

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 784

By: Paxton

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5
6 AS INTRODUCED

7 An Act relating to motor vehicle repair; creating the
8 Oklahoma Motor Vehicle Consumer Protection Act;
9 providing short title; defining terms; requiring
10 certain written or verbal consent for certain service
11 work; requiring certain written estimate prior to
12 performing certain work; requiring certain record of
13 certain written estimate; limiting certain tear-down
14 rates; establishing certain market labor hourly rate;
15 directing Insurance Department to adjust certain
16 maximum daily storage rates; determining certain
17 increase in certain maximum daily storage rates;
18 requiring certain written invoice; requiring certain
19 charges to be provided to certain owner; prohibiting
20 certain charge increase; establishing certain
21 requirements for certain charges; exempting certain
22 provisions; providing for codification; and declaring
23 an emergency.

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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 1270 of Title 36, unless there
21 is created a duplication in numbering, reads as follows:

22 This act may be known and cited as the "Oklahoma Motor Vehicle
23 Consumer Protection Act".
24

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1271 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,
- 10 d. parts and vehicle identification,
- 11 e. software charges,
- 12 f. communication with vehicle owners and insurance
13 representatives and any other party involved in the
14 repair or total loss determination,
- 15 g. pre-repair charges,
- 16 h. prewashes,
- 17 i. COVID-19 cleaning or bio-cleaning,
- 18 j. charges related to pre-repair diagnostic scanning,
19 photographs, electronic communications, parts
20 identification, and preparation of a repair plan,
- 21 k. any charges for work that is not a repair procedure
22 for obtaining labor, parts, and materials,
- 23 l. securing removed parts,

- 1 m. relocating parts back in a vehicle determined to be a
2 total loss,
3 n. restocking fees, and
4 o. wrapping, tarping, and moving vehicles from different
5 locations;

6 2. "Consumer" or "responsible party" means the owner, an agent
7 of the owner, a family member of the owner, an employee of the
8 owner, insurance representative, or any other person who is or will
9 be responsible for charges incurred at a motor vehicle repair
10 facility as a result of repairs or charges incurred in determining a
11 total loss of a motor vehicle as provided for in Section 1250.8 of
12 Title 36 of the Oklahoma Statutes;

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

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

19 5. "Service work" means all repairs, maintenance, painting,
20 exterior body work, part replacements, evaluation to determine a
21 total loss motor vehicle, pre-repair evaluation to determine
22 anticipated service work to be performed, and diagnostic testing of
23 a motor vehicle performed after the repair process has commenced;
24

1 6. "Storage rates" means all charges and fees related to the
2 motor vehicle repair facility retaining actual physical possession of
3 a motor vehicle during the time when the motor vehicle repair
4 facility exercises control, supervision, care, security, protection,
5 and responsibility over the motor vehicle; and

6 7. "Tear-down process" means the disassembly of a damaged motor
7 vehicle to the point that the motor vehicle repair facility can
8 identify the extent of the damage and generate an itemized estimate
9 for restoring the vehicle to its pre-loss condition.

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

13 A. No service work shall be performed by any motor vehicle
14 repair facility unless the motor vehicle repair facility obtains the
15 written consent or documented verbal consent of the customer or
16 responsible party for the fees, charges, and costs, not including
17 any applicable sales taxes, to be incurred by the customer or
18 responsible party prior to performing the service work.

19 B. Prior to performing the service work, the motor vehicle
20 repair facility shall:

21 1. Prepare a written estimate of the proposed service work with
22 an itemization of all fees, charges, and costs for the proposed
23 service work, not including any applicable sales taxes, and an
24 estimated date of the completion of the service work; and

1 2. Record on the written estimate the type of communication,
2 written or verbal, had with the customer or responsible party and
3 whether the customer or responsible party consented to the proposed
4 service work. The record shall include the date, time, manner of
5 consent, verbal or written, telephone number called to speak with
6 the customer or responsible party, if any, and the names of the
7 persons giving and receiving such consent.

