.

SECTION 2. This act shall become effective September 1, 1994.

44-2-7470

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