

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 HOUSE BILL 1590

By: Jones

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; defining terms;
8 authorizing sales event under certain circumstances;
9 providing guidelines for sanctioned and nonsanctioned
10 recreational vehicle shows; providing for franchise
11 fees; providing for licensing fees; requiring certain
12 facility for vehicles; providing for automatic
13 licensure; prohibiting sales on certain day;
14 providing an exception; providing for codification;
15 and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 593 of Title 47, unless there is
19 created a duplication in numbering, reads as follows:

20 As used in this act:

21 1. "Recreational vehicle" means a motorized or towable vehicle
22 or pickup camper that combines transportation and temporary living
23 quarters for travel, recreation, and camping. Recreational vehicles
24 shall not include mobile homes, off-road vehicles, snowmobiles,
conversion vehicles, or trailers designed to haul livestock.

1 Recreational vehicles are sold by recreational vehicle dealers. The
2 basic recreational vehicle entities include:

3 a. "travel trailer" which is a vehicular portable unit
4 mounted on wheels of such size or weight as not to
5 require special highway movement permits when drawn by
6 a motorized vehicle. A travel trailer is primarily
7 designed and constructed to provide temporary living
8 quarters for recreational, camping, or travel use. It
9 has a body width of no more than eight and one-half (8
10 1/2) feet and an overall body length of no more than
11 forty (40) feet when factor-equipped for the road,

12 b. "camping trailer" which is a vehicular portable unit
13 mounted on wheels and constructed with collapsible
14 partial sidewalls which fold for towing by another
15 vehicle and unfold at the campsite to provide
16 temporary living quarters for recreational, camping,
17 or travel use,

18 c. "truck camper" which is a truck equipped with a
19 portable unit designed to be loaded onto, or affixed
20 to, the bed or chassis of the truck and constructed to
21 provide temporary living quarters for recreational,
22 camping, or travel use,

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- 1 d. "motor home" which is a self-propelled motor vehicle
2 and is primarily designed to provide temporary living
3 quarters for recreational, camping, or travel use,
- 4 e. "park trailer" which is a transportable unit which has
5 a body width not exceeding fourteen (14) feet and
6 which is built on a single chassis and is designed to
7 provide seasonal or temporary living quarters when
8 connected to utilities necessary for operation of
9 installed fixtures and appliances. The total area of
10 the unit in a setup mode, when measured from the
11 exterior surface of the exterior stud walls at the
12 level of maximum dimensions, not including any bay
13 window, does not exceed four hundred (400) square feet
14 when constructed to the standards provided by the
15 American National Standards Institute and five hundred
16 (500) square feet when constructed to United States
17 Department of Housing and Urban Development Standards.
18 The length of a park trailer means the distance from
19 the exterior of the front of the body to the exterior
20 of the rear of the body, including any protrusions,
- 21 f. "fifth-wheel trailer" which is a vehicular unit
22 mounted on wheels, designed to provide temporary
23 living quarters for recreational, camping, or travel
24 use, of such size or weight as not to require a

1 special highway movement permit, of gross trailer area
2 not to exceed four hundred (400) square feet in the
3 setup mode and designed to be towed by a motorized
4 vehicle that contains a towing mechanism that is
5 mounted above or forward of the rear axle of the tow
6 vehicle; and

7 2. "New recreational vehicle dealer" means any person, firm,
8 association, corporation, or trust not excluded by this paragraph
9 who sells, offers for sale, advertises to sell, leases, or displays
10 new, unused, or remanufactured motor vehicles and holds a bona fide
11 contract or franchise in effect with a manufacturer, remanufacturer,
12 or distributor to make predelivery preparation of such vehicles sold
13 to purchasers and to perform post-sale work pursuant to the warranty
14 of the manufacturer, remanufacturer, or distributor. As used
15 herein, "authorized predelivery preparation" means the rendition by
16 the dealer of services and safety adjustments on each new, unused,
17 or remanufactured motor vehicle in accordance with the procedure and
18 safety standards required by the manufacturer or remanufacturer of
19 the vehicle to be made before its delivery to the purchaser.
20 "Performance of authorized post-sale work pursuant to the warranty",
21 as used herein, means the rendition of services which are required
22 by the terms of the warranty that extend to the vehicle at the time
23 of its sale and are to be made in accordance with the safety
24 standards prescribed by the manufacturer or remanufacturer. The

