

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB641 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____ Amendment submitted by: Mark Tedford _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

FLOOR SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 641

By: Paxton of the Senate

and

Tedford of the House

FLOOR SUBSTITUTE

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

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

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

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

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

4 As used in this act:

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

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

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

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

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

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

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

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

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

1 A. Upon the effective date of this act, the hourly market rate
2 for labor for administrative charges as defined in Section 2 of this
3 act, as the rate relates to total loss vehicles, shall be in
4 accordance with the prevailing market price determined pursuant to
5 subsection H of Section 1250.8 of Title 36 of the Oklahoma Statutes.
6 The Insurance Commissioner may adjust the hourly market rate for
7 labor to account for inflation annually beginning on January 1,
8 2027. Such adjustment shall be made based on the market surveys
9 conducted pursuant to Section 365:15-1-26 of the Oklahoma
10 Administrative Code.

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

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

17 A. The maximum daily storage rate allowed to be charged by an
18 auto body repair shop and mandatory reimbursement rates for insurers
19 for a motor vehicle total loss for each calendar day, for the first
20 ten (10) calendar days the vehicle is in the possession of the shop,
21 shall be Thirty-nine Dollars (\$39.00) for all motor vehicles of any
22 size, including marine vessels, and One Hundred Twenty-Five Dollars
23 (\$125.00) for vehicles with lithium-ion batteries that have
24 sustained damage to the battery pack or have exhibited fire, smoke,

1 or popping or hissing sounds, if the vehicle is stored pursuant to
2 the original equipment manufacturer requirements.

3 B. On the eleventh calendar day, the maximum daily storage rate
4 may increase to Seventy-five Dollars (\$75.00) per calendar day for
5 all motor vehicles of any size, include marine vessels, and to Two
6 Hundred Dollars (\$200.00) per calendar day for vehicles with
7 lithium-ion batteries that have sustained damage to the battery pack
8 or have exhibited fire, smoke, or popping or hissing sounds, if the
9 vehicle is stored pursuant to the original equipment manufacturer
10 requirements, if the estimate or supplement on total loss vehicles
11 is not approved by the insurance company within the first seven (7)
12 days and the auto body repair shop has a written record showing the
13 date, time, and type of communication made to the insurance company
14 requesting such supplementals. Requests for supplementals to
15 determine a total loss shall be made before the tenth day following
16 the request.

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

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

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

3 F. The maximum daily storage rate may be increased upon
4 approval by the Oklahoma Insurance Department based on current
5 market conditions. Adjustments to the maximum daily storage rate
6 shall be made annually based on bulletins issued by the Oklahoma
7 Insurance Department which shall be based on the Consumer Price
8 Index. The Oklahoma Insurance Department shall promulgate the rules
9 necessary to fulfill the requirements of this subsection.

10 SECTION 5. This act shall become effective November 1, 2025.

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