1

19

2	The Committee on Transportation to which was referred Senate Bill No. 47
3	entitled "An act relating to motor vehicle manufacturers, dealers, and warranty
4	or service facilities" respectfully reports that it has considered the same and
5	recommends that the House propose to the Senate that the bill be amended as
6	follows:
7	First: In Sec. 2, 9 V.S.A. § 4085(18), in subdivision (18), by striking out
8	the words "zero emissions" and inserting in lieu thereof "zero-emission"
9	Second: In Sec. 2, 9 V.S.A. § 4085(18), in subdivision (18)(D), by striking
10	out the words "zero emissions" and inserting in lieu thereof "zero-emission"
11	Third: In Sec. 3, 9 V.S.A. § 4086(i), in subdivision (i)(3), by striking out
12	the words "zero emissions" and inserting in lieu thereof "zero-emission"
13	Fourth: By striking out Sec. 4, 9 V.S.A. § 4097, in its entirety and inserting
14	in lieu thereof the following:
15	Sec. 4. 9 V.S.A. § 4097 is amended to read:
16	§ 4097. MANUFACTURER VIOLATIONS
17	It shall be a violation of this chapter for any manufacturer defined under this
18	chapter:

1	(8)(A) To compete with a new motor vehicle dealer in the same line-
2	make operating under an agreement or franchise from the aforementioned
3	manufacturer in the relevant market area in the State.
4	(B) For purposes of this subdivision (8), any manufacturer that is not
5	a non-franchised zero-emission vehicle manufacturer competes with a new
6	motor vehicle dealer if it engages in the business of any of the following with
7	respect to new motor vehicles:
8	(i) selling or leasing;
9	(ii) offering to sell or lease; or
10	(iii) soliciting or advertising the sale or lease.
11	(C) A manufacturer shall not, however, be deemed to be competing
12	when operating a dealership either temporarily for a reasonable period, or in a
13	bona fide retail operation that is for sale to any qualified independent person at
14	a fair and reasonable price, or in a bona fide relationship in which an
15	independent person has made a significant investment subject to loss in the
16	dealership and can reasonably expect to acquire full ownership of the
17	dealership on reasonable terms and conditions.
18	* * *
19	Sec. 4a. 9 V.S.A. § 4097(8) is amended to read:
20	(8)(A) To compete with a new motor vehicle dealer operating under an
21	agreement or franchise from the aforementioned in the State.

1	(B) For purposes of this subdivision (8), any manufacturer that is not
2	a non-franchised zero-emission vehicle manufacturer competes with a new
3	motor vehicle dealer if it engages in the business of any of the following with
4	respect to new motor vehicles or the retail sale of parts and accessories for
5	those new motor vehicles:
6	(i) selling or leasing;
7	(ii) offering to sell or lease; or
8	(iii) soliciting or advertising the sale or lease; or
9	(iv) offering through a subscription or like agreement.
10	* * *
11	Fifth: By striking out Sec. 6, effective date, in its entirety and inserting in
12	lieu thereof the following:
13	Sec. 6. EFFECTIVE DATES
14	(a) Sec. 4a (9 V.S.A. § 4097(8); manufacturer violations) shall take effect
15	on July 1, 2022.
16	(b) All other sections shall take effect on passage.
17	
18	
19	
20	
21	

1	
2	
3	(Committee vote:)
1	

(Draft No. 1.1 – S.47) 5/10/2021 - ADC - 9:00 AM

5

6

FOR THE COMMITTEE

Page 4 of 4

Representative _____