

House Proposal of Amendment

S. 47

An act relating to motor vehicle manufacturers, dealers, and warranty or service facilities.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 2, 9 V.S.A. § 4085(18), in subdivision (18), by striking out the words “zero emissions” and inserting in lieu thereof “zero-emission”

Second: In Sec. 2, 9 V.S.A. § 4085(18), in subdivision (18)(D), by striking out the words “zero emissions” and inserting in lieu thereof “zero-emission”

Third: In Sec. 3, 9 V.S.A. § 4086(i), in subdivision (i)(3), by striking out the words “zero emissions” and inserting in lieu thereof “zero-emission”

Fourth: By striking out Sec. 4, 9 V.S.A. § 4097, in its entirety and inserting in lieu thereof the following:

Sec. 4. 9 V.S.A. § 4097 is amended to read:

§ 4097. MANUFACTURER VIOLATIONS

It shall be a violation of this chapter for any manufacturer defined under this chapter:

* * *

(8)(A) To compete with a new motor vehicle dealer ~~in the same line-make~~ operating under an agreement or franchise from the aforementioned manufacturer ~~in the relevant market area~~ in the State.

(B) For purposes of this subdivision (8), any manufacturer that is not a non-franchised zero-emission vehicle manufacturer competes with a new motor vehicle dealer if it engages in the business of any of the following with respect to new motor vehicles:

(i) selling or leasing;

(ii) offering to sell or lease; or

(iii) soliciting or advertising the sale or lease.

(C) A manufacturer shall not, however, be deemed to be competing when operating a dealership either temporarily for a reasonable period, or in a bona fide retail operation that is for sale to any qualified independent person at a fair and reasonable price, or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.

* * *

Sec. 4a. 9 V.S.A. § 4097(8) is amended to read:

(8)(A) To compete with a new motor vehicle dealer operating under an agreement or franchise from the aforementioned manufacturer in the State.

(B) For purposes of this subdivision (8), any manufacturer that is not a non-franchised zero-emission vehicle manufacturer competes with a new motor vehicle dealer if it engages in the business of any of the following with respect to new motor vehicles or the retail sale of parts and accessories for those new motor vehicles:

- (i) selling or leasing;
- (ii) offering to sell or lease; ~~or~~
- (iii) soliciting or advertising the sale or lease; or
- (iv) offering through a subscription or like agreement.

* * *

Fifth: By striking out Sec. 6, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 6. EFFECTIVE DATES

(a) Sec. 4a (9 V.S.A. § 4097(8); manufacturer violations) shall take effect on July 1, 2022.

(b) All other sections shall take effect on passage.