

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1024

By: Bashore

6 AS INTRODUCED

7 An Act relating to Unfair Sales Act; amending 15 O.S.  
8 2021, Section 598.2, which relates to Unfair Sales  
Act definitions; removing retail markup from certain  
definition; and providing an effective date.

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

12 SECTION 1. AMENDATORY 15 O.S. 2021, Section 598.2, is  
13 amended to read as follows:

14 Section 598.2. For the purposes of the Unfair Sales Act:

15 (a) The term "cost to the retailer" means the invoice cost of  
16 the merchandise to the retailer or the replacement cost of the  
17 merchandise to the retailer, whichever is the lower; less all trade  
18 discounts except customary discounts for cash; to which shall be  
19 added (1) freight charges not otherwise included in the invoice cost  
20 or the replacement cost of the merchandise as herein set forth, and  
21 (2) cartage to the retail outlet if done or paid for the retailer,  
22 which cartage cost, in the absence of proof of a lesser cost, shall  
23 be deemed to be three-fourths of one percent (3/4 of 1%) of the cost  
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1 to the retailer as herein defined after adding thereto freight  
2 charges but before adding thereto cartage, and taxes, and (3) all  
3 state and federal taxes not heretofore added to the cost as such,  
4 ~~and (4) a markup to cover a proportionate part of the cost of doing~~  
5 ~~business, which markup, in the absence of proof of a lesser cost,~~  
6 ~~shall be six percent (6%) of the cost of the retailer as herein set~~  
7 ~~forth after adding thereto freight charges and cartage but before~~  
8 ~~adding thereto a markup;~~

9 (b) The term "cost to the wholesaler" means the invoice cost of  
10 the merchandise to the wholesaler, or the replacement cost of the  
11 merchandise to the wholesaler, whichever is the lower; less all  
12 trade discounts except customary discounts for cash; to which shall  
13 be added, (1) freight charges, not otherwise included in the invoice  
14 cost or the replacement cost of the merchandise as herein set forth,  
15 and (2) cartage to the retail outlet if done or paid for by the  
16 wholesaler, which cartage cost, in the absence of proof of a lesser  
17 cost, shall be deemed to be three-fourths of one percent (3/4 of 1%)  
18 of the cost to the wholesaler as herein set forth after adding  
19 thereto freight charges but before adding thereto cartage, and  
20 taxes, and (3) all state and federal taxes not heretofore added to  
21 the cost as such;

22 (c) The term "replacement costs" means the cost per unit at  
23 which the merchandise sold or offered for sale could have been  
24 bought by the seller at any time within thirty (30) days prior to  
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1 the date of sale or the date upon which it is offered for sale by  
2 the seller if bought in the same quantity or quantities as the  
3 seller's last purchase of said merchandise;

4 (d) When one or more items advertised, offered for sale, or  
5 sold with one or more other items at a combined price, or  
6 advertised, offered as a gift, or given with the sale of one or more  
7 other items, each and all of the items shall be deemed to be  
8 advertised, offered for sale, or sold, and the price of each item  
9 named shall be governed by the provisions of paragraphs (a) or (b)  
10 of this section, respectively;

11 (e) The terms "sell at retail", "sales at retail", and "retail  
12 sale" mean and include any transfer for valuable consideration made  
13 in the ordinary course of trade or in the usual prosecution of the  
14 seller's business of title to tangible personal property to the  
15 purchaser for consumption or use other than resale or further  
16 processing or manufacturing. The above terms shall include any  
17 transfer of such property where title is retained by the seller as  
18 security for the payment of the purchase price;

19 (f) The terms "sell at wholesale", "sales at wholesale", and  
20 "wholesale sales" mean and include any transfer for a valuable  
21 consideration made in the ordinary course of trade or the usual  
22 conduct of the seller's business, of title to tangible personal  
23 property to the purchaser for purposes of resale or further  
24 processing or manufacturing. The above terms shall include any

1 transfer of such property where title is retained by the seller as  
2 security for the payment of the purchase price;

3       (g) The term "retailer" means and includes every person,  
4 partnership, corporation or association engaged in the business of  
5 making sales at retail within this state; provided that, in the case  
6 of a person, partnership, corporation or association engaged in the  
7 business of making both sales at retail and sales at wholesale, such  
8 term shall be applied only to the retail portion of such business;

9       (h) The term "wholesaler" means and includes every person,  
10 partnership, corporation, or association engaged in the business of  
11 making sales at wholesale within this state; provided that, in the  
12 case of a person, partnership, corporation or association engaged in  
13 the business of making both sales at wholesale and sales at retail,  
14 such term shall be applied only to the wholesale portion of such  
15 business.

16       SECTION 2. This act shall become effective November 1, 2025.  
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