

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2624

By: Jones

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5  
6 AS INTRODUCED

7 An Act relating to contracts; amending 15 O.S. 2001,  
8 Section 245, as last amended by Section 1, Chapter  
9 200, O.S.L. 2009 (15 O.S. Supp. 2009, Section 245),  
10 which relates to the repurchase of inventory;  
11 modifying definitions; defining term; and providing  
12 an effective date.

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

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

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

19 1. "Actual dealer cost" means the original invoice price the  
20 retailer paid for the merchandise to the manufacturer, wholesaler or  
21 distributor, less all applicable discounts allowed, plus the freight  
22 cost from the location of the manufacturer, wholesaler or  
23 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. Provided however, "retailer" or "equipment dealer" or  
2 "equipment dealership" shall not mean a "single line dealer"; and

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

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

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

12 8. "Supplier" means a person, partnership, corporation,  
13 association or other business enterprise engaged in the  
14 manufacturing, assembly or wholesale distribution of equipment. The  
15 term shall also include any successor in interest, including a  
16 purchaser of assets or stock, or a surviving corporation resulting  
17 from a merger, liquidation or reorganization of the original  
18 supplier.

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

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21 52-2-9045 LRB 01/04/10

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