

HB1188_L.051

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor and Technology.

HB11-1188 be amended as follows:

1 Amend reengrossed bill, page 4, strike lines 26 and 27.

2 Page 5, strike lines 1 through 5 and substitute:

3 **"12-6-129. Site control extinguishes.** IF A MANUFACTURER,
4 DISTRIBUTOR, OR MANUFACTURER REPRESENTATIVE HAS TERMINATED,
5 ELIMINATED, OR NOT RENEWED A FRANCHISE AGREEMENT CONTAINING A
6 SITE CONTROL PROVISION, THE MOTOR VEHICLE DEALER MAY VOID A SITE
7 CONTROL PROVISION OF A FRANCHISE AGREEMENT BY RETURNING ANY
8 MONEY THE DEALER HAS ACCEPTED IN EXCHANGE FOR SITE CONTROL
9 PRORATED BY THE TIME REMAINING BEFORE THE AGREEMENT EXPIRES
10 OVER THE TIME PERIOD BETWEEN THE AGREEMENT BEING SIGNED AND THE
11 AGREEMENT EXPIRING. THIS SECTION DOES NOT APPLY IF THE
12 TERMINATION, ELIMINATION, OR NONRENEWAL IS FOR JUST CAUSE IN
13 ACCORDANCE WITH SECTION 12-6-120 (1) (d)."

14 Page 7, strike lines 9 through 15 and substitute:

15 **"12-6-535. Site control extinguishes.** IF A MANUFACTURER,
16 DISTRIBUTOR, OR MANUFACTURER REPRESENTATIVE HAS TERMINATED,
17 ELIMINATED, OR NOT RENEWED A FRANCHISE AGREEMENT CONTAINING A
18 SITE CONTROL PROVISION, THE POWERSPORTS DEALER MAY VOID A SITE
19 CONTROL PROVISION OF A FRANCHISE AGREEMENT BY RETURNING ANY
20 MONEY THE DEALER HAS ACCEPTED IN EXCHANGE FOR SITE CONTROL
21 PRORATED BY THE TIME REMAINING BEFORE THE AGREEMENT EXPIRES
22 OVER THE TIME PERIOD BETWEEN THE AGREEMENT BEING SIGNED AND THE
23 AGREEMENT EXPIRING. THIS SECTION DOES NOT APPLY IF THE
24 TERMINATION, ELIMINATION, OR NONRENEWAL IS FOR JUST CAUSE IN
25 ACCORDANCE WITH SECTION 12-6-523 (1) (d)."

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