

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Michaelson Jenet

1 Amend the Business, Labor, and Technology Committee Report, dated
2 April 16, 2024, page 1, strike lines 1 through 3 and substitute:

3 "Amend printed bill, page 3, line 3, before "(2.5)" insert "(1.5) and".

4 Page 3 of the bill, line 7, strike "BOUGHT OR".

5 Page 3 of the bill, after line 12 insert:

6 "(1.5) "LEMONLAWBUYBACK VEHICLE" MEANS A MOTOR VEHICLE
7 THAT WAS REPURCHASED BY OR RETURNED TO THE MANUFACTURER, THE
8 MANUFACTURER'S AGENT, OR THE MANUFACTURER'S AUTHORIZED DEALER
9 FOR INABILITY TO CONFORM THE MOTOR VEHICLE TO THE
10 MANUFACTURER'S WARRANTY IN ACCORDANCE WITH THIS ARTICLE 10 OR
11 WITH ANY OTHER STATE OR FEDERAL MOTOR VEHICLE WARRANTY LAW."."

12 Page 2 of the report, line 15, after "TEN" insert "BUSINESS".

13 Page 3 of the report, strike lines 8 through 19 and substitute "THE MOTOR
14 VEHICLE IS A LEMON LAW BUYBACK VEHICLE SHALL CLEARLY AND
15 CONSPICUOUSLY DISCLOSE THAT THE MOTOR VEHICLE IS A LEMON LAW
16 BUYBACK VEHICLE BEFORE THE SALE OF THE MOTOR VEHICLE.

17 (3) THE SELLER OF A LEMON LAW BUYBACK VEHICLE SHALL NOT
18 REMOVE A LEMON LAW BUYBACK DECAL FROM THE LEMON LAW BUYBACK
19 VEHICLE.

20 **42-10-110. Applicability.** (1) THIS ARTICLE 10 DOES NOT APPLY
21 TO A USED MOTOR VEHICLE; EXCEPT THAT SECTIONS 42-10-108 AND
22 42-10-109 APPLY TO A USED MOTOR VEHICLE."

23 Amend printed bill, page 6, line 17, strike "IS" and substitute "ARE".

24 Page 7 of the bill, line 10, strike "LESSOR;" and substitute "LESSOR FOR
25 REPAIR OF THE NONCONFORMITY;".

26 Page 7 of the bill, line 19, strike "vehicle;" and substitute "vehicle, AS
27 APPLICABLE;".

28 Page 8 of the bill, strike lines 4 through 19 and substitute:

29 **"42-10-108. Third-party inspection - disclosure.** (1) (a) A
30 MOTOR VEHICLE DEALER SELLING A LEMON LAW BUYBACK VEHICLE TO A

1 POTENTIAL PURCHASER FOR PURPOSES OTHER THAN FOR RESALE MUST
2 EITHER:

3 (I) ALLOW A THIRD-PARTY AGENT OF A POTENTIAL PURCHASER TO
4 INSPECT THE MOTOR VEHICLE BEFORE SELLING THE MOTOR VEHICLE; OR

5 (II) PROVIDE A SEVEN-DAY FREE-LOOK PERIOD DURING WHICH THE
6 PURCHASER MAY RETURN THE MOTOR VEHICLE AND RECEIVE A REFUND OF
7 ALL MONEY PAID TO PURCHASE THE MOTOR VEHICLE, LESS SHIPPING
8 COSTS.

9 (b) TO MAKE THE INSPECTION PROVIDED IN SUBSECTION (1)(a)(I)
10 OF THIS SECTION, A THIRD-PARTY AGENT MAY HAVE REASONABLE ACCESS
11 TO CONDUCT THE INSPECTION, BUT THE THIRD-PARTY AGENT MUST BE
12 QUALIFIED TO USE OR OPERATE ANY EQUIPMENT USED TO INSPECT THE
13 VEHICLE AND MUST NOT INTERFERE WITH NORMAL BUSINESS OPERATIONS
14 OF THE MOTOR VEHICLE DEALER.

15 (2) A MOTOR VEHICLE DEALER SELLING A LEMON LAW BUYBACK
16 VEHICLE TO A POTENTIAL PURCHASER FOR PURPOSES OTHER THAN FOR
17 RESALE MUST CONSPICUOUSLY DISCLOSE IN WRITING, BEFORE THE MOTOR
18 VEHICLE IS PURCHASED, TO EACH POTENTIAL PURCHASER OF THE MOTOR
19 VEHICLE FOR PURPOSES OTHER THAN FOR RESALE THE RIGHT DESCRIBED
20 IN SUBSECTION (1)(a) OF THIS SECTION."

21 Page 8 of the bill, strike line 23 and substitute "SHALL, BEFORE THE
22 RESALE OF THE MOTOR VEHICLE IN THIS STATE:".

23 Page 9 of the bill, lines 6 and 7, strike "IN A CLEAR AND CONSPICUOUS OR
24 EASILY VISIBLE LOCATION" and substitute "ON THE BODY POST TO WHICH
25 THE DRIVER'S DOOR LATCHES, ALSO KNOWN AS THE DRIVER'S DOOR B
26 PILLAR,".

27 Page 9 of the bill, line 10, before "CERTIFICATE" insert "LEMON LAW
28 BUYBACK BRANDED".

29 Page 9 of the bill, strike lines 23 through 25 and substitute:

30 "(g) IS A LEMON LAW BUYBACK VEHICLE, AS DEFINED IN SECTION
31 42-10-101 (1.5)."

32 Page 10 of the bill, strike lines 9 through 11 and substitute "brand. ON
33 AND AFTER JANUARY 1, 2027, THE APPROPRIATE BRAND IS "LEMON LAW
34 BUYBACK" IF A MOTOR VEHICLE IS A LEMON LAW BUYBACK VEHICLE, AS
35 DEFINED IN SECTION 42-10-101 (1.5)."

36 Page 10 of the bill, line 13, strike "(1)(d), (3)(t), (6)(q), and (6.5)(q)" and

1 substitute "(1)(d)".

2 Page 10 of the bill, strike lines 18 through 27.

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