

SB0687/258477/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 687

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Raskin” and substitute “Senators Raskin, Forehand, and Gladden”; in lines 5 and 6, strike “, attempting to require, coercing, or attempting to coerce” and substitute “or coercing”; and in line 28, strike “, influencing, or attempting to influence” and substitute “or coercing”.

AMENDMENT NO. 2

On page 2, in lines 17 and 18, strike “**THE PURCHASE OR PROCUREMENT OF:**” and substitute “:

**(I) THE PURCHASE OR PROCUREMENT OF:**;

in lines 19, 20, 21, and 23, strike “**(I)**”, “**(II)**”, “**(III)**”, and “**(IV)**”, respectively, and substitute “**1.**”, “**2.**”, “**3.**”, and “**4.**”, respectively; in line 22, strike “**OR**”; in line 24, after “**BRANCH**” insert “;**OR**”

**5. ANY GOODS OR SERVICES FOR WHICH A MANUFACTURER, A DISTRIBUTOR, A FACTORY BRANCH, OR AN AFFILIATE PROVIDES A CREDIT, STIPEND, PAYMENT, OR REIMBURSEMENT TO THE DEALER THAT COVERS ALL OR A SUBSTANTIAL PORTION OF THE DEALER’S PROGRAM COSTS;**

**(II) OPTIONAL PROGRAMS;**

**(III) A PROGRAM, OR THE RENEWAL OR MODIFICATION OF A PROGRAM, IN EXISTENCE ON OCTOBER 1, 2014; OR**

(Over)

(IV) AN AGREEMENT BETWEEN THE MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR AFFILIATE AND THE DEALER THAT IS DIRECTLY RELATED TO THE DEALER'S COMPLETION OF A PROGRAM IF SEPARATE AND VALUABLE CONSIDERATION HAS BEEN OFFERED TO THE DEALER AND ACCEPTED”;

strike beginning with “, ATTEMPT” in line 28 down through “TO” in line 29 and substitute “OR”; in line 29, after “PROGRAM,” insert “OR”; in lines 29 and 30, strike “OR OTHERWISE,”; and in lines 30 and 31, strike “FOR THE MODIFICATION OF A FACILITY”.

AMENDMENT NO. 3

On page 3, strike beginning with “RIGHTS” in line 13 down through “REQUIREMENTS” in line 14 and substitute “, TRADEMARK, OR TRADE DRESS RIGHTS”; and after line 17, insert:

“(5) (I) A MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR ONE OF ITS AFFILIATES MAY NOT PENALIZE A DEALER FOR FAILURE TO PARTICIPATE IN AN OPTIONAL PROGRAM.

(II) WITHHOLDING THE BENEFITS OF AN OPTIONAL PROGRAM IN WHICH THE DEALER FAILED TO PARTICIPATE MAY NOT BE CONSTRUED TO BE A PENALTY IMPOSED BY THE MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR AFFILIATE.”.

AMENDMENT NO. 4

On page 4, in line 29, after “FOR” insert “VEHICLE”; in line 30, after “WARRANTIES,” insert “AND”; and strike beginning with “, GOODWILL” in line 30 down through “SERVICE” in line 31.

AMENDMENT NO. 5

On page 5, in line 8, after “LABOR” insert “FOR WARRANTY OR RECALL REPAIRS”; in line 9, strike “CALCULATED UNDER ITEM (3)(II)1 OF THIS SUBSECTION”; in line 23, strike “A” and substitute “WITH RESPECT TO PARTS, A”; strike beginning with the colon in line 24 down through “OF” in line 32; and in line 33, after “ORDERS” insert “, CALCULATED BY DIVIDING THE TOTAL CHARGES FOR PARTS IN THE REPAIR ORDERS BY THE TOTAL DEALER COST FOR THE PARTS MINUS ONE”.

AMENDMENT NO. 6

On page 6, strike beginning with “VEHICLE” in line 25 down through “DEALER” in line 26 and substitute “VEHICLES FROM A DIFFERENT LINE-MAKE”.

AMENDMENT NO. 7

On page 7, in line 10, strike “ON” and substitute “WITHIN 30 DAYS AFTER”; in line 19, strike “CLEAR AND CONVINCING” and substitute “REASONABLE”; and in line 26, strike “THE MANUFACTURER’S RECEIPT OF THE SCHEDULE” and substitute “A FINAL ORDER UNLESS OTHERWISE PROVIDED FOR BY THE FACT FINDER”.

AMENDMENT NO. 8

On page 8, after line 3, insert:

“(VIII) 1. A LICENSEE MAY VERIFY A DEALER’S EFFECTIVE RATES ONCE ANNUALLY.

2. IF A LICENSEE FINDS THAT A DEALER’S EFFECTIVE RATES HAVE INCREASED OR DECREASED, THE LICENSEE MAY INCREASE OR DECREASE, RESPECTIVELY, THE WARRANTY REIMBURSEMENT RATE PROSPECTIVELY.”;

in line 4, after “NOT” insert “DIRECTLY OR INDIRECTLY”; in line 5, strike “DIRECTLY OR INDIRECTLY CALCULATE” and substitute “CALCULATE”; in line 17, strike “OR FINANCIAL STATEMENTS”; in line 23, strike “, INFLUENCE, OR ATTEMPT TO INFLUENCE” and substitute “OR COERCE”; in line 26, strike “THAT” and substitute “BECAUSE THE DEALER”; in line 27, strike “ANY MEANS INCLUDING”; in line 28, strike “CREATING AN OBSTACLE OR IMPLEMENTING” and substitute “IMPLEMENTING”; and in line 31, strike “ACTING OR FAILING TO ACT, EXCEPT” and substitute “FAILING TO ACT”.

AMENDMENT NO. 9

On page 9, in line 20, strike “the specific requirements” and substitute “A SPECIFIC REQUIREMENT”; in line 21, strike “for processing a claim”; in line 23, strike “reasonable”; in the same line, after “other” insert “REASONABLE”; and in the same line, strike “the claim” and substitute “THAT THE REPAIR AND THE CLAIM WERE DONE ACCORDING TO MANUFACTURER WARRANTY GUIDELINES”.