

1 ENGROSSED SENATE AMENDMENTS  
TO  
2 ENGROSSED HOUSE  
BILL NO. 3107

By: Dobrinski of the House

and

Gollihare of the Senate

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6  
7 An Act relating to franchises; amending 59 O.S. 2021,  
8 Section 6005, which relates to employer and employee  
relationships; modifying definition; and providing an  
9 effective date.

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11 AMENDMENT NO. 1. Page 1, strike the title

12 AMENDMENT NO. 2. Page 1, strike the enacting clause

13 Passed the Senate the 25th day of April, 2024.

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15 \_\_\_\_\_  
16 Presiding Officer of the Senate

17 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
18 2024.

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20 \_\_\_\_\_  
21 Presiding Officer of the House  
22 of Representatives  
23  
24

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2 BILL NO. 3107

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7 An Act relating to franchises; amending 59 O.S. 2021,  
8 Section 6005, which relates to employer and employee  
9 relationships; modifying definition; and providing an  
10 effective date.

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

13 SECTION 1. AMENDATORY 59 O.S. 2021, Section 6005, is  
14 amended to read as follows:

15 Section 6005. A. For purposes of this act:

16 1. "Franchisor" means any person who grants a franchise and  
17 participates in the franchise relationship. Unless otherwise  
18 stated, it includes subfranchisors. For purposes of this  
19 definition, a "subfranchisor" means a person who functions as a  
20 franchisor by engaging in both pre-sale activities and post-sale  
21 performance;

22 2. "Franchisee" means any person who is granted a franchise;  
23 and

1       3. "Franchise" means any continuing commercial relationship or  
2 arrangement, whatever it may be called, in which the terms of the  
3 offer or contract specify, ~~or the franchise seller promises or~~  
4 ~~represents, orally or in writing,~~ that:

5           a. the franchisee will obtain the right to operate a  
6 business that is identified or associated with the  
7 franchisor's trademark, or to offer, sell or  
8 distribute goods, services or commodities that are  
9 identified or associated with the franchisor's  
10 trademark,

11           b. the franchisor will exert or has authority to exert a  
12 significant degree of control over the franchisee's  
13 method of operation, or provide significant assistance  
14 in the franchisee's method of operation, and

15           c. as a condition of obtaining or commencing operation of  
16 the franchise, the franchisee makes a required payment  
17 or commits to make a required payment to the  
18 franchisor or its affiliate.

19       B. A franchisor shall not be considered the employer of a  
20 franchisee or a franchisee's employees.

21       C. The employees of a franchisee shall not be considered  
22 employees of the franchisor neither shall the employees of a  
23 franchisor be considered employees of a franchisee.

24       SECTION 2. This act shall become effective November 1, 2024.

1 Passed the House of Representatives the 12th day of March, 2024.

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3 \_\_\_\_\_  
4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

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8 \_\_\_\_\_  
9 Presiding Officer of the Senate