

ENROLLED HOUSE  
BILL NO. 1659

By: Kirby of the House

and

Maddox of the Senate

An Act relating to public health and safety; amending 63 O.S. 1991, Section 4044, as last amended by Section 3, Chapter 321, O.S.L. 1993 (63 O.S. Supp. 1996, Section 4044), which relates to permits for sales of vessels off-premises of licensed dealer; requiring dealer to provide certain information to purchasers prior to completion of sale; restricting certain conduct of salespersons; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 4044, as last amended by Section 3, Chapter 321, O.S.L. 1993 (63 O.S. Supp. 1996, 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 twenty-five (25) mile radius of the location of the dealership; and

4. Prior to the completion of a sale at an off-premises location, the dealer shall be required to disclose in writing to any person purchasing a new vessel or motor the following information:

- a. that location of the dealership making the sale, and
- b. that other dealers may not be willing to do repair or warranty work on vessels not purchased at their dealership.

Any salesperson working at an off-premises location shall not wear any identification or clothing indicating an affiliation with another retailer.

SECTION 2. This act shall become effective November 1, 1997.

Passed the House of Representatives the 24th day of February,  
1997.

Speaker of the House of  
Representatives

Passed the Senate the 2nd day of April, 1997.

President of the Senate