

SB24-192

## 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) "LEMON LAW BUYBACK 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~~S~~ 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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