

SB219_L.018

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB18-219 be amended as follows:

- 1 Amend printed bill, page 3, line 22, strike "OR SERVICE".
- 2 Page 3, line 25, strike "LABOR, AND SERVICING" and substitute "AND
3 LABOR".
- 4 Page 3, line 26, strike "DEALER. "REPAIR" ALSO INCLUDES" and substitute
5 "DEALER".
- 6 Page 3, strike line 27.
- 7 Page 4, strike line 1.
- 8 Page 4, line 2, strike "LABOR".
- 9 Page 4, lines 14 and 15, strike "DIAGNOSING, REPAIRING, AND SERVICING"
10 and substitute "DIAGNOSING AND REPAIRING".
- 11 Page 4, line 15, strike "TO CORRECT ANY DEFECT OR" and substitute "IN
12 ACCORDANCE WITH ANY".
- 13 Page 4, strike lines 16 through 19 and substitute "WARRANTY, RECALL, OR
14 CERTIFIED PREOWNED WARRANTY,".
- 15 Page 4, line 20, strike "OBLIGATION,".
- 16 Page 4, line 21, strike "OR SERVICE COMMITMENT".
- 17 Page 4, line 23, strike "A" and substitute "AT A MOTOR VEHICLE DEALER'S
18 REQUEST, A" and strike "ITS" and substitute "THE".
- 19 Page 4, line 24, strike "DEALERS" and substitute "DEALER".
- 20 Page 4, line 26, strike "OR RELATING TO ANY" and substitute "A".
- 21 Page 5, line 6, strike "FIFTY" and substitute "ONE HUNDRED".
- 22 Page 5, line 15, strike "THIRTY" and substitute "NINETY".
- 23 Page 5, line 26, after "PERCENTAGE." add "IF THE RATES FROM THE
24 CALCULATION ARE SUBSTANTIALLY HIGHER OR LOWER THAN THE CURRENT
25 RATES, THE MANUFACTURER MAY REQUEST ADDITIONAL REPAIR ORDERS

- 1 FOR THE NINETY DAYS BEFORE OR AFTER THE SUBMITTED REPAIR ORDERS
2 FOR PURPOSES OF ALTERATION."
- 3 Page 6, line 2, strike "SIXTY" and substitute "NINETY".
- 4 Page 6, line 6, strike "SIXTY" and substitute "NINETY".
- 5 Page 7, strike line 1 and substitute "EVENTS, ONE-TIME SPECIALS, EXPRESS
6 SERVICE, AND QUOTED-PRICE PROMOTIONAL DISCOUNTS, BUT THIS
7 EXCLUSION FROM THE CALCULATION DOES NOT INCLUDE BROADLY
8 APPLICABLE DISCOUNTS OFFERED BY THE DEALER, SUCH AS
9 PERCENTAGE-OFF COUPONS, THAT APPLY TO REPAIRS AND PARTS;"
- 10 Page 7, line 2, strike "REPAIRS DONE" and substitute "PARTS SOLD".
- 11 Page 7, line 4, after "FASTENERS," insert "TIRES,".
- 12 Page 7, strike line 6.
- 13 Renumber succeeding subparagraphs accordingly.
- 14 Page 7, line 14, strike "OR POLICY".
- 15 Page 7, line 19, strike "CARRIERS, FLEET OPERATORS," and substitute
16 "CARRIERS, AND FLEET OPERATORS, BUT NOT INCLUDING" and strike
17 "COMPANIES," and substitute "COMPANIES".
- 18 Page 7, line 27, strike "SEMIANNUALLY," and substitute "ONCE
19 ANNUALLY,".
- 20 Page 8, line 3, strike "SEMIANNUALLY," and substitute "ONCE
21 ANNUALLY,".
- 22 Page 8, line 8, strike "INACCURATE," and substitute "INACCURATE OR
23 SUBSTANTIALLY DIFFERENT THAN THAT OF OTHER SAME LINE-MAKE
24 DEALERS WITHIN THIRTY MILES OF OR SIMILARLY SITUATED AS THE
25 SUBMITTING MOTOR VEHICLE DEALER,".
- 26 Page 8, line 11, strike "FIFTEEN" and substitute "FORTY-FIVE".
- 27 Page 8, line 15, strike "A FULL AND DETAILED" and substitute "AN".
- 28 Page 8, strike line 17 and substitute "SUBJECT TO CONTEST;".

