

OKLAHOMA STATUTES
TITLE 15 – CONTRACTS
CHAPTER 17A – SALES REPRESENTATIVES RECOGNITION ACT

Section 15-675

Short title.

Sections 1 through 5 of this act shall be known and may be cited as the "Sales Representatives Recognition Act".

(Added by Laws 1989, c. 268, § 1, eff. Nov. 1, 1989.)

Section 15-676

Definitions.

As used in the Sales Representatives Recognition Act:

1. "Commission" means compensation accruing to a person for payment by another person, the rate of which is expressed as a percentage of the dollar amount of orders, sales or profits;
2. "Principal" means any person who does not have a permanent or fixed place of business in this state and who does all of the following:
 - a. Engages in the business of manufacturing, producing, importing or distributing one or more products for sale to customers who purchase products for resale,
 - b. Utilizes one or more sales representatives to solicit wholesale orders for those products, and
 - c. Compensates the sales representatives in whole or in part by commission; and
3. "Sales representative" means a person who contracts with a principal to solicit wholesale orders for a product within this state and who is compensated, in whole or in part, by commission. "Sales representative" does not include a person who places orders for or purchases the product for his own account for resale, a person who is an employee of a principal, or a person who sells the product to the ultimate consumer.

(Added by Laws 1989, c. 268, § 2, eff. Nov. 1, 1989.)

Section 15-677

Commission - Time when due.

For purposes of the Sales Representatives Recognition Act, the time at which a commission is due to a sales representative shall be determined in the following manner:

1. If the contract between the principal and the sales representative is in writing and its terms unambiguously and clearly specify when the commission is due, the terms of the contract shall control the determination;
2. If the contract between the principal and the sales representative is not in writing, or if the contract between them is in writing but its terms do not specify when the commission is due or its terms are ambiguous or unclear, the past practice used by the principal and the sales representative shall control the determination; or
3. If neither paragraph 1 or 2 of this section can be used to clearly ascertain when a commission is due, the custom and usage prevalent in this state for the industry of the principal and sales representative shall control the determination.

(Added by Laws 1989, c. 268, § 3, eff. Nov. 1, 1989.)

Section 15-678

Termination of contract - Payment of commission - Attorney's fees and court costs.

- A. If a contract between a principal and a sales representative for the solicitation of wholesale orders is terminated, the principal shall pay the sales representative all commissions due him at the time of the termination within fourteen (14) calendar days of the termination, and shall pay the sales representative all commissions that become due after termination within fourteen (14) calendar days of the date on which the commissions become due.
- B. The prevailing party in an action brought under this section is entitled to reasonable attorney's fees and court costs.

(Added by Laws 1989, c. 268, § 4, eff. Nov. 1, 1989.)

Section 15-679

Principal - Personal jurisdiction - Waiver of provisions of Act - Availability of rights and remedies - Contracts affected.

- A. For purposes of the Sales Representatives Recognition Act, a person who enters into an agreement, as a principal, with a sales representative for the solicitation of orders in this state is transacting business in this state and therefore authorizes the exercise of personal jurisdiction over said principal by the court.
- B. Any provision in any contract between a sales representative and principal purporting to waive any of the provisions of the Sales Representatives Recognition Act is void.
- C. Nothing in the Sales Representatives Recognition Act invalidates or restricts any other or additional right or remedy available to a sales representative, or precludes a sales representative from seeking to recover in one action on all claims against a principal.
- D. The provisions of the Sales Representatives Recognition Act shall have no effect on any contract or agreement entered into prior to November 1, 1989.

(Added by Laws 1989, c. 268, § 5, eff. Nov. 1, 1989.)

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