

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1608 By: Gumm of the Senate

3 and  
4 Sullivan of the House  
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7  
8 ( contracts - updating statutory reference -  
9 effective date )  
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12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
13 entire bill and insert

14 "An Act relating to contracts; amending 15 O.S. 2001,  
15 Section 245, which relates to definitions; modifying  
16 definition; updating statutory reference; and  
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 15 O.S. 2001, Section 245, is  
20 amended to read as follows:

21 Section 245. For the purposes of Sections 245 through 251 of  
22 this title:

23 1. "Actual dealer cost" means the original invoice price the  
24 retailer paid for the merchandise to the manufacturer, wholesaler or

1 distributor, less all applicable discounts allowed, plus the freight  
2 cost from the location of the manufacturer, wholesaler or  
3 distributor to the location of the retailer;

4 2. "Dealer agreement" means an oral or written contract or  
5 agreement of definite or indefinite duration, between a supplier and  
6 an equipment dealer, which provides for the rights and obligations  
7 of the parties with respect to purchase or sale of equipment;

8 3. "Inventory" means farm tractors, farm implements, utility  
9 and industrial tractors, all-terrain vehicles, outdoor power and  
10 lawn and garden equipment sold by retailers as defined herein, and  
11 the attachments and repair parts thereto;

12 4. "Current model" means a model listed in the current sales  
13 manual of the manufacturer, wholesaler or distributor or any  
14 supplements to the current sales manual;

15 5. "Current net price" means the price listed in the printed  
16 price list or catalog of the manufacturer, wholesaler or distributor  
17 in effect at the time the dealer agreement is canceled or  
18 discontinued, less any applicable trade and cash discounts or, for  
19 purposes of Section ~~3~~ 250A of this ~~act~~ title, at the time a claim  
20 for payment is made for services performed for a customer pursuant  
21 to a warranty issued by a supplier;

22 6. "Retailer" or "equipment dealer" or "equipment dealership"  
23 means any person having a dealer agreement for selling and retailing  
24 farm tractors, utility and industrial tractors, farm implements,

1 outdoor power and lawn and garden equipment and the attachments or  
2 repair parts thereto but does not include retailers whose principal  
3 business is the sale of off-road construction equipment; and

4 7. "Supplier" means a person, partnership, corporation,  
5 association or other business enterprise engaged in the  
6 manufacturing, assembly or wholesale distribution of equipment. The  
7 term shall also include any successor in interest, including a  
8 purchaser of assets or stock, or a surviving corporation resulting  
9 from a merger, liquidation or reorganization of the original  
10 supplier.

11 SECTION 2. This act shall become effective November 1, 2008."

12 Passed the House of Representatives the 17th day of April, 2008.

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16 Presiding Officer of the House of  
Representatives

17 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2008.

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Presiding Officer of the Senate

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