

1 ENGROSSED HOUSE AMENDMENTS

2 TO

2 ENGROSSED SENATE BILL NO. 641

By: Paxton of the Senate

3 and

4 Tedford of the House

5

6 An Act relating to motor vehicle repair; creating the  
7 Oklahoma Motor Vehicle Consumer Protection Act;  
8 providing short title; defining terms; establishing  
9 certain hourly market rate for labor; directing  
10 Insurance Department to adjust certain hourly market  
11 rate for labor; prohibiting certain administrative  
12 charges from exceeding certain amount; establishing  
certain maximum daily storage rates; authorizing  
certain increase in certain maximum daily storage  
rates; providing certain exceptions; requiring  
certain written invoice; allowing adjustment of  
certain maximum daily storage rates; providing for  
codification; and providing an effective date.

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17 AUTHOR: Add the following House Coauthor: Hill

18 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
19 and insert:

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21 "An Act relating to motor vehicle repair; creating  
22 the Oklahoma Motor Vehicle Consumer Protection Act;  
23 providing short title; defining terms; establishing  
24 certain hourly market rate for labor; directing  
Insurance Department to adjust certain hourly market  
rate for labor; prohibiting certain administrative  
charges from exceeding certain amount; establishing

1           certain maximum daily storage rates; authorizing  
2           certain increase in certain maximum daily storage  
3           rates; providing certain exceptions; requiring  
4           certain written invoice; allowing adjustment of  
5           certain maximum daily storage rates; providing for  
6           codification; and providing an effective date.

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

7           SECTION 1.        NEW LAW        A new section of law to be codified  
8        in the Oklahoma Statutes as Section 1271 of Title 36, unless there  
9        is created a duplication in numbering, reads as follows:

10          This act shall be known and may be cited as the "Oklahoma Motor  
11        Vehicle Consumer Protection Act".

12          SECTION 2.        NEW LAW        A new section of law to be codified  
13        in the Oklahoma Statutes as Section 1272 of Title 36, unless there  
14        is created a duplication in numbering, reads as follows:

15          As used in this act:

16          1. "Administrative charges" shall include, but not be limited  
17        to, the cost of:

- 18           a. file creation,
- 19           b. repair orders,
- 20           c. vehicle travel on a customary standard drivable  
21           rolling vehicle,
- 22           d. vehicle identification,
- 23           e. software charges,

1           f. communication with vehicle owners and insurance  
2           representatives and any other party involved in the  
3           repair or total loss determination,  
4           g. prewashes,  
5           h. COVID-19 cleaning or bio-cleaning,  
6           i. charges related to photographs and electronic  
7           communications,  
8           j. charges for work that is not for obtaining labor,  
9           parts, and materials,  
10          k. securing removed parts, and  
11          l. relocating parts back into a vehicle determined to be  
12           a total loss;

13         2. "Auto body repair" means all auto body repair shop repairs,  
14         maintenance, painting, exterior body work, part replacements,  
15         assessment, and diagnostic testing provided to an insurance company  
16         to determine a motor vehicle total loss;

17         3. "Auto body repair shop" means any commercial entity engaged  
18         in the business or occupation of performing auto body repairs on the  
19         body of a motor vehicle;

20         4. "Insurance company" means the person or entity responsible  
21         for charges incurred by the insured at an auto body repair shop as a  
22         result of repairs or charges incurred in determining a total loss of  
23         a motor vehicle as provided for in Section 1250.8 of Title 36 of the  
24         Oklahoma Statutes;

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

3       6. "Owner" means the owner of the vehicle; and

4       7. "Storage rates" means all charges and fees related to the  
5 auto body repair shop retaining actual physical possession of a  
6 motor vehicle during the time when the auto body repair shop  
7 exercises control, supervision, care, security, protection, and  
8 responsibility over the motor vehicle.

9           SECTION 3.        NEW LAW        A new section of law to be codified

10 in the Oklahoma Statutes as Section 1273 of Title 36, unless there  
11 is created a duplication in numbering, reads as follows:

12       A. Upon the effective date of this act, the hourly market rate  
13 for labor for administrative charges as defined in Section 2 of this  
14 act, as the rate relates to total loss vehicles, shall be in  
15 accordance with the prevailing market price determined pursuant to  
16 subsection H of Section 1250.8 of Title 36 of the Oklahoma Statutes.

17 The Insurance Commissioner may adjust the hourly market rate for  
18 labor to account for inflation annually beginning on January 1,  
19 2027. Such adjustment shall be made based on the market surveys  
20 conducted pursuant to Section 365:15-1-26 of the Oklahoma  
21 Administrative Code.

