

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1502

By: Weaver

AS INTRODUCED

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 new vessels off premises of licensed dealer; establishing restrictions for off-premises promotions; eliminating certain restrictions for conducting off-premises sales; providing what activities may be conducted; providing for fees; modifying area in which permit shall not be required; 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~~ and off-premises sales of

new vessels or motors, by currently licensed new vessel or motor dealers as follows:

1. An off-premises 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 vessels or motors are for display purposes only and not for sale shall be placed on the vessels or motors in a manner to be prescribed by the Commission,
- b. a display consists of no more than three vessels or motors per location,
- c. no selling activities shall be conducted,
- d. application for a permit for a display by the dealer shall be made to the Commission at least seven (7) calendar days prior to such display and such permit shall be issued by the Commission upon payment of a fee of Fifty Dollars (\$50.00) per location, and
- e. the display permit shall be valid for a period not to exceed two (2) months;

2. An off-premises sales 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 with prior approval by the manufacturer or distributor 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 sales promotion, and such permit shall be issued by the

Commission upon payment of a fee of Fifty Dollars  
(\$50.00) per event, and

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;~~

3. An off-premises sales promotion by new vessel or motor  
dealers selling the same line-make of new vessels or motors, at  
which sales activities are conducted and with prior approval by the  
manufacturer or distributor shall be held only under the following  
conditions:

a. the promotion shall not be held within a one-mile  
radius of a new vessel or motor dealer of same line-  
make, unless included or written permission is  
obtained from the same line-maker dealer,

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

c. application for a permit for a sales promotion by each  
individual dealer shall be made to the Commission at  
least seven (7) calendar days prior to such sales  
promotion, and such permit shall be issued by the  
Commission upon payment of a fee of Fifty Dollars  
(\$50.00) per event, and

d. the permit shall be valid for a period not to exceed  
fourteen (14) consecutive days;

~~2.~~ 4. A dealer may not be denied a sales permit on the grounds  
that the sales promotion is to be held within the relevant market  
area of another same line-make dealer of the same product line who  
has been included; and

~~3.~~ 5. 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~~ the dealers factory approved area of sales and service responsibility.

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

46-1-5976

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