

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 2056

By: Thompson of the House

and

6 Bingman and Marlatt of the
7 Senate

8
9 COMMITTEE SUBSTITUTE

10 [contracts - manufacturers, wholesalers and
11 distributors and repurchase of inventory - effective
12 date]

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 15 O.S. 2001, Section 245, as
16 amended by Section 1, Chapter 120, O.S.L. 2008 (15 O.S. Supp. 2008,
17 Section 245), is amended to read as follows:

18 Section 245. For the purposes of Sections 245 through 251 of
19 this title:

20 1. "Actual dealer cost" means the original invoice price the
21 retailer paid for the merchandise to the manufacturer, wholesaler or
22 distributor, less all applicable discounts allowed, plus the freight
23 cost from the location of the manufacturer, wholesaler or
24 distributor to the location of the retailer;

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

5 3. "Inventory" means farm tractors, farm implements, utility
6 and industrial tractors, all-terrain vehicles, forestry,
7 construction, industrial, maintenance, paving, outdoor power and
8 lawn and garden equipment sold by retailers as defined herein, and
9 the attachments and repair parts thereto;

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

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

20 6. "Retailer" or "equipment dealer" or "equipment dealership"
21 means any person having a dealer agreement for selling and retailing
22 farm tractors, utility and industrial tractors, farm implements,
23 forestry, construction, industrial, maintenance, paving, outdoor
24 power and lawn and garden equipment and the attachments or repair

1 parts thereto ~~but does not include retailers whose principal~~
2 ~~business is the sale of off road construction equipment; and~~

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

10 SECTION 2. This act shall become effective November 1, 2009.

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