

THE HOUSE OF REPRESENTATIVES
Thursday, February 4, 2010

House Bill No. 2625

HOUSE BILL NO. 2625 - By: JONES of the House and BURRAGE of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 562, as last amended by Section 7, Chapter 182, O.S.L. 2009 (47 O.S. Supp. 2009, Section 562), which relates to definitions regarding motor vehicle manufacturers, distributors and dealers; modifying certain definition; adding definition; and providing an effective date.

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

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 562, as last amended by
2 Section 7, Chapter 182, O.S.L. 2009 (47 O.S. Supp. 2009, Section 562), is amended to
3 read as follows:

4 Section 562. The following words, terms and phrases, when used in Sections 561
5 through 567, 572, 578.1, 579 and 579.1 of this title, shall have the meanings respectively
6 ascribed to them in this section, except where the context clearly indicates a different
7 meaning:

- 8 1. "Motor vehicle" means any motor-driven vehicle or recreational vehicle required
9 to be registered under the Oklahoma Vehicle License and Registration Act except all-
10 terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use;
- 11 2. "New motor vehicle dealer" means any person, firm, association, corporation or
12 trust not excluded by this paragraph who sells, offers for sale, advertises to sell, leases or

1 displays new motor vehicles and holds a bona fide contract or franchise in effect with a
2 manufacturer or distributor authorized by the manufacturer to make predelivery
3 preparation of such vehicles sold to purchasers and to perform post-sale work pursuant
4 to the manufacturer's or distributor's warranty. As used herein, "authorized predelivery
5 preparation" means the rendition by the dealer of services and safety adjustments on
6 each new motor vehicle in accordance with the procedure and safety standards required
7 by the manufacturer of the vehicle to be made before its delivery to the purchaser.
8 "Performance of authorized post-sale work pursuant to the warranty", as used herein,
9 means the rendition of services which are required by the terms of the warranty that
10 stands extended to the vehicle at the time of its sale and are to be made in accordance
11 with the safety standards prescribed by the manufacturer. The term includes premises
12 or facilities at which a person engages only in the repair of motor vehicles if repairs are
13 performed pursuant to the terms of a franchise and motor vehicle manufacturer's
14 warranty. However, the term shall not include premises or facilities at which a new
15 motor vehicle dealer or dealers within the area of responsibility of such dealer or dealers
16 as defined in the manufacturer's franchise agreement of such dealer or dealers performs
17 motor vehicle repairs pursuant to the terms of a franchise and motor vehicle
18 manufacturer's warranty. For the purpose of Sections 561 through 567, 572, 578.1, 579
19 and 579.1 of this title, the terms "new motor vehicle dealer" and "new motor vehicle
20 dealership" shall be synonymous. The term "new motor vehicle dealer" does not include:
21 a. receivers, trustees, administrators, executors, guardians or other
22 persons appointed by or acting under judgment or order of any court,

- 1 b. public officers while performing or in operation of their duties, or
- 2 c. employees of persons, corporations or associations enumerated in
- 3 subparagraph a of this paragraph when engaged in the specific
- 4 performance of their duties as such employees;

5 3. "Motor vehicle salesperson" means any person who, for gain or compensation of
6 any kind, either directly or indirectly, regularly or occasionally, by any form of agreement
7 or arrangement, sells or negotiates for the sale of any new motor vehicle for any new
8 motor vehicle dealer to any one or more third parties;

9 4. "Commission" means the Oklahoma Motor Vehicle Commission;

10 5. "Manufacturer" means any person, firm, association, corporation or trust,
11 resident or nonresident, who manufactures or assembles new and unused motor vehicles
12 or who engages in the fabrication or assembly of motorized vehicles of a type required to
13 be registered in the State of Oklahoma;

14 6. "Distributor" means any person, firm, association, corporation or trust, resident
15 or nonresident, who, being authorized by the original manufacturer, in whole or in part
16 sells or distributes new and unused motor vehicles to motor vehicle dealers, or who
17 maintains distributor representatives;

18 7. "Factory branch" means any branch office maintained by a person, firm,
19 association, corporation or trust who manufactures or assembles motor vehicles for the
20 sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle
21 dealers, or for directing or supervising, in whole or in part, its representatives;

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

1 8. "Distributor branch" means any branch office similarly maintained by a
2 distributor for the same purposes a factory branch is maintained;

3 9. "Factory representative" means any officer or agent engaged as a representative
4 of a manufacturer of motor vehicles or by a factory branch, for the purpose of making or
5 promoting the sale of its motor vehicles, or for supervising or contacting its dealers or
6 prospective dealers;