1 term includes premises or facilities at which a person engages only
2 in the repair of motor vehicles if repairs are performed pursuant to
3 the terms of a franchise and motor vehicle warranty of the
4 manufacturer or remanufacturer. However, the term shall not include
5 premises or facilities at which a new motor vehicle dealer or
6 dealers within the area of responsibility of such dealer or dealers,
7 as defined in the franchise agreement of the manufacturer or
8 remanufacturer of such dealer or dealers, perform motor vehicle
9 repairs pursuant to the terms of a franchise and motor vehicle
10 warranty of the manufacturer or remanufacturer. For the purpose of
11 Sections 561 through 567, 572, 578.1, 579 and 579.1 of Title 47 of
12 the Oklahoma Statutes, the terms "new motor vehicle dealer" and "new
13 motor vehicle dealership" shall be synonymous. The term "new motor
14 vehicle dealer" does not include:

- 15 a. receivers, trustees, administrators, executors,
16 guardians, or other persons appointed by or acting
17 under judgment or order of any court,
- 18 b. public officers while performing or in operation of
19 their duties, or
- 20 c. employees of persons, corporations, or associations
21 enumerated in subparagraph a of this paragraph when
22 engaged in the specific performance of their duties as
23 such employees.

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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 594 of Title 47, unless there is
3 created a duplication in numbering, reads as follows:

4 A. A sanctioned recreational vehicle show is an off-premise
5 sales event where sixty-seven (67%) percent of the recreational
6 vehicle dealers, who are located within a sixty-mile radius of the
7 show location, either participate in the show or authorize the
8 existence of the show. A sanctioned recreational vehicle show may
9 be held only under the following conditions:

10 1. Dealer permits for a recreational vehicle show shall be
11 obtained from the Oklahoma Motor Vehicle Commission at a rate of Two
12 Hundred Dollars (\$200.00) for the display of motorized vehicles and
13 One Hundred Dollars (\$100.00) for the display of towable vehicles;

14 2. The permit shall be for a period not to exceed ten (10)
15 consecutive days;

16 3. The sponsoring entity of the sales event shall obtain a
17 license from the Oklahoma Motor Vehicle Commission at the rate of
18 Two Hundred Dollars (\$200.00) per event;

19 4. New recreational vehicle dealers whose factory-approved area
20 of responsibility includes the event location shall be eligible to
21 participate in the event;

22 5. New recreational vehicle dealers shall obtain written
23 approval to participate in the event from the manufacturer or
24 distributor; and

1 6. The off-premise sales event shall be conducted within
2 municipal, county, or state-owned or -controlled facilities, or
3 within the grounds of any county, district, or state fair.

4 B. One or more dealers may sell towable recreational vehicles
5 off-premise when it does not constitute a sanctioned show under the
6 following conditions:

7 1. If the event occurs within the factory-approved area of
8 responsibility;

9 2. Each dealer has obtained a fifty-dollar (\$50.00) permit from
10 the Oklahoma Motor Vehicle Commission not less than fifteen (15)
11 days prior to the event;

12 3. The event shall not exceed five (5) consecutive days,
13 excluding county, district, or state fairs;

14 4. Each dealer shall have no more than five (5) events per
15 year;

16 5. Each dealer shall obtain written approval to participate in
17 the event from the manufacturer not less than fifteen (15) days
18 prior to the event;

19 6. The event may be held on privately owned property no closer
20 than two and one-half (2 1/2) miles from any other towable dealer or
21 on any municipally owned property; and

22 7. The dealer may apply for an extended-term off-premise
23 display-only permit from the Oklahoma Motor Vehicle Commission. The
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1 display-only permit shall not be considered as one of the five off-
2 premise events as described in paragraph 4 of this subsection.

3 C. For every manufacturer of a towable recreational vehicle
4 offered for sale by the dealer, the dealer shall pay a franchise fee
5 of Two Hundred Dollars (\$200.00) for the first year. For each year
6 thereafter, the dealer shall pay a sixty-dollar renewal fee. The
7 dealer shall provide a letter from the manufacturer that describes
8 the market area for each brand of towable recreational vehicle.
9 Each manufacturer shall pay One Hundred Dollars (\$100.00) per year
10 to license each towable recreational vehicle line sold in this
11 state.

12 D. The dealer shall have a facility that is capable of
13 completely enclosing any vehicle the dealer is licensed to sell.

14 E. If a dealer has obtained a license from the Oklahoma Tax
15 Commission on the effective date of this act, said dealer shall
16 automatically be licensed with the Oklahoma Motor Vehicle
17 Commission.

18 F. Towable recreational vehicles shall be prohibited from sales
19 on the first day of the week, commonly called Sunday, except at
20 sanctioned or nonsanctioned shows.

21 SECTION 3. This act shall become effective November 1, 2007.

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