

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1853

By: Paxton

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5
6 AS INTRODUCED

7 An Act relating to consumer protection; creating the
8 Oklahoma Motor Vehicle Repair Consumer Protection
9 Act; providing short title; defining terms; providing
10 for consent of service work between parties;
11 requiring itemized bill of all fees and charges;
12 providing for contents of written estimate;
13 prohibiting certain rate and time limit for certain
14 service; providing for limit on administrative fees;
15 requiring payment for storage regardless of purpose
16 of storage; providing allowed daily storage rates;
17 preventing accrual of rates under certain
18 circumstances; providing for written notice to be
19 provided by a motor vehicle repair facility within
20 certain time frame; requiring for fees to be posted
21 conspicuously to the public; preventing certain fee
22 increase; allowing certain fees to be accessed under
23 certain circumstances; providing for codification;
24 and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 140.8 of Title 15, unless there
21 is created a duplication in numbering, reads as follows:

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

1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 140.9 of Title 15, 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, file creation; repair orders; vehicle travel; parts and vehicle
7 identification; software charges; communication with vehicle owners
8 and insurance representatives and any other party involved in the
9 repair or total loss determination; pre-repair charges; prewashes;
10 COVID-19 or bio-cleaning; charges related to pre-repair diagnostic
11 scanning, photographs, electronic communications, parts
12 identification, and preparation of a repair plan; any charges for
13 work that is not a repair procedure for obtaining labor, parts, and
14 materials; securing removed parts; relocating parts back in a
15 vehicle determined to be a total loss; restocking fees; wrapping and
16 tarping; and moving vehicles from different locations;

17 2. "Customer" or "responsible party" means the owner, an agent
18 of the owner, a family member of the owner, an employee of the
19 power, insurance representative, or any other person who is or will
20 be responsible for charges incurred at a motor vehicle repair
21 facility as a result of repairs or charges incurred in determining a
22 total loss of a motor vehicle as provided for in Section 1250.8 of
23 Title 36 of the Oklahoma Statutes;

1 3. "Motor vehicle" means every self-propelled vehicle intended
2 primarily for use and operation on the public streets and highways;

3 4. "Motor vehicle repair facility" or "garage" means any
4 commercial entity engaged in the business or occupation of
5 performing repairs on a motor vehicle, including any repairs or
6 replacement of body parts, and any mechanical repairs;

7 5. "Service work" means all repairs, maintenance, painting,
8 exterior body work, part replacements, evaluation to determine a
9 total loss motor vehicle, pre-repair evaluation to determine
10 anticipated service work to be performed, and diagnostic testing of
11 a motor vehicle performed after the repair process has commenced;

12 6. "Storage rates" means all charges and fees related to the
13 motor vehicle repair facility retaining actual physical possession
14 of a motor vehicle during the time when the motor vehicle repair
15 facility exercises control, supervision, and responsibility over the
16 motor vehicle; and

17 7. "Tear-down process" means the disassembly of a damaged motor
18 vehicle to a point where the motor vehicle repair facility can
19 identify the extent of the damage and generate an itemized estimate
20 for restoring the vehicle to its pre-loss condition.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 140.10 of Title 15, unless there
23 is created a duplication in numbering, reads as follows:
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1 A. No service work shall be performed by any motor vehicle
2 repair facility unless the motor vehicle repair facility obtains the
3 written consent or documented verbal consent of the customer or
4 responsible party for the fees, charges, and costs, not including
5 any applicable sales taxes, to be incurred by the customer or
6 responsible party prior to performing the service work.

7 B. Prior to performing the service work, the motor vehicle
8 repair facility shall prepare a written estimate of the proposed
9 service work with an itemization of all fees, charges, and costs for
10 the proposed service work, not including any applicable sales taxes,
11 and an estimated date of the completion of the service work.

12 C. Prior to performing the service work, the motor vehicle
13 repair facility shall record on the written estimate the type of
14 communication, written or verbal, had with the customer or
15 responsible party and whether the customer or responsible party
16 consented to the proposed service work. The record shall include
17 the date, time, manner of consent, verbal or written, telephone
18 number called to speak with the customer or responsible party, if
19 any, and the names of the persons giving and receiving such consent.

20 D. The tear-down process shall neither exceed the billed rate
21 of Sixty Dollars (\$60.00) per hour nor exceed a four-hour maximum
22 total time of completion. The four-hour maximum total time of
23 completion for the tear-down process shall not be a flat rate
24 charged by a motor vehicle repair facility, but shall be the time

1 limit allowed, where necessary, based upon the amount of labor
2 required and difficulty of the evaluation of the specific motor
3 vehicle being assessed. Prior to performing any of the tear-down
4 process, the motor vehicle repair facility shall provide a written
5 estimate to the customer or responsible party with an anticipated
6 duration of the tear-down process.

