

BILL SUMMARY

1st Session of the 59th Legislature

Bill No.:	HB2244
Version:	FA1
Request Number:	8003
Author:	Rep. Dobrinski
Date:	3/21/2023
Impact:	\$0

Research Analysis

The CS to HB 2244 authorizes dealer management system providers establish criteria that must be in place for a dealer or authorized integrator to access and use protected dealer data. The measure prohibits dealer management system providers from imposing access fees, restricting a dealer or integrator from sharing protected dealer data or having access to a dealer data system. The measure limits the liability for dealer management system providers, dealers, authorized integrators, and manufacturers, distributors or importers for certain actions. Manufacturers or distributors having new vehicle sales and service contracts with new vehicle dealers must allow dealers to offer any remote software upgrade or change to vehicle functions and features at the same price and for a reasonable profit as any offered to consumers by the manufacturer or distributor. The measure modifies numerous definitions, including the exclusion of powersports vehicle dealer from being considered a new motor vehicle dealer. The measure provides a definition of "consumer data" and "data management system" and "fleet vehicle". The measure modifies the reasons the Oklahoma Motor Vehicle Commission may deny, revoke or suspend a license. The measure provides a formula for the determination of retail parts rates and retail labor rate. The measure establishes a procedure for the rebuttal of retail parts and labor rates by a manufacturer or distributor. The measure provides the type of information a factory may require in order to assess a charge-back. A new motor vehicle dealer which completes a facility construction or renovation pursuant to factory requirements shall not be required to construct a new facility or renovate the existing facility if the same area of the facility or premises has been constructed or substantially altered within the last ten years. The measure allows for a designated successor to a departing dealership operator. If the proposed sale, transfer, or assignment is to an existing owner's family member or other existing owner, the manufacturer or distributor's evaluation of such proposal is limited to the written, reasonable, and uniformly applied requirements of the manufacturer or distributor relating to good moral character and financial qualifications. The measure clarifies "relevant market area" of a proposed new motor vehicle dealership. The measure provides a definition of "motor vehicle liability policy".

CHANGES MADE IN THE FLOOR SUBSTITUTE:

Removed Section 2 relating to the severability clause;
Added language relating to limiting obligations to software upgrades and vehicle functions and features;
Modified definitions;
Requires powersports vehicle dealers to obtain license from Oklahoma New Motor Vehicle Commission;
Added Sections to reflect a name change for the Oklahoma Motor Vehicle Commission to be known as the Oklahoma New Motor Vehicle Commission;
Added language to require certain delivery agreement forms for certain motor vehicle deliveries;

Added language to allow the Commission to provide a variance to the area of sales and service responsibility requirements for off-premises sales;
Modified the time allows for a manufacturer or distributor may rebut a declared parts and labor rate;
Adds language to allow manufacturer or distributors to require certain dealer compliance;
Adds language to require a hearing regarding a notice of termination, cancellation or nonrenewal to be held within 180 days of the dealer's protest;
Adds language to require the dealer to submit a signed copy of the Dealer Sales and Service Agreement resulting from the sale, transfer or assignment of a franchise to the Oklahoma New Motor Vehicle Commission within 15 business days.

The measure Repeals [Title 47, Section 1128](#) relating to Manufacturer of New Vehicles - Fees - In-transit License Plates

Prepared By: Brad Wolgamott

Fiscal Analysis

HB 2244 adds additional modifications of various sections of statute related to the Oklahoma Motor Vehicle Commission (OMVC), a non-appropriated state agency. Per the OMVC, the additional changes in this measure would have no direct fiscal or revenue considerations for the state.

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Other Considerations

None.