

SB23-078

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Fields

1 Amend printed bill, page 2, lines 3 and 4, strike "(6)(a)(II), (7)
2 introductory portion, and (7)(a)" and substitute "and (6)(a)(II)".

3 Page 3, strike lines 18 through 26 and substitute:

4 **"SECTION 2.** In Colorado Revised Statutes, 44-20-439.5,
5 **amend** (2), (6)(a)(I) introductory portion, (6)(a)(I)(A), and (6)(a)(II) as
6 follows:

7 **44-20-439.5. Fulfillment and compensation for warranty and**
8 **recall obligations - definitions.** (2) At a powersports vehicle dealer's
9 request, a manufacturer shall timely compensate the powersports vehicle
10 dealer at the retail labor rate and the retail parts markup percentage in
11 accordance with ~~subsection (3)~~ of this section for all labor performed and
12 parts used by the powersports vehicle dealer for covered repairs
13 performed in accordance with the warranty obligation. ~~if the retail labor~~
14 ~~rate and retail parts markup percentage are reasonable and consistent with~~
15 ~~the requirements of this section that concern the retail labor rate and parts~~
16 ~~markup percentage.~~

17 (6) (a) (I) If the submitted calculation of the retail labor rate or
18 retail parts markup percentage is DEEMED materially inaccurate, ~~or is~~
19 ~~substantially different than the rate of or percentage of other similarly~~
20 ~~situated same line-make dealers within the state,~~ a manufacturer may
21 contest the powersports vehicle dealer's submitted calculations of the
22 retail labor rate or retail parts markup percentage by delivering a notice
23 to the powersports vehicle dealer within forty-five days after receiving the
24 submission in accordance with subsection (3) of this section from the
25 powersports vehicle dealer. To comply with this subsection (6), the notice
26 must:

27 (A) Include an explanation of the reasons ~~that~~ WHY the
28 manufacturer believes the calculation is ~~subject to contest~~ MATERIALLY
29 INACCURATE;

30 (II) Upon the discovery of new relevant information by the
31 manufacturer, the manufacturer may modify the ~~grounds~~ REASONS for
32 contesting the retail labor rate or retail parts markup percentage after
33 delivering the notice to the powersports vehicle dealer under this
34 subsection (6), but the modification does not change the timing
35 requirements in this section."

36 Renumber succeeding section accordingly.

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