8 C. The bill for the tear-down of a total loss vehicle shall not
9 exceed the market labor hourly rate set by the Insurance
10 Commissioner and shall not exceed four (4) hours. The four-hour
11 maximum total time of completion for the tear-down process shall not
12 be a flat rate charged by a motor vehicle repair facility, but shall
13 be the time limit allowed, when necessary, based upon the amount of
14 labor required and difficulty of the evaluation of the specific
15 motor vehicle being assessed. Prior to performing any of the tear-
16 down process, the motor vehicle repair facility shall provide a
17 written estimate to the customer or responsible party with an
18 anticipated duration of the tear-down process.

19 D. The market labor hourly rate, upon the effective date of
20 this act, shall be Sixty-five Dollars (\$65.00) per hour. The
21 Insurance Commissioner shall adjust the market labor hourly rate,
22 with the first adjustment being made July 1, 2030, and every five
23 (5) years thereafter. The market labor hourly rate shall be set by
24

1 the Insurance Commissioner based on the market conditions in this
2 state.

3 E. Administrative charges shall not exceed the market labor
4 hourly billed rate pursuant to subsection C of this section and
5 shall not exceed four (4) hours. The four-hour maximum total time
6 of completion for the administrative charges shall not be a flat
7 rate charged by a motor vehicle repair facility, but shall be the
8 time limit allowed, when necessary, based upon the amount of labor
9 and necessary supporting functions required for the repair of the
10 specific motor vehicle being serviced.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1273 of Title 36, unless there
13 is created a duplication in numbering, reads as follows:

14 A. The maximum daily storage rate allowed to be charged by a
15 motor vehicle repair facility or garage for each calendar day, for
16 the first ten (10) calendar days the vehicle is in the possession of
17 the motor vehicle repair facility or garage, are:

- 18 1. Single vehicle: motorcycle, automobile, or light truck up
19 to twenty (20) feet in length..... \$39.00
- 20 2. Single vehicle or combination of vehicles over twenty (20)
21 feet in length but less than thirty (30) feet in length..... \$47.00
- 22 3. Single vehicle or combination of vehicles over thirty (30)
23 feet in length and up to eight (8) feet in width..... \$55.00

1 4. Single vehicle or combination of vehicles over thirty (30)
2 feet in length and over eight (8) feet in width..... \$70.00

3 B. On the eleventh calendar day, storage fees may increase to
4 Seventy-five Dollars (\$75.00) per calendar day.

5 C. Storage charges may be increased by twelve percent (12%)
6 every four (4) years. The increase shall be implemented by the
7 Insurance Commissioner.

8 D. Storage charges shall neither accrue nor be charged on motor
9 vehicles that are repaired.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1274 of Title 36, unless there
12 is created a duplication in numbering, reads as follows:

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

17 B. All fees, charges, and costs, not including any applicable
18 sales taxes, for service work and storage, including minimum
19 charges, shall be provided to the vehicle owner in a stand-alone
20 document in writing of sufficient size and contrast to be clearly
21 seen and readable. The document shall be signed by the vehicle
22 owner and a copy of the signed document shall be provided to the
23 vehicle owner.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1275 of Title 36, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A motor vehicle repair facility shall not increase any
5 charges assessed by a wrecker or towing service licensed by the
6 Department of Public Safety for a motor vehicle delivered to the
7 motor vehicle repair facility and shall only pass on those charges
8 without any markup. The charges assessed by the wrecker or towing
9 service are considered a sublet item and the receipt of such is part
10 of the administrative charges.

11 B. The incurred fee may be charged for a possessory lien
12 process filing pursuant to Section 91 of Title 42 of the Oklahoma
13 Statutes if the following requirements have been met:

14 1. Documentation of the official filing pursuant to Section 91
15 of Title 42 of the Oklahoma Statutes has been provided to the motor
16 vehicle's registered owner in accordance with Section 91 of Title 42
17 of the Oklahoma Statutes; and

18 2. Proof of notification that the official filing pursuant to
19 Section 91 of Title 42 of the Oklahoma Statutes has been provided to
20 the motor vehicle's registered owner shall be documented and kept by
21 the filing person or business, showing the address of the motor
22 vehicle's registered owner, date upon which notification was made,
23 and manner of notification made to the motor vehicle's registered
24 owner.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1276 of Title 36, unless there
3 is created a duplication in numbering, reads as follows:

4 Nothing in this act shall prevent an insurance company from
5 offering an incentive to an insured person to use a certain motor
6 vehicle repair facility or garage for repairs to a motor vehicle.

7 SECTION 8. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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