

HB1104/310719/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 1104
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 5 down through “systems;” in line 7; in line 15, after “repair” insert a comma; in the same line, strike “or”; and in the same line, after “sales” insert “, 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”.

AMENDMENT NO. 2

On page 2, in line 3, after “(2)” insert “(1)”; after line 6, insert:

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

strike in their entirety lines 20 through 22, inclusive; in lines 23, 26, and 28, strike “(3)”, “(4)”, and “(5)”, respectively, and substitute “(2)”, “(3)”, and “(4)”, respectively; in line 28, after “A” insert “**FRANCHISED**”; in the same line, after “DEALER” insert “**OF THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH**”; in line 29, after “TO” insert a colon; strike beginning with the first “A” in line 29 down through “AND” in line 30; and after line 30, insert:

“(I) CLAIMS FOR WARRANTY PARTS OR REPAIRS;

(Over)

(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”.

On page 3, in line 1, strike “(6)” and substitute “(5)”; in line 3, strike “OR USE OR” and substitute “AND UNLAWFUL”; in line 4, strike “IN VIOLATION OF THIS SECTION” and substitute “RESULTING FROM A BREACH CAUSED”; in line 7, after “DATA” insert “IN VIOLATION OF THIS SECTION”; after line 7, 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.”;

in line 8, strike “(C)” and substitute “(D)”; and in the same line, strike “(B)(3)” and substitute “(B)(2)”.