ENGROSSED HOUSE
BILL NO. 2362

By: Covey and Nance of the House

and

Milacek of the Senate

An Act relating to motor vehicles; providing for licensing for certain promoters; providing for certain conditions; providing for licensing of certain manufacturers and dealers for certain promotions; providing for special license; providing fee amounts; providing for the deposit of certain fees; providing certain exception under certain circumstances; providing certain promoter requirements for participation; providing for applicability of the act to dealers; providing for certain exclusion to excise tax; 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 564.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Motor Vehicle Commission shall provide for the licensing of a promoter of a recreational vehicle show, whose purpose is the sale of new recreational vehicles. The promoter may be an out-of-state entity, and an out-of-state promoter shall not pay a license fee greater than ten times the amount charged in-state promoters applying to operate a similar show.

B. The Oklahoma Motor Vehicle Commission shall provide for the licensing of out-of-state or in-state manufacturers who shall be allowed to bring new recreational vehicles into the area of the promotion, from which stock the various dealers participating in the show may display and sell at retail to patrons of the show. The licensing fees are as follows:

1. Out-of-state manufacturers shall be charged a special license fee of One Hundred Dollars ($100.00) for each and every new recreational vehicle they transport into this state for display in the promotional event; and

2. In-state manufacturers shall be exempt from this special licensing fee.

C. The Oklahoma Motor Vehicle Commission shall provide for a special license for out-of-state recreational vehicle dealers who shall be allowed to transport new recreational vehicles into the area of the promotion for the purpose of display and sale at retail to patrons of the event. In order for an out-of-state dealer to obtain a special license pursuant to this subsection, the out-of-state dealer must be registered with the Secretary of State as a foreign corporation. The licensing fees are as follows:

1. Out-of-state dealers shall be charged Two Hundred Dollars ($200.00) for a special license;

2. Out-of-state dealers transporting new vehicles into Oklahoma for display and possible sale at the promotion shall pay a special license fee of One Hundred Dollars ($100.00) for each and every vehicle brought into this state; and

3. In-state dealers shall be exempt from the provisions of this paragraph.

D. Licensing fees collected pursuant to this section shall be deposited in the Oklahoma Tourism Promotion Revolving Fund.

E. The franchise protections offered to Oklahoma dealers pursuant to Section 564.1 of Title 47 of the Oklahoma Statutes shall not be applicable when issuing licenses to promoters of recreational vehicle shows.

F. Promoters of recreational vehicle shows shall not deny licensed in-state dealers an opportunity of participating in the promotional show. If more dealers apply for permission from the promoter to participate than can ordinarily be accommodated in the

show, the Oklahoma-licensed manufacturers shall receive first preference over out-of-state manufacturers.

G. Promoters of recreational vehicle shows shall not deny licensed in-state manufacturers an opportunity of participating in the promotional show. If more manufacturers apply for permission from the promoter to participate than can ordinarily be accommodated in the show, the Oklahoma-licensed manufacturers shall receive first preference over out-of-state manufacturers.

H. Promoters may be duly licensed businesses that are for-profit or not-for-profit corporations engaged in fraternal affairs for the benefit of their membership.

I. Nothing in this section shall exclude dealers from complying with any and all laws or rules pertaining to the sale and delivery of new recreational vehicles as they may apply to Oklahoma dealers.

J. Sales of recreational vehicles made under the provisions of this section that will be registered outside of Oklahoma and that are removed from this state within seventy-two (72) hours from the promotional show by the purchaser or an agent of the purchaser for use outside of this state shall not be subject to the Oklahoma excise tax.

SECTION 2. This act shall become effective November 1, 2004.

Passed the House of Representatives the 25th day of February, 2004.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2004.

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Presiding Officer of the Senate