

SB1031/358375/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 1031
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 3 down through “manners;” in line 5 and substitute “requiring vehicle manufacturers, distributors, and factory branches, or their agents, to allow vehicle dealers to furnish certain consumer data in a certain manner; authorizing manufacturers, distributors, and factory branches, or their agents, to access data management systems with express written consent of the dealer; establishing standards for express written consent for access to a dealer’s data management system;”; in line 6, strike “, or their agents,”; in line 7, strike “a dealer for refusing” and substitute “dealers that refuse”; in the same line, strike “share” and substitute “grant access to”; in the same line, strike “consumer”; in the same line, after “data;” insert “authorizing manufacturers, distributors, and factory branches to require certain data from dealers regarding warranty repair, certain vehicle sales, safety or recall obligations, or validation and payment of certain incentives; prohibiting manufacturers, distributors, and factory branches, or their agents, from requiring a dealer to grant access to the dealer’s data management systems through a franchise agreement;”; and in line 9, after “dealers” insert “for a violation of this Act”.

AMENDMENT NO. 2

On page 1, in line 22, after “(2)” insert “(I)”.

On page 2, after line 1, insert:

“(I) “CONSUMER DATA” DOES NOT INCLUDE THE SAME OR SIMILAR DATA THAT IS OBTAINED BY A MANUFACTURER FROM ANY OTHER SOURCE.”;

(Over)

**SB1031/358375/1 Judicial Proceedings Committee
Amendments to SB 1031
Page 2 of 3**

in line 10, strike “A” and substitute “NOTWITHSTANDING THE PROVISIONS OF ANY FRANCHISE AGREEMENT, A”; strike in their entirety lines 11 through 17, inclusive, and substitute:

“(1) SHALL ALLOW A DEALER TO FURNISH CONSUMER DATA IN A WIDELY ACCEPTED FILE FORMAT, SUCH AS COMMA-SEPARATED VALUES, AND THROUGH A THIRD-PARTY VENDOR SELECTED BY THE DEALER;

“(2) MAY ACCESS OR OBTAIN CONSUMER DATA DIRECTLY FROM A DEALER’S DATA MANAGEMENT SYSTEM ONLY WITH THE EXPRESS WRITTEN CONSENT OF THE DEALER;”;

in line 18, strike “(2)” and substitute “(3)”; in line 19, strike “SHARE CONSUMER DATA FROM” and substitute “GRANT ACCESS TO”; in line 20, strike “AND”; after line 20, insert:

“(4) MAY REQUIRE THAT A FRANCHISED DEALER OF THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH PROVIDE CONSUMER DATA OR TRANSACTIONAL DATA THAT PERTAINS TO:

(I) CLAIMS FOR WARRANTY PARTS OR REPAIRS;

(II) SALES AND DELIVERIES OF NEW OR CERTIFIED PRE-OWNED VEHICLES OF ANY LINE MAKE OF THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH;

(III) SAFETY OR RECALL OBLIGATIONS; OR

(IV) VALIDATION AND PAYMENT OF CUSTOMER OR DEALER INCENTIVES; AND”;

**SB1031/358375/1 Judicial Proceedings Committee
Amendments to SB 1031
Page 3 of 3**

in line 21, strike “(3)” and substitute “(5)”; in line 22, strike “OR A CUSTOMER”; in line 23, strike “OR USE OR” and substitute “AND UNLAWFUL”; in line 24, after “DATA” insert “RESULTING FROM A BREACH CAUSED”; in line 27, after “DATA” insert “IN VIOLATION OF THIS SECTION”; and after line 27, insert:

“(C) A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH, OR ITS AGENT, MAY NOT REQUIRE THAT A DEALER GRANT THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH, OR ITS AGENT, ACCESS TO THE DEALER’S DATA MANAGEMENT SYSTEM THROUGH A FRANCHISE AGREEMENT OR AS A CONDITION OF RENEWAL OR CONTINUATION OF THE FRANCHISE AGREEMENT.

(D) WRITTEN CONSENT UNDER SUBSECTION (B)(2) OF THIS SECTION:

(1) SHALL BE SEPARATE FROM THE DEALER FRANCHISE AGREEMENT;

(2) SHALL BE EXECUTED BY THE DEALER; AND

(3) MAY BE WITHDRAWN BY THE DEALER ON 30 DAYS’ WRITTEN NOTICE TO THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH.”.