

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 2974

By: West (Rick)

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6 AS INTRODUCED

7 An Act relating to motor vehicles; prohibiting new
8 and used motor vehicle dealers from charging certain
9 fee; allowing certain service and handling fee;
10 allowing for certain cost recovery; allowing for
11 certain profit; requiring the Oklahoma New Motor
12 Vehicle Commission and the Oklahoma Used Motor
13 Vehicle and Parts Commission promulgate certain
14 rules; requiring certain fee be charged to all
15 customers; requiring certain disclosure; stating
16 requirements for certain paperwork; requiring certain
17 notice; authorizing the promulgation of rules;
18 providing for codification; and providing an
19 effective date.

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1 the service of filling in the blanks or otherwise charge for
2 preparing documents.

3 B. 1. A motor vehicle dealer may charge a service and handling
4 fee in connection with the sale or lease of a new or a used motor
5 vehicle for:

6 a. the handling, processing, and storage of documents,
7 and

8 b. other administrative and clerical services.

9 2. The service and handling fee may be charged to allow cost
10 recovery for motor vehicle dealers. A portion of the service and
11 handling fee may result in profit to the motor vehicle dealer.

12 C. 1. The Oklahoma New Motor Vehicle Commission shall
13 determine by rule the amount of the service and handling fee that
14 may be charged by a new motor vehicle dealer. The service and
15 handling fee shall be no more than One Hundred Twenty-Nine Dollars
16 (\$129.00).

17 2. If a service and handling fee is charged under this section,
18 the service and handling fee shall be charged to all retail
19 customers and shall be disclosed on the retail buyer's order form as
20 a separate itemized charge.

21 D. A preliminary worksheet on which a sale price is computed
22 and that is shown to the purchaser, a retail buyer's order form from
23 the purchaser, or a retail installment contract shall include in
24

1 reasonable proximity to the place on the document where the service
2 and handling fee authorized by this section is disclosed:

- 3 1. The amount of the service and handling fee; and
- 4 2. A notice in type that is bold-faced, capitalized,
5 underlined, or otherwise conspicuously set out from the surrounding
6 written material. The notice shall read:

7 "A SERVICE AND HANDLING FEE IS NOT AN OFFICIAL FEE. A SERVICE
8 AND HANDLING FEE IS NOT REQUIRED BY LAW BUT MAY BE CHARGED TO THE
9 CUSTOMER FOR PERFORMING SERVICES AND HANDLING DOCUMENTS RELATING TO
10 THE CLOSING OF A SALE OR LEASE. THE SERVICE AND HANDLING FEE MAY
11 RESULT IN PROFIT TO THE DEALER. THE SERVICE AND HANDLING FEE DOES
12 NOT INCLUDE PAYMENT FOR THE PREPARATION OF LEGAL DOCUMENTS. THIS
13 NOTICE IS REQUIRED BY LAW."

14 E. The Oklahoma New Motor Vehicle Commission is authorized to
15 promulgate rules to effectuate the provisions of this section.

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 589 of Title 47, unless there is
18 created a duplication in numbering, reads as follows:

19 A. A used motor vehicle dealer may fill in the blanks on
20 standardized forms in connection with the sale or lease of a used
21 motor vehicle if the motor vehicle dealer does not charge for the
22 service of filling in the blanks or otherwise charge for preparing
23 documents.

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1 B. 1. A used motor vehicle dealer may charge a service and
2 handling fee in connection with the sale or lease of used motor
3 vehicle for:

- 4 a. the handling, processing, and storage of documents,
5 and
- 6 b. other administrative and clerical services.

7 2. The service and handling fee may be charged to allow cost
8 recovery for motor vehicle dealers. A portion of the service and
9 handling fee may result in profit to the motor vehicle dealer.

10 C. 1. The Oklahoma Used Motor Vehicle and Parts Commission
11 shall determine by rule the amount of the service and handling fee
12 that may be charged by a used motor vehicle dealer. The service and
13 handling fee shall be no more than One Hundred Twenty-Nine Dollars
14 (\$129.00).

15 2. If a service and handling fee is charged under this section,
16 the service and handling fee shall be charged to all retail
17 customers and shall be disclosed on the retail buyer's order form as
18 a separate itemized charge.

19 D. A preliminary worksheet on which a sale price is computed
20 and that is shown to the purchaser, a retail buyer's order form from
21 the purchaser, or a retail installment contract shall include in
22 reasonable proximity to the place on the document where the service
23 and handling fee authorized by this section is disclosed:

- 24 1. The amount of the service and handling fee; and

1 2. A notice in type that is bold-faced, capitalized,
2 underlined, or otherwise conspicuously set out from the surrounding
3 written material. The notice shall read:

4 "A SERVICE AND HANDLING FEE IS NOT AN OFFICIAL FEE. A SERVICE
5 AND HANDLING FEE IS NOT REQUIRED BY LAW BUT MAY BE CHARGED TO THE
6 CUSTOMER FOR PERFORMING SERVICES AND HANDLING DOCUMENTS RELATING TO
7 THE CLOSING OF A SALE OR LEASE. THE SERVICE AND HANDLING FEE MAY
8 RESULT IN PROFIT TO THE DEALER. THE SERVICE AND HANDLING FEE DOES
9 NOT INCLUDE PAYMENT FOR THE PREPARATION OF LEGAL DOCUMENTS. THIS
10 NOTICE IS REQUIRED BY LAW."

11 E. The Oklahoma Used Motor Vehicle and Parts Commission is
12 authorized to promulgate rules to effectuate the provisions of this
13 section.

14 SECTION 3. This act shall become effective November 1, 2024.

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16 59-2-8548 JBH 12/18/23

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