

FOR OFFICE USE ONLY

HOUSE FLOOR AMENDMENTS

2021 Regular Session

Amendments proposed by Representative Stefanski to Engrossed House Bill No. 502 by Representative Stefanski

1 AMENDMENT NO. 1

2 On page 1, delete lines 11 through 19 in their entirety and insert in lieu thereof the following:

3 "(a) "Manufacturer, distributor, wholesaler, factory branch, or distributor
4 branch's warranty" means and includes a new motor vehicle warranty, a recall, or a
5 certified pre-owned warranty of a manufacturer, distributor, wholesaler, factory
6 branch, or distributor branch to repair or replace a defect in a vehicle or part.

7 (b) "Parts" means parts and components of a motor vehicle, including
8 engine, transmission, other parts assemblies, and manufacturer replacement parts."

9 AMENDMENT NO. 2

10 On page 2, at the beginning of line 1, change "d" to "c"

11 AMENDMENT NO. 3

12 On page 2, delete line 2 in its entirety and insert in lieu thereof the following:

13 "manufacturer, distributor, wholesaler, factory branch, or distributor branch's
14 original new motor vehicle warranty, except that the vehicle, on which the"

15 AMENDMENT NO. 4

16 On page 2, at the beginning of line 6, change "e" to "d"

17 AMENDMENT NO. 5

18 On page 2, at the beginning of line 8, change "f" to "e"

19 AMENDMENT NO. 6

20 On page 2, at the beginning of line 12, change "allocated" to "charged"

21 AMENDMENT NO. 7

22 On page 2, delete lines 13 through 28 in their entirety and insert in lieu thereof the following:

23 "(f) "Warranty work" means work, including diagnostic labor, performed or
24 arranged to be performed by a dealer in order to fulfill the obligations of a
25 manufacturer, distributor, wholesaler, factory branch, or distributor branch's
26 warranty, which is required by a manufacturer, distributor, wholesaler, factory
27 branch, or distributor branch to fulfill the delivery and preparation obligations
28 imposed on the dealer by a distributor, wholesaler, factory branch, or distributor
29 branch.

30 (2) It shall be a violation of this Chapter for a manufacturer, a distributor, a
31 wholesaler, distributor branch or factory branch ~~, or officer, agent or other~~

1 ~~representative thereof~~ to fail to adequately and fairly compensate its dealers for
2 labor, parts, and other reasonable expenses incurred by such dealer to perform ~~under~~
3 ~~and comply with a manufacturer's or a distributor's warranty agreement~~ warranty
4 work.

5 ~~(2)~~(3) In no event shall any manufacturer, ~~or distributor, wholesaler, factory~~
6 branch, or distributor branch pay its ~~dealers at a price or rate~~ a dealer an amount of
7 money for warranty work that is less than that charged by the dealer to the ~~retail~~
8 customers ~~retail customer~~ of the dealer for ~~nonwarranty~~ non-warranty qualifying as
9 work of like kind. Time allowances for the performance of warranty work shall be
10 reasonable and adequate in relation to the nature and scope of the work for a
11 qualified technician of ordinary skill to perform the work."

12 AMENDMENT NO. 8

13 On page 3, delete lines 1 and 2 in their entirety

14 AMENDMENT NO. 9

15 On page 3, line 6, after "by" delete "submitting" and insert in lieu thereof the following:

16 "formally submitting in writing, to the representative or pre-designated representative of the
17 manufacturer, distributor, wholesaler, factory branch, or distributor branch"

18 AMENDMENT NO. 10

19 On page 3, line 7, after "delivery" delete "to the franchisor"

20 AMENDMENT NO. 11

21 On page 3, delete lines 22 and 23 in their entirety and insert in lieu thereof the following:

22 "(6) A dealer seeking to establish or modify the warranty labor rate or parts
23 mark-up shall submit to the manufacturer, distributor, wholesaler, factory branch, or
24 distributor branch either of the following:"

25 AMENDMENT NO. 12

26 On page 4, delete lines 1 through 3 in their entirety and insert in lieu thereof the following:

27 "(7) A dealer may not submit to establish or modify its parts mark-up rate,
28 labor rate, or both, more than once in a twelve-month period."