- 1 Page 8, line 22, strike "SHALL NOT" and substitute "MAY".
- 2 Page 8 line 25, strike "(6)." and substitute "(6), BUT THE MODIFICATION
- 3 DOES NOT CHANGE THE TIMING REQUIREMENTS IN THIS SECTION."
- 4 Page 9, line 3, strike "FIFTEEN" and substitute "FORTY-FIVE".
- 5 Page 9, line 8, strike "INCREASE IN" and substitute "CALCULATION OF".
- 6 Page 9, line 16, strike "JURISDICTION." and substitute "JURISDICTION OR
- 7 THE EXECUTIVE DIRECTOR NO LATER THAN SIXTY DAYS AFTER THE NEW
- 8 MOTOR VEHICLE DEALER RECEIVES THE MANUFACTURER'S CHALLENGE TO
- 9 THE DETERMINED RETAIL LABOR RATE OR RETAIL PARTS MARKUP
- 10 PERCENTAGE."
- 11 Page 9, strike lines 17 through 20 and substitute:
- 12 "(II) IN A COURT PROCEEDING, THE COURT".
- 13 Page 9, line 24, strike "JUDICIAL".
- 14 Page 9, line 26, strike "FIFTEEN" and substitute "THIRTY".
- 15 Page 10, line 12, strike "FIFTEEN" and substitute "THIRTY".
- 16 Page 10, line 20, strike "FAITH OR" and substitute "FAITH,".
- 17 Page 10, strike line 21.
- 18 Page 10, line 22, strike "MARKUP PERCENTAGE, THE COURT SHALL" and
- 19 substitute "THE COURT MAY".
- 20 Page 10, strike lines 26 and 27.
- 21 Page 11, strike lines 1 and 2.
- 22 Reletter succeeding paragraphs accordingly.
- 23 Page 11, line 3, strike "ELIMINATE FLAT-RATE TIMES OR".
- 24 Page 11, line 4, strike "AND ANY FLAT-RATE TIME THAT IS".
- 25 Page 11, strike lines 5 and 6.

- 1 Page 11, line 7, strike "(c) SHALLESTABLISHREASONABLE" and substitute
2 "NOR ESTABLISH UNREASONABLE".
- 3 Reletter succeeding paragraphs accordingly.
- 4 Page 11, line 8, strike "CONSISTENT" and substitute "INCONSISTENT".
- 5 Page 11, strike lines 11 through 16 and substitute "WARRANTY
6 OBLIGATION, COMPENSATE THE MOTOR VEHICLE DEALER FOR THE
7 AUTHORIZED REPAIR PART BY PAYING THE DEALER AN AMOUNT EQUAL TO
8 THE RETAIL PARTS MARKUP PERCENTAGE MULTIPLIED BY THE COST THE
9 DEALER WOULD HAVE PAID FOR THE AUTHORIZED PART AS LISTED IN THE
10 MANUFACTURER'S PRICE SCHEDULE;".
- 11 Page 11, line 16, strike "PRIMARILY" and substitute "SOLELY".
- 12 Page 11, line 21, strike "REPAIRS;" and substitute "REPAIRS SOLELY TO
13 PROVIDE A LOWER COMPENSATION TO A MOTOR VEHICLE DEALER;".
- 14 Page 11, line 23, strike "A" and substitute "THE".
- 15 Page 11, line 24, strike "A" and substitute "THE".
- 16 Page 11, line 27, strike "A" and substitute "THE".
- 17 Page 12, line 1, strike "A" and substitute "THE".
- 18 Page 12, line 2, strike "A" and substitute "THE".
- 19 Page 12, strike lines 4 through 7.
- 20 Reletter succeeding paragraphs accordingly.
- 21 Page 12, strike lines 8 through 16 and substitute:
- 22 "(g) SHALL NOT REQUIRE FROM A MOTOR VEHICLE ANY
23 INFORMATION THAT IS UNDULY BURDENSOME OR TIME CONSUMING TO
24 OBTAIN, INCLUDING ANY PART-BY-PART OR
25 TRANSACTION-BY-TRANSACTION CALCULATIONS."
- 26 Page 12, lines 19 and 20, strike "BUSINESS IN ACCORDANCE WITH
27 ESTABLISHED PRACTICE." and substitute "BUSINESS."

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