

ENROLLED HOUSE
BILL NO. 1584

By: Jones of the House

and

Easley of the Senate

An Act relating to motor vehicles; amending 21 O.S. 2001, Section 918, which relates to sales activities on Sunday; adding exception; amending 47 O.S. 2001, Section 564.1, which relates to new motor vehicles and recreational vehicles; modifying reference from display to event; modifying conditions for holding certain off-premise event; deleting conditions for holding certain off-premise promotion; deleting conditions for holding certain same line-make vehicle promotions; modifying the conditions for allowing an off-premise event where sales are conducted; modifying the reasons for the Oklahoma Motor Vehicle Commission to authorize a variance; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 918, is amended to read as follows:

Section 918. No person, firm or corporation, whether owner, proprietor, agent or employee, shall keep open, operate or assist in keeping open or operating any place or premises or residences whether open or closed, for the purpose of selling, bartering, or exchanging, or offering for sale, barter, or exchange, any motor vehicle or motor vehicles, whether new, used or second hand, on the first day of the week, commonly called Sunday, except as otherwise provided in this section; and provided, however, that this act shall not apply to the opening of an establishment or place of business on the ~~said~~ first day of the week for other purposes, such as the sale of petroleum products, tires, automobile accessories, or for the purpose of operating and conducting a motor vehicle repair shop, or for the purpose of supplying such services as towing or wrecking. Antique, classic, or special interest automobiles sold, bartered, auctioned, or exchanged by any person, firm, or corporation are exempt from the provisions of this section, as well as off-premise sales of new motorized recreational vehicles approved by the Oklahoma Motor Vehicle Commission pursuant to Section 564.1 of Title 47 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 47 O.S. 2001, 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 motorized 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 motorized 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 event~~ may be held for display purposes only under the following conditions:

- a. ~~a disclaimer the dealer must obtain permits from the Commission stating that the motor vehicles are for display purposes only and not for sale, and the permits 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. the display is in dealer's factory-approved area of sales and service responsibility;
- d. the dealer must obtain written approval from the manufacturer or distributor, and
- e. the sponsoring entity of the display event is required to obtain a permit from the Commission; and

2. ~~Except as otherwise provided by this section, an off-premise promotion by an individual 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 recreational vehicle dealers selling the same line-make of 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 recreational vehicle dealers who are located within a ten-mile radius of the proposed sales promotion site,~~
- ~~b. a new recreational vehicle dealer located outside of a ten-mile radius may apply for participation pursuant to this section if no new recreational vehicle dealer within a ten-mile radius participates at the proposed sales promotion site,~~
- ~~c. the promotion shall not be held within a one-mile radius of a nonparticipating new recreational vehicle dealer of the same line-make, unless written permission is obtained from the same line-make dealer,~~
- ~~d. the sales promotion shall not be held on the first day of the week, commonly called Sunday,~~
- ~~e. 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,~~
- ~~f. 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~~
- ~~g. 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 recreational vehicle dealers are located within a ten-mile radius of the proposed location of the sales promotion event or participating new recreational vehicle dealers that are bound together by a common charter that operates within such a described area, An off-premise event by motorized recreational vehicle dealer or dealers, at which selling activities are conducted and with prior written approval of the manufacturer or distributor, shall be conducted, may be held only under the following conditions:~~

- ~~a. a license permits for a sales promotion event 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 permit 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 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 event~~ shall obtain a license from the Commission at the rate of Two Hundred Dollars (\$200.00) per event,
- d. new motorized recreational vehicle dealers whose factory-approved area of sales and service responsibility includes the event location would be eligible to participate,
- e. new motorized recreational vehicle dealers must obtain written approval from the manufacturer or distributor, and
- f. the off-premise sales event shall be conducted within municipal, county, or state-owned or controlled facilities or within the grounds of any county, district, or state fair.

B. The Oklahoma Motor Vehicle Commission is authorized to provide a variance to the distance requirements ~~pursuant to this section specified in 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 effectuating the provisions of this subsection display event if:

1. The off-premise display is conducted within municipal, county, or state-owned or controlled facilities or within the grounds of any county, district, or state fair; and

2. The request for the variance must be in writing to the Commission no less than thirty (30) days prior to the off-premise display event.

SECTION 3. This act shall become effective November 1, 2005.

Passed the House of Representatives the 17th day of May, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the 19th day of May, 2005.

Presiding Officer of the Senate