29 AMENDMENT NO. 13

30 On page 4, delete lines 6 and 7 in their entirety and insert in lieu thereof the following:

31 "(a) Repairs subject to manufacturer, distributor, wholesaler, factory branch,
32 or distributor branch's discounts, such as special events, special promotions,
33 coupons, or service campaigns."

34 AMENDMENT NO. 14

35 On page 4, line 13, after "wheels," delete "or brakes,"

36 AMENDMENT NO. 15

37 On page 4, line 18, after "insurers," delete "fleet owners,"

1 AMENDMENT NO. 16

2 On page 4, delete lines 20 through 22 in their entirety

3 AMENDMENT NO. 17

4 On page 4, at the beginning of line 23, change "(k)" to "(j)"

5 AMENDMENT NO. 18

6 On page 4, delete line 24 in its entirety and insert in lieu thereof the following:

7 "(k) Manufacturer, distributor, wholesaler, factory branch, or distributor branch's
8 approved and reimbursed goodwill repairs or reimbursements."

9 AMENDMENT NO. 19

10 On page 4, at the beginning of line 25, change "(m) Window" to "(l) Windshield"

11 AMENDMENT NO. 20

12 On page 4, delete line 28 in its entirety and insert in lieu thereof the following:

13 "and shall go into effect forty-five days after the manufacturer, distributor, wholesaler,
14 factory branch, or distributor branch's receipt of the submission unless, within the forty-five
15 day period, the manufacturer, distributor, wholesaler, factory branch, or distributor branch
16 rebut the presumption. The manufacturer, distributor, wholesaler, factory branch, or
17 distributor branch may rebut the presumption by showing any of the following:"

18 AMENDMENT NO. 21

19 On page 5, delete lines 1 and 2 in their entirety

20 AMENDMENT NO. 22

21 On page 5, line 8, after "mark-up" change "or" to a comma ":", and after "rate," insert "or
22 both,"

23 AMENDMENT NO. 23

24 On page 5, at the beginning of line 11, change "franchisor" to "manufacturer, distributor,
25 wholesaler, factory branch, or distributor branch"

26 AMENDMENT NO. 24

27 On page 5, line 14, after "and the" change "franchisor" to "manufacturer, distributor,
28 wholesaler, factory branch, or distributor branch"

29 AMENDMENT NO. 25

30 On page 5, line 16, after "The" change "Commission" to "commission" and after "notify the"
31 change "franchisor" to "manufacturer, distributor, wholesaler, factory branch, or distributor
32 branch"

33 AMENDMENT NO. 26

34 On page 5, line 17, after "The" change "franchisor" to "manufacturer, distributor, wholesaler,
35 factory branch, or distributor branch"

1 AMENDMENT NO. 27

2 On page 5, line 21, after "retroactively," change "thirty" to "forty-five"and change
3 "franchisor's" to "manufacturer, distributor, wholesaler, factory branch, or distributor
4 branch's"

5 AMENDMENT NO. 28

6 On page 5, line 23, after "if a" change "franchisor" to "manufacturer, distributor, wholesaler,
7 factory branch, or distributor branch"

8 AMENDMENT NO. 29

9 On page 5, line 24, after "work, the" change "franchisor" to "manufacturer, distributor,
10 wholesaler, factory branch, or distributor branch"

11 AMENDMENT NO. 30

12 On page 5, line 27, after "in the" change "franchisor's" to "manufacturer, distributor,
13 wholesaler, factory branch, or distributor branch's"

14 AMENDMENT NO. 31

15 On page 5, line 28, after "A" change "franchisor" to "manufacturer, distributor, wholesaler,
16 factory branch, or distributor branch"