

BILL SUMMARY
2nd Session of the 58th Legislature

Bill No.:	HB3994
Version:	FullPCS1
Request Number:	10811
Author:	Dobrinski
Date:	3/1/2022
Impact:	Please see previous summary of this measure

Research Analysis

The PCS1 to HB 3994 makes numerous changes to motor vehicle dealers. The measure modifies the definition of "new motor vehicle dealer" to include persons who lease, exchange or convey a new motor vehicle or accepts orders for sale, lease, exchange or other conveyance of a new motor vehicle, offers test drives or demonstrations of functions or features, or otherwise engages in any way in the business of selling, leasing, exchanging new motor vehicles and used motor vehicles, including software and hardware upgrades or changes. The measure provides a definition of "consumer data" that is collected by a dealer and provided by the dealer to a manufacturer or third party acting on behalf of a manufacturer. Provides a definition of "data management system" owned by a dealer. The measure provides that a factory or an entity affiliated by any ownership or control by the factory is not permitted to be licensed as a motor vehicle dealer. The measure provides that the initial fee for each motor vehicle direct shipper is to be \$300 with an annual renewal of \$100. The measure provides for a vehicle direct shipper license. The measure prohibits the delivery of a new motor vehicle by a common or permit carrier or other conveyance unless the delivery is made by a license motor vehicle dealer or motor vehicle direct shipper. The measure requires a factory or third party acting on behalf of a factory to comply with any applicable restrictions on the reuse or disclosure of consumer data and provide a written statement describing procedures adopted to safeguard consumer data. The factory or third party, upon request of the dealer, provide a list of consumer data obtained and to whom data has been provided. A factory or third party may not require a dealer grant the factory or third party access to the dealer's data management system to obtain consumer data. A factory or third party is to indemnify the dealer for any third-party claims relating to disclosure of consumer data. The measure clarifies the ability of the Oklahoma Motor Vehicle Commission to impose a fine for violations and clarifies possible violations. The measure allows for a designated successor to a departing dealership operator. The measure authorizes a dealer to bring an action for a temporary or permanent injunction restraining a person from acting as a licensee. The measure clarifies "relevant market area" of a proposed new motor vehicle dealership. The measure provides a definition of "motor vehicle liability policy"

Prepared By: Brad Wolgamott

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: Mark Tygret

Other Considerations

None.

