

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1603

By: Bingman

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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),
which relates to definitions; modifying definitions;
and providing an effective date.

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

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

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

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

23 2. "Dealer agreement" means an oral or written contract or
24 agreement of definite or indefinite duration, between a supplier and

1 an equipment dealer, which provides for the rights and obligations
2 of the parties with respect to purchase or sale of equipment;

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

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

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

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

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1 dealer" or "equipment dealership" shall not include a single line
2 dealer;

3 7. "Single line dealer" means a person, partnership or
4 corporation who:

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; and

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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