

THE HOUSE OF REPRESENTATIVES
Thursday, February 4, 2010

House Bill No. 2624

HOUSE BILL NO. 2624 - By: JONES of the House and BINGMAN of the Senate.

An Act relating to contracts; amending 15 O.S. 2001, Section 245, as last amended by Section 1, Chapter 200, O.S.L. 2009 (15 O.S. Supp. 2009, Section 245), which relates to the repurchase of inventory; modifying definitions; defining term; and providing an effective date.

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

1 SECTION 1. AMENDATORY 15 O.S. 2001, Section 245, as last amended by
2 Section 1, Chapter 200, O.S.L. 2009 (15 O.S. Supp. 2009, Section 245), is amended to
3 read as follows:

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

5 1. "Actual dealer cost" means the original invoice price the retailer paid for the
6 merchandise to the manufacturer, wholesaler or distributor, less all applicable discounts
7 allowed, plus the freight cost from the location of the manufacturer, wholesaler or
8 distributor to the location of the retailer;

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

12 3. "Inventory" means farm tractors, farm implements, utility and industrial
13 tractors, all-terrain vehicles, forestry, construction, industrial, maintenance, paving,

1 outdoor power and lawn and garden equipment sold by retailers as defined herein, and
2 the attachments and repair parts thereto;

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

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

10 6. "Retailer" or "equipment dealer" or "equipment dealership" means any person
11 having a dealer agreement for selling and retailing farm tractors, utility and industrial
12 tractors, farm implements, forestry, construction, industrial, maintenance, paving,
13 outdoor power and lawn and garden equipment and the attachments or repair parts
14 thereto. Provided however, "retailer" or "equipment dealer" or "equipment dealership"
15 shall not mean a "single line dealer"; and

16 7. "Single line dealer" means a person, partnership, corporation, association or
17 other business enterprise that:

18 a. has purchased seventy-five percent (75%) or more of the dealer's total
19 new product inventory from a single supplier, and

20 b. has a total annual average sales volume for the previous three (3)
21 years in excess of Twenty Million Dollars (\$20,000,000.00) for the
22 entire territory for which the dealer is responsible;

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

6 SECTION 2. This act shall become effective November 1, 2010.

7 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
8 FINANCIAL SERVICES, dated 02-03-10 - DO PASS, As Coauthored.