7 E. Administrative charges shall neither exceed the billed rate
8 of Sixty Dollars (\$60.00) per hour nor exceed a four-hour maximum
9 total time of completion. The four-hour maximum total time of
10 completion for the administrative charges shall not be a flat rate
11 charged by a motor vehicle repair facility, but shall be the time
12 limit allowed, where necessary, based upon the amount of labor and
13 necessary supporting functions required for the repair of the
14 specific motor vehicle being serviced.

15 SECTION 4. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 140.11 of Title 15, unless there
17 is created a duplication in numbering, reads as follows:

18 Regardless of the manner of delivery of a motor vehicle to a
19 motor vehicle repair facility, whether a consensual or nonconsensual
20 delivery, or whether the service work is for a total loss vehicle or
21 a repairable vehicle, all administrative and non-repair-related
22 fees, charges, and costs, not including any applicable sales taxes,
23 for storage to be incurred by the customer or responsible party for
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1 a single calendar day may be charged for any vehicle stored for a
2 portion of a twenty-four-hour period.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 140.12 of Title 15, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The maximum daily inside storage rates allowed to be charged
7 by a motor vehicle repair facility or garage for each twenty-four-
8 hour period, regardless of whether that twenty-four-hour period
9 extends over more than one calendar day, are as follows:

Type of Stored Vehicle	Rate Per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length.....	\$39.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length.....	\$47.00
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width.....	\$55.00
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width.....	\$70.00

23 B. The maximum daily outside storage rates allowed to be
24 charged by a motor vehicle repair facility or garage for each

1 twenty-four-hour period, regardless of whether that twenty-four-hour
2 period extends over more than one calendar day, are as follows:

Type of Stored Vehicle	Rate Per Each 24-hour
	Period or Portion Thereof

Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length.....	\$24.00
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Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length.....	\$32.00
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Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width.....	\$39.00
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Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width.....	\$55.00
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16 C. Storage charges shall neither accrue nor be charged on motor
17 vehicles that are repaired.

18 D. Storage charges shall neither accrue nor be charged on any
19 motor vehicle deemed to be a total loss vehicle until the
20 determination has been made by the customer or responsible party
21 that the motor vehicle is a total loss vehicle. The total loss
22 determination date shall serve as the date upon which storage
23 charges shall start accruing.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 140.13 of Title 15, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Each motor vehicle repair facility shall provide written
5 invoices and respond to requests for invoices concerning the pickup,
6 release, or delivery of a motor vehicle on its premises within eight
7 (8) business hours.

8 B. All fees, charges, and costs, not including any applicable
9 sales taxes, for service work, including minimum charges, shall be
10 conspicuously posted and visible to the public on the motor vehicle
11 repair facility's website or in writing in the customer-accessible
12 portion of the motor vehicle repair facility where a customer or
13 responsible party would pay for service work in person if the
14 customer or responsible party was physically present at the motor
15 vehicle repair facility.

16 SECTION 7. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 140.14 of Title 15, unless there
18 is created a duplication in numbering, reads as follows:

19 A. A motor vehicle repair facility shall not increase any
20 charges assessed by a wrecker or towing service licensed by the
21 Department of Public Safety for a motor vehicle delivered to the
22 motor vehicle repair facility and shall only pass on those charges
23 without any markup. The charges assessed by the wrecker or towing
24 service are considered a sublet item and the receiving of such is

1 part of the administrative charges allowed in paragraph 1 of Section
2 2 of this act.

3 B. A single additional fee of Fifty Dollars (\$50.00) may be
4 charged for an Oklahoma Title 42 Possessory Lien process over and
5 above the allowed administrative charges only if the following
6 requirements have been met:

7 1. Documentation of the official Oklahoma Title 42 Possessory
8 Lien filing has been provided to the motor vehicle's registered
9 owner in accordance with the procedures mandated by the Oklahoma
10 Title 42 Possessory Lien process; and

11 2. Proof of notification that the official Oklahoma Title 42
12 Possessory Lien filing has been provided to the motor vehicle's
13 registered owner shall be documented and kept by the filing person
14 or business, showing the motor vehicle's registered owner address,
15 date upon which notification was made, and manner of notification
16 made to the motor vehicle's registered owner.

17 SECTION 8. This act shall become effective November 1, 2024.
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