22       B. Administrative charges, as such charges relate to total loss  
23 vehicles, shall not exceed the hourly market rate for labor pursuant  
24 to this section and may only be billed up to four (4) hours.

1 SECTION 4. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 1274 of Title 36, unless there  
3 is created a duplication in numbering, reads as follows:

4       A. The maximum daily storage rate allowed to be charged by an  
5 auto body repair shop and mandatory reimbursement rates for insurers  
6 for a motor vehicle total loss for each calendar day, for the first  
7 ten (10) calendar days the vehicle is in the possession of the shop,  
8 shall be Thirty-nine Dollars (\$39.00) for all motor vehicles of any  
9 size, including marine vessels, and One Hundred Twenty-five Dollars  
10 (\$125.00) for vehicles with lithium-ion batteries that have  
11 sustained damage to the battery pack or have exhibited fire, smoke,  
12 or popping or hissing sounds, if the vehicle is stored pursuant to  
13 the original equipment manufacturer requirements.

14       B. On the eleventh calendar day, the maximum daily storage rate  
15 may increase to Seventy-five Dollars (\$75.00) per calendar day for  
16 all motor vehicles of any size, include marine vessels, and to Two  
17 Hundred Dollars (\$200.00) per calendar day for vehicles with  
18 lithium-ion batteries that have sustained damage to the battery pack  
19 or have exhibited fire, smoke, or popping or hissing sounds, if the  
20 vehicle is stored pursuant to the original equipment manufacturer  
21 requirements, if the estimate or supplement on total loss vehicles  
22 is not approved by the insurance company within the first seven (7)  
23 days and the auto body repair shop has a written record showing the  
24 date, time, and type of communication made to the insurance company

1 requesting such supplementals. Requests for supplementals to  
2 determine a total loss shall be made before the tenth day following  
3 the request.

4 C. The provisions of subsections A and B of this section shall  
5 not apply to vehicles in which the damage to the vehicle  
6 necessitates indoor storage and the insurance company has approved  
7 indoor storage of the vehicle in advance at an agreed rate.

8 D. Each auto body repair shop shall provide written invoices  
9 and respond to requests for invoices concerning the pickup, release,  
10 or delivery of a motor vehicle on its premises to the insurance  
11 company within eight (8) business hours.

12 E. The maximum daily storage rate set forth in this section  
13 shall apply to direct repair programs.

14 F. The maximum daily storage rate may be increased upon  
15 approval by the Oklahoma Insurance Department based on current  
16 market conditions. Adjustments to the maximum daily storage rate  
17 shall be made annually based on bulletins issued by the Oklahoma  
18 Insurance Department which shall be based on the Consumer Price  
19 Index. The Oklahoma Insurance Department shall promulgate the rules  
20 necessary to fulfill the requirements of this subsection.

21 SECTION 5. This act shall become effective November 1, 2025."

Passed the House of Representatives the 8th day of May, 2025.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2025.

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Presiding Officer of the Senate

1 ENGROSSED SENATE  
2 BILL NO. 641

3 By: Paxton of the Senate

4 and

5 Tedford of the House

6 An Act relating to motor vehicle repair; creating the  
7 Oklahoma Motor Vehicle Consumer Protection Act;  
8 providing short title; defining terms; establishing  
9 certain hourly market rate for labor; directing  
10 Insurance Department to adjust certain hourly market  
11 rate for labor; prohibiting certain administrative  
12 charges from exceeding certain amount; establishing  
certain maximum daily storage rates; authorizing  
certain increase in certain maximum daily storage  
rates; providing certain exceptions; requiring  
certain written invoice; allowing adjustment of  
certain maximum daily storage rates; providing for  
codification; and providing an effective date.

13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 6. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1271 of Title 36, unless there  
17 is created a duplication in numbering, reads as follows:

18 This act shall be known and may be cited as the "Oklahoma Motor  
19 Vehicle Consumer Protection Act".

20 SECTION 7. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1272 of Title 36, unless there  
22 is created a duplication in numbering, reads as follows:

23 As used in this act:

- 1       1. "Administrative charges" shall include, but not be limited  
2       to, the cost of:
- 3           a. file creation,  
4           b. repair orders,  
5           c. vehicle travel on a customary standard drivable  
6           rolling vehicle,  
7           d. vehicle identification,  
8           e. software charges,  
9           f. communication with vehicle owners and insurance  
10           representatives and any other party involved in the  
11           repair or total loss determination,  
12           g. prewashes,  
13           h. COVID-19 cleaning or bio-cleaning,  
14           i. charges related to photographs and electronic  
15           communications,  
16           j. charges for work that is not for obtaining labor,  
17           parts, and materials,  
18           k. securing removed parts, and  
19           l. relocating parts back into a vehicle determined to be  
20           a total loss;
- 21       2. "Auto body repair" means all auto body repair shop repairs,  
22       maintenance, painting, exterior body work, part replacements,  
23       assessment, and diagnostic testing provided to an insurance company  
24       to determine a motor vehicle total loss;

