

1 ENGROSSED SENATE  
BILL NO. 1608

By: Gumm of the Senate

2  
3 and

4 Sullivan of the House

5  
6 [ contracts - updating statutory reference -  
7 effective date ]  
8  
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

13 Section 245. For the purposes of Sections 245 through 251 of  
14 this title:

15 1. "Actual dealer cost" means the original invoice price the  
16 retailer paid for the merchandise to the manufacturer, wholesaler or  
17 distributor, less all applicable discounts allowed, plus the freight  
18 cost from the location of the manufacturer, wholesaler or  
19 distributor to the location of the retailer;

20 2. "Dealer agreement" means an oral or written contract or  
21 agreement of definite or indefinite duration, between a supplier and  
22 an equipment dealer, which provides for the rights and obligations  
23 of the parties with respect to purchase or sale of equipment;  
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1        3. "Inventory" means farm tractors, farm implements, utility  
2 and industrial tractors, all-terrain vehicles, outdoor power and  
3 lawn and garden equipment sold by retailers as defined herein, and  
4 the attachments and repair parts thereto;

5        4. "Current model" means a model listed in the current sales  
6 manual of the manufacturer, wholesaler or distributor or any  
7 supplements to the current sales manual;

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

15        6. "Retailer" or "equipment dealer" or "equipment dealership"  
16 means any person having a dealer agreement for selling and retailing  
17 farm tractors, utility and industrial tractors, farm implements,  
18 outdoor power and lawn and garden equipment and the attachments or  
19 repair parts thereto but does not include retailers whose principal  
20 business is the sale of off-road construction equipment; and

21        7. "Supplier" means a person, partnership, corporation,  
22 association or other business enterprise engaged in the  
23 manufacturing, assembly or wholesale distribution of equipment. The  
24 term shall also include any successor in interest, including a

1 purchaser of assets or stock, or a surviving corporation resulting  
2 from a merger, liquidation or reorganization of the original  
3 supplier.

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

5 Passed the Senate the 11th day of March, 2008.

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Presiding Officer of the Senate

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9 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

10 2008.

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Presiding Officer of the House  
of Representatives

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