7 10. "Distributor representative" means any person, firm, association, corporation or
8 trust and each officer and employee thereof engaged as a representative of a distributor
9 or distributor branch of motor vehicles, for the purpose of making or promoting the sale
10 of its motor vehicles, or for supervising or contacting its dealers or prospective dealers;

11 11. "Franchise" means any contract or agreement between a motor vehicle dealer
12 and a manufacturer of a new motor vehicle or its distributor or factory branch by which
13 the dealer is authorized to engage in the business of selling any specified make or makes
14 of new motor vehicles;

15 12. "New or unused motor vehicle" means a vehicle which is in the possession of the
16 manufacturer or distributor or has been sold only to the holder of a valid selling
17 agreement, franchise or contract, granted by the manufacturer or distributor for the sale
18 of that make of new vehicle so long as the manufacturer's statement of origin has not
19 been assigned to anyone other than a licensed franchised new motor vehicle dealer of the
20 same line-make;

21 13. "Area of responsibility" means the geographical area, as designated by the
22 manufacturer, factory branch, factory representative, distributor, distributor branch or

1 distributor representative, in which the new motor vehicle dealer is held responsible for
2 the promotion and development of sales and rendering of service for the make of motor
3 vehicle for which the motor vehicle dealer holds a franchise or selling agreement;

4 14. "Off premises" means at a location other than the address designated on the
5 new motor vehicle dealer's license;

6 15. "Sponsoring entity" means any person, firm, association, corporation or trust
7 which has control, either permanently or temporarily, over the real property upon which
8 the off-premise sale or display is conducted;

9 16. "Product" means new motor vehicles and new motor vehicle parts;

10 17. "Service" means motor vehicle warranty repairs including both parts and labor;

11 18. "Lead" means a consumer contact in response to a factory program designed to
12 generate interest in purchasing or leasing a new motor vehicle;

13 19. "Sell or sale" means to sell or lease; ~~and~~

14 20. "Factory" means a manufacturer, distributor, factory branch, distributor
15 branch, factory representative or distributor representative, which manufactures or
16 distributes vehicle products; and

17 21. "Recreational vehicle" means a vehicular-type unit that is self-propelled or
18 towed by a consumer-owned tow vehicle, is primarily designed to provide temporary
19 living quarters for recreational, camping, travel or seasonal use that has its own motive
20 power or is mounted on or towed by another vehicle, that complies with all applicable
21 federal vehicle regulations and does not require a special-movement permit to legally use
22 the highways. Recreational vehicles do not include mobile homes, off-road vehicles,

1 snowmobiles, conversion vehicles, or any unit designed to transport livestock.

2 Recreational vehicles are no larger than four hundred (400) square feet except for fifth

3 wheels which are no larger than four hundred thirty (430) square feet. The term

4 “recreational vehicle” includes the following units:

5 a. motor home, which is a motorized, self-propelled vehicular unit

6 designed to provide temporary living quarters for recreational,

7 camping or travel use. The unit must contain at least four of the

8 following permanently installed independent life-support systems

9 which meet the National Fire Protection Association standards for

10 recreational vehicles:

11 (1) a cooking facility with an on-board fuel source,

12 (2) a portable water supply system that includes at least a sink,

13 faucet, and water tank with an exterior service supply

14 connection,

15 (3) a toilet with exterior evacuation,

16 (4) a gas or electric refrigerator,

17 (5) a heating or air conditioning system with an on-board power or

18 fuel source separate from the vehicle engine, or

19 (6) a one-hundred-ten- to one-hundred-twenty-five- volt electric

20 power supply,

21 b. travel trailer, which is a vehicular unit, mounted on wheels, designed

22 to provide temporary living quarters for recreational, camping or travel

1 use of such size and weight as to not require a special highway
2 movement permit when towed by a motorized vehicle,

3 c. fifth wheel trailer, which is a vehicular unit, mounted on wheels,
4 designed to provide temporary living quarters for recreational,
5 camping or travel use of such size and weight as to not require a
6 special highway movement permit and designed to be towed by a
7 motorized vehicle that contains a towing mechanism that is mounted
8 above or forward of the rear axle of the vehicle,

9 d. camping trailer, which is a vehicular unit that is mounted on wheels
10 and constructed with collapsible partial side walls that fold for towing
11 by another vehicle and unfold at the campsite to provide temporary
12 living quarters for recreational, camping or travel use, and

13 e. truck camper, which is a portable unit that is constructed to provide
14 temporary living quarters for recreational, travel or camping use,
15 consisting of a roof, floor and sides, and is designed to be loaded onto
16 and unloaded from the back of a pickup truck.

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

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