1       3. "Auto body repair shop" means any commercial entity engaged  
2       in the business or occupation of performing auto body repairs on the  
3       body of a motor vehicle;

4       4. "Insurance company" means the person or entity responsible  
5       for charges incurred by the insured at an auto body repair shop as a  
6       result of repairs or charges incurred in determining a total loss of  
7       a motor vehicle as provided for in Section 1250.8 of Title 36 of the  
8       Oklahoma Statutes;

9       5. "Motor vehicle" means the same as defined in Section 1-134  
10      of Title 47 of the Oklahoma Statutes;

11      6. "Owner" means the owner of the vehicle; and

12      7. "Storage rates" means all charges and fees related to the  
13       auto body repair shop retaining actual physical possession of a  
14       motor vehicle during the time when the auto body repair shop  
15       exercises control, supervision, care, security, protection, and  
16       responsibility over the motor vehicle.

17       SECTION 8.       NEW LAW       A new section of law to be codified  
18       in the Oklahoma Statutes as Section 1273 of Title 36, unless there  
19       is created a duplication in numbering, reads as follows:

20       A. Upon the effective date of this act, the hourly market rate  
21       for labor for administrative charges as defined in Section 2 of this  
22       act, as the rate relates to total loss vehicles, shall be in  
23       accordance with the prevailing market price determined pursuant to  
24       subsection H of Section 1250.8 of Title 36 of the Oklahoma Statutes.

1 The Insurance Commissioner may adjust the hourly market rate for  
2 labor to account for inflation annually beginning on January 1,  
3 2027. Such adjustment shall be made based on the market surveys  
4 conducted pursuant to Section 365:15-1-26 of the Oklahoma  
5 Administrative Code.

6       B. Administrative charges, as such charges relate to total loss  
7 vehicles, shall not exceed the hourly market rate for labor pursuant  
8 to this section and may only be billed up to four (4) hours.

9           SECTION 9.        NEW LAW        A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1274 of Title 36, unless there  
11 is created a duplication in numbering, reads as follows:

12       A. The maximum daily storage rate allowed to be charged by an  
13 auto body repair shop for a motor vehicle total loss for each  
14 calendar day, for the first ten (10) calendar days the vehicle is in  
15 the possession of the shop, shall be Thirty-nine Dollars (\$39.00)  
16 for all motor vehicles of any size, including marine vessels, and  
17 Seventy-eight Dollars (\$78.00) for vehicles with a lithium-ion  
18 battery that have sustained damage to the battery pack or have  
19 exhibited fire, smoke, or popping or hissing sounds.

20       B. On the eleventh calendar day, the maximum daily storage rate  
21 may increase to Seventy-five Dollars (\$75.00) per calendar day for  
22 all motor vehicles of any size, include marine vessels, and to One  
23 Hundred Fifty-six Dollars (\$156.00) per calendar day for vehicles  
24 with a lithium-ion battery that have sustained damage to the battery

1 pack or have exhibited fire, smoke, or popping or hissing sounds, if  
2 the estimate or supplement on total loss vehicles is not approved by  
3 the insurance company within the first seven (7) days and the auto  
4 body repair shop has a written record showing the date, time, and  
5 type of communication made to the insurance company requesting such  
6 supplementals. Requests for supplementals to determine a total loss  
7 shall be made before the tenth day following the request.

8 C. The provisions of subsections A and B of this section shall  
9 not apply to vehicles in which the damage to the vehicle  
10 necessitates indoor storage and the insurance company has approved  
11 indoor storage of the vehicle in advance at an agreed rate.

12 D. Each auto body repair shop shall provide written invoices  
13 and respond to requests for invoices concerning the pickup, release,  
14 or delivery of a motor vehicle on its premises to the insurance  
15 company within eight (8) business hours.

16 E. The maximum daily storage rate set forth in this section  
17 shall apply to direct repair programs.

18 F. The maximum daily storage rate may be increased. Such  
19 adjustment shall be made based on the market surveys conducted  
20 pursuant to Section 365:15-1-26 of the Oklahoma Administrative Code.

21 SECTION 10. This act shall become effective November 1, 2025.  
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Passed the Senate the 27th day of March, 2025.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_\_ day of \_\_\_\_\_,  
2025.

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Presiding Officer of the House  
of Representatives