

BILL SUMMARY
1st Session of the 59th Legislature

Bill No.:	SB593
Version:	ENGR
Request Number:	
Author:	Dobrinski
Date:	4/5/2023
Impact:	No Impact

Research Analysis

SB 593 provides that a dealer management system provider may condition access and the ability of a car dealer or authorized integrator to receive, share, copy, use, write, or transmit protected dealer data from or to a dealer data system on the dealer's or authorized integrator's compliance with security standards as well as deny access of a dealer data system to a dealer if the dealer fails to pay an amount due to the dealer management system provider. No provider shall take any action that would limit or prohibit the ability of a dealer or an authorized integrator to receive, protect, store, copy, share, or use protected dealer data, with certain exceptions. Any term or condition of an agreement with a dealer management system provider that conflicts with the requirements set forth in the measure shall be void and unenforceable. The measure provides that any authorized integrator, as defined in the measure, must obtain express written authorization from a dealer before gaining access to protected data. Such entities must also comply with security standards in gaining access to such data and allow a dealer to withdraw, revoke, or amend any express written authorization. System providers are not liable for any action that a dealer takes directly with respect to securing or preventing unauthorized access to protected dealer data. Dealers are not liable for any action that an authorized integrator takes directly with respect to securing or preventing unauthorized access to protected dealer data. Additionally, manufacturers and distributors are not liable for any action that a dealer, dealer management system provider, authorized integrator, or other third party. Manufacturers are required to allow its new motor vehicle dealers to offer consumers any remote software upgrade or change to vehicle functions and features to a new motor vehicle, if also offered by the manufacturer, which is of a line-make the new motor vehicle dealer holds an active sales and service agreement. Spot delivery agreement forms shall be required for all new motor vehicle deliveries subject to dealers finding lending institutions to purchase the retail installment contracts executed by the purchasing and selling parties.

The measure prohibits factories or their affiliated entities from obtaining licenses as new motor vehicle dealers; providing exception and provides for penalties on factories that use certain performance standards, not considering local criteria and conditions, not equitably offering for sale vehicles at the same price, failing to provide reasonable compensation for loaner vehicles, failing to compensate for recall repairs, failing to provide compensation for certain used vehicles, entering certain agreements that alters the rights and obligations of the dealer, refusing payment related to certain purchaser actions, and changing system of distribution. The measure prohibits dealers from submitting rates more than once a year for repair parts and labor. Modifying requirements for submitting repair orders and provides for manufacturers to request supplemental repair orders under certain circumstances. The measure prohibits certain factory charge-backs and provides an exception for prohibition on factory requiring construction of rehabilitation of dealership. Defining designated successor. Prohibiting consideration of certain denial of designated successors based on failure to agree to certain terms as good cause. Prohibiting the withholding of approval of transfer to designated successor based on standards

different than those in certain existing agreements. Limiting distributor evaluation of proposed sale or transfer of dealership.

Prepared By: Brad Wolgamott

Fiscal Analysis

SB593 adds additional modifications of various sections of statute related to the Oklahoma Motor Vehicle Commission (OMVC), a non-appropriated state agency. This measure is not expected to impact state revenues or state appropriations.

Prepared By: Zachary Penrod, House Fiscal Staff

Other Considerations

None.