

1 ENGROSSED SENATE
2 BILL NO. 641

By: Paxton of the Senate

3 and

4 Tedford of the House
5

6 An Act relating to motor vehicle repair; creating the
7 Oklahoma Motor Vehicle Consumer Protection Act;
8 providing short title; defining terms; establishing
9 certain hourly market rate for labor; directing
10 Insurance Department to adjust certain hourly market
11 rate for labor; prohibiting certain administrative
12 charges from exceeding certain amount; establishing
13 certain maximum daily storage rates; authorizing
14 certain increase in certain maximum daily storage
15 rates; providing certain exceptions; requiring
16 certain written invoice; allowing adjustment of
17 certain maximum daily storage rates; providing for
18 codification; and providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1271 of Title 36, unless there
22 is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Oklahoma Motor
24 Vehicle Consumer Protection Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1272 of Title 36, unless there
is created a duplication in numbering, reads as follows:

As used in this act:

1 1. "Administrative charges" shall include, but not be limited
2 to, the cost of:

- 3 a. file creation,
- 4 b. repair orders,
- 5 c. vehicle travel on a customary standard drivable
- 6 rolling vehicle,
- 7 d. vehicle identification,
- 8 e. software charges,
- 9 f. communication with vehicle owners and insurance
- 10 representatives and any other party involved in the
- 11 repair or total loss determination,
- 12 g. prewashes,
- 13 h. COVID-19 cleaning or bio-cleaning,
- 14 i. charges related to photographs and electronic
- 15 communications,
- 16 j. charges for work that is not for obtaining labor,
- 17 parts, and materials,
- 18 k. securing removed parts, and
- 19 l. relocating parts back into a vehicle determined to be
- 20 a total loss;

21 2. "Auto body repair" means all auto body repair shop repairs,
22 maintenance, painting, exterior body work, part replacements,
23 assessment, and diagnostic testing provided to an insurance company
24 to determine a motor vehicle total loss;

1 3. "Auto body repair shop" means any commercial entity engaged
2 in the business or occupation of performing auto body repairs on the
3 body of a motor vehicle;

4 4. "Insurance company" means the person or entity responsible
5 for charges incurred by the insured at an auto body repair shop as a
6 result of repairs or charges incurred in determining a total loss of
7 a motor vehicle as provided for in Section 1250.8 of Title 36 of the
8 Oklahoma Statutes;

9 5. "Motor vehicle" means the same as defined in Section 1-134
10 of Title 47 of the Oklahoma Statutes;

11 6. "Owner" means the owner of the vehicle; and

12 7. "Storage rates" means all charges and fees related to the
13 auto body repair shop retaining actual physical possession of a
14 motor vehicle during the time when the auto body repair shop
15 exercises control, supervision, care, security, protection, and
16 responsibility over the motor vehicle.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1273 of Title 36, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Upon the effective date of this act, the hourly market rate
21 for labor for administrative charges as defined in Section 2 of this
22 act, as the rate relates to total loss vehicles, shall be in
23 accordance with the prevailing market price determined pursuant to
24 subsection H of Section 1250.8 of Title 36 of the Oklahoma Statutes.

1 The Insurance Commissioner may adjust the hourly market rate for
2 labor to account for inflation annually beginning on January 1,
3 2027. Such adjustment shall be made based on the market surveys
4 conducted pursuant to Section 365:15-1-26 of the Oklahoma
5 Administrative Code.

6 B. Administrative charges, as such charges relate to total loss
7 vehicles, shall not exceed the hourly market rate for labor pursuant
8 to this section and may only be billed up to four (4) hours.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1274 of Title 36, unless there
11 is created a duplication in numbering, reads as follows:

12 A. The maximum daily storage rate allowed to be charged by an
13 auto body repair shop for a motor vehicle total loss for each
14 calendar day, for the first ten (10) calendar days the vehicle is in
15 the possession of the shop, shall be Thirty-nine Dollars (\$39.00)
16 for all motor vehicles of any size, including marine vessels, and
17 Seventy-eight Dollars (\$78.00) for vehicles with a lithium-ion
18 battery that have sustained damage to the battery pack or have
19 exhibited fire, smoke, or popping or hissing sounds.

20 B. On the eleventh calendar day, the maximum daily storage rate
21 may increase to Seventy-five Dollars (\$75.00) per calendar day for
22 all motor vehicles of any size, include marine vessels, and to One
23 Hundred Fifty-six Dollars (\$156.00) per calendar day for vehicles
24 with a lithium-ion battery that have sustained damage to the battery

1 pack or have exhibited fire, smoke, or popping or hissing sounds, if
2 the estimate or supplement on total loss vehicles is not approved by
3 the insurance company within the first seven (7) days and the auto
4 body repair shop has a written record showing the date, time, and
5 type of communication made to the insurance company requesting such
6 supplementals. Requests for supplementals to determine a total loss
7 shall be made before the tenth day following the request.

8 C. The provisions of subsections A and B of this section shall
9 not apply to vehicles in which the damage to the vehicle
10 necessitates indoor storage and the insurance company has approved
11 indoor storage of the vehicle in advance at an agreed rate.

12 D. Each auto body repair shop shall provide written invoices
13 and respond to requests for invoices concerning the pickup, release,
14 or delivery of a motor vehicle on its premises to the insurance
15 company within eight (8) business hours.

16 E. The maximum daily storage rate set forth in this section
17 shall apply to direct repair programs.

18 F. The maximum daily storage rate may be increased. Such
19 adjustment shall be made based on the market surveys conducted
20 pursuant to Section 365:15-1-26 of the Oklahoma Administrative Code.

21 SECTION 5. This act shall become effective November 1, 2025.
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1 Passed the Senate the 27th day of March, 2025.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2025.

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8 _____
9 Presiding Officer of the House
10 of Representatives