

EHB 2625

THE STATE SENATE
Wednesday, March 24, 2010

ENGROSSED

House Bill No. 2625

As Amended

ENGROSSED HOUSE BILL NO. 2625 - By: Jones of the House and Burrage of the Senate.

[motor vehicles - vehicle manufacturers, distributors and dealers - effective date]

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

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

1. "Motor vehicle" means any motor-driven vehicle or recreational vehicle required to be registered under the Oklahoma Vehicle License and Registration Act except all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use;

2. "New motor vehicle dealer" means any person, firm, association, corporation or trust not excluded by this paragraph who

1 sells, offers for sale, advertises to sell, leases or displays new
2 motor vehicles and holds a bona fide contract or franchise in effect
3 with a manufacturer or distributor authorized by the manufacturer to
4 make predelivery preparation of such vehicles sold to purchasers and
5 to perform post-sale work pursuant to the manufacturer's or
6 distributor's warranty. As used herein, "authorized predelivery
7 preparation" means the rendition by the dealer of services and
8 safety adjustments on each new motor vehicle in accordance with the
9 procedure and safety standards required by the manufacturer of the
10 vehicle to be made before its delivery to the purchaser.

11 "Performance of authorized post-sale work pursuant to the warranty",
12 as used herein, means the rendition of services which are required
13 by the terms of the warranty that stands extended to the vehicle at
14 the time of its sale and are to be made in accordance with the
15 safety standards prescribed by the manufacturer. The term includes
16 premises or facilities at which a person engages only in the repair
17 of motor vehicles if repairs are performed pursuant to the terms of
18 a franchise and motor vehicle manufacturer's warranty. However, the
19 term shall not include premises or facilities at which a new motor
20 vehicle dealer or dealers within the area of responsibility of such
21 dealer or dealers as defined in the manufacturer's franchise
22 agreement of such dealer or dealers performs motor vehicle repairs
23 pursuant to the terms of a franchise and motor vehicle

1 manufacturer's warranty. For the purpose of Sections 561 through
2 567, 572, 578.1, 579 and 579.1 of this title, the terms "new motor
3 vehicle dealer" and "new motor vehicle dealership" shall be
4 synonymous. The term "new motor vehicle dealer" does not include:

- 5 a. receivers, trustees, administrators, executors,
6 guardians or other persons appointed by or acting
7 under judgment or order of any court,
- 8 b. public officers while performing or in operation of
9 their duties, or
- 10 c. employees of persons, corporations or associations
11 enumerated in subparagraph a of this paragraph when
12 engaged in the specific performance of their duties as
13 such employees;

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

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

20 5. "Manufacturer" means any person, firm, association,
21 corporation or trust, resident or nonresident, who manufactures or
22 assembles new and unused motor vehicles or who engages in the

1 fabrication or assembly of motorized vehicles of a type required to
2 be registered in the State of Oklahoma;

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

8 7. "Factory branch" means any branch office maintained by a
9 person, firm, association, corporation or trust who manufactures or
10 assembles motor vehicles for the sale of motor vehicles to
11 distributors, or for the sale of motor vehicles to motor vehicle
12 dealers, or for directing or supervising, in whole or in part, its
13 representatives;

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

17 9. "Factory representative" means any officer or agent engaged
18 as a representative of a manufacturer of motor vehicles or by a
19 factory branch, for the purpose of making or promoting the sale of
20 its motor vehicles, or for supervising or contacting its dealers or
21 prospective dealers;

22 10. "Distributor representative" means any person, firm,
23 association, corporation or trust and each officer and employee

1 thereof engaged as a representative of a distributor or distributor
2 branch of motor vehicles, for the purpose of making or promoting the
3 sale of its motor vehicles, or for supervising or contacting its
4 dealers or prospective dealers;

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

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

17 13. "Area of responsibility" means the geographical area, as
18 designated by the manufacturer, factory branch, factory
19 representative, distributor, distributor branch or distributor
20 representative, in which the new motor vehicle dealer is held
21 responsible for the promotion and development of sales and rendering
22 of service for the make of motor vehicle for which the motor vehicle
23 dealer holds a franchise or selling agreement;

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

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

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

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

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

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

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

19 21. "Recreational vehicle" means a vehicular-type unit that is
20 self-propelled or towed by a consumer-owned tow vehicle, is
21 primarily designed to provide temporary living quarters for
22 recreational, camping, travel or seasonal use that has its own
23 motive power or is mounted on or towed by another vehicle, that

1 complies with all applicable federal vehicle regulations and does
2 not require a special-movement permit to legally use the highways.
3 Recreational vehicles do not include mobile homes, off-road
4 vehicles, snowmobiles, conversion vehicles, or any unit designed to
5 transport livestock. Recreational vehicles are no larger than four
6 hundred (400) square feet except for fifth wheels which are no
7 larger than four hundred thirty (430) square feet. The term
8 "recreational vehicle" includes the following units:

9 a. motor home, which is a motorized, self-propelled
10 vehicular unit designed to provide temporary living
11 quarters for recreational, camping or travel use. The
12 unit must contain at least four of the following
13 permanently installed independent life-support systems
14 which meet the National Fire Protection Association
15 standards for recreational vehicles:

- 16 (1) a cooking facility with an on-board fuel source,
17 (2) a portable water supply system that includes at
18 least a sink, faucet, and water tank with an
19 exterior service supply connection,
20 (3) a toilet with exterior evacuation,
21 (4) a gas or electric refrigerator,

1 (5) a heating or air conditioning system with an on-
2 board power or fuel source separate from the
3 vehicle engine, or

4 (6) a one-hundred-ten- to one-hundred-twenty-five-
5 volt electric power supply,

6 b. travel trailer, which is a vehicular unit, mounted on
7 wheels, designed to provide temporary living quarters
8 for recreational, camping or travel use of such size
9 and weight as to not require a special highway
10 movement permit when towed by a motorized vehicle,

11 c. fifth wheel trailer, which is a vehicular unit,
12 mounted on wheels, designed to provide temporary
13 living quarters for recreational, camping or travel
14 use of such size and weight as to not require a
15 special highway movement permit and designed to be
16 towed by a motorized vehicle that contains a towing
17 mechanism that is mounted above or forward of the rear
18 axle of the vehicle,

19 d. camping trailer, which is a vehicular unit that is
20 mounted on wheels and constructed with collapsible
21 partial side walls that fold for towing by another
22 vehicle and unfold at the campsite to provide

1 temporary living quarters for recreational, camping or
2 travel use, and

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 3-22-10 -
10 DO PASS, As Amended.