

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 15, 2011
Date

Committee on Economic and Business Development.

After consideration on the merits, the Committee recommends the following:

HB11-1188 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 3, line 10, strike "A PROVISION OF A" and
2 substitute "AN".
- 3 Page 3, line 11, strike "FRANCHISE".
- 4 Page 4, line 9 after "WOULD" insert "SUBSTANTIALLY AND".
- 5 Page 4, strike lines 13 and 14 and substitute:
6 "(x) TO REQUIRE, COERCE, OR ATTEMPT TO COERCE A MOTOR
7 VEHICLE DEALER TO SUBSTANTIALLY".
- 8 Page 4, line 16, strike "FIFTEEN" and substitute "TEN" and strike "FIVE".
- 9 Page 4, line 17, strike "HUNDRED" and substitute "TWO HUNDRED FIFTY".
- 10 Page 4, line 17, strike "OR" and substitute "AND".
- 11 Page 4, line 19, strike "REPRESENTATIVE." and substitute
12 "REPRESENTATIVE; EXCEPT THAT THIS PARAGRAPH (x) DOES NOT APPLY TO
13 IMPROVEMENTS MADE TO COMPLY WITH HEALTH OR SAFETY LAWS OR TO
14 ACCOMMODATE THE TECHNOLOGY REQUIREMENTS NECESSARY TO SELL OR
15 SERVICE A LINE MAKE."

1 Page 4, line 24, strike "TERMINATION," and substitute "MANUFACTURER,
2 DISTRIBUTOR, OR MANUFACTURER REPRESENTATIVE TERMINATING,
3 ELIMINATING, OR NOT RENEWING".

4 Page 4, line 25, strike "ELIMINATION, OR NONRENEWAL OF".

5 Page 4, line 26, strike "PROVISION." and substitute "PROVISION UNLESS
6 THE TERMINATION, ELIMINATION, OR NONRENEWAL IS FOR JUST CAUSE IN
7 ACCORDANCE WITH SECTION 12-6-120 (1) (d).".

8 Page 5, strike lines 9 through 17 and substitute "THE EXECUTIVE
9 DIRECTOR. UPON RECEIVING THE COMPLAINT AND UPON A SHOWING OF
10 SPECIFIC FACTS THAT A VIOLATION HAS OCCURRED, THE EXECUTIVE
11 DIRECTOR SHALL SUMMARILY ISSUE A CEASE-AND-DESIST ORDER UNDER
12 SECTION 12-6-105 (1) (f) STAYING THE TERMINATION, ELIMINATION,
13 MODIFICATION, OR NONRENEWAL OF THE FRANCHISE AGREEMENT. THE
14 CEASE-AND-DESIST ORDER REMAINS IN EFFECT UNTIL THE THE HEARING
15 REQUIRED BY SECTION 12-6-105 (1) (f) IS HELD. IF A DETERMINATION IS
16 MADE AT THE HEARING REQUIRED BY SECTION 12-6-105 (1) (f) THAT A
17 VIOLATION OCCURRED, THE BOARD SHALL MAKE THE CEASE-AND-DESIST
18 ORDER PERMANENT AND TAKE ANY ACTIONS AUTHORIZED BY SECTION
19 12-6-104 (3). A MOTOR VEHICLE DEALER WHO APPEALS TO THE BOARD
20 MAINTAINS ALL RIGHTS UNDER THE FRANCHISE AGREEMENT UNTIL THE
21 LATER OF THE EFFECTIVE DATE OF THE PERMANENT CEASE-AND-DESIST
22 ORDER OR AN APPEAL OF A FINAL DETERMINATION IS MADE UNDER
23 SECTION 24-4-106, C.R.S.".

24 Page 6, line 7 after "WOULD" insert "SUBSTANTIALLY AND".

25 Page 6, strike lines 11 and 12 and substitute:

26 "(w) TO REQUIRE, COERCE, OR ATTEMPT TO COERCE A
27 POWERSPORTS DEALER TO SUBSTANTIALLY".

28 Page 6, line 15, strike "OR" and substitute "AND".

29 Page 6, line 17, strike "REPRESENTATIVE." and substitute
30 "REPRESENTATIVE; EXCEPT THAT THIS PARAGRAPH (w) DOES NOT APPLY
31 TO IMPROVEMENTS MADE TO COMPLY WITH HEALTH OR SAFETY LAWS OR
32 TO ACCOMMODATE THE TECHNOLOGY REQUIREMENTS NECESSARY TO SELL
33 OR SERVICE A LINE MAKE.".

1 Page 6, line 22, strike "TERMINATION," and substitute "MANUFACTURER,
2 DISTRIBUTOR, OR MANUFACTURER REPRESENTATIVE TERMINATING,
3 ELIMINATING, OR NOT RENEWING".

4 Page 6, line 23, strike "ELIMINATION, OR NONRENEWAL OF".

5 Page 6, line 24, strike "PROVISION." and substitute "PROVISION UNLESS
6 THE TERMINATION, ELIMINATION, OR NONRENEWAL IS FOR JUST CAUSE IN
7 ACCORDANCE WITH SECTION 12-6-120 (1) (d).".

8 Page 7, strike lines 6 through 14 and substitute "A COMPLAINT WITH THE
9 EXECUTIVE DIRECTOR. UPON RECEIVING THE COMPLAINT AND UPON A
10 SHOWING OF SPECIFIC FACTS THAT A VIOLATION HAS OCCURRED, THE
11 EXECUTIVE DIRECTOR SHALL SUMMARILY ISSUE A CEASE-AND-DESIST
12 ORDER UNDER SECTION 12-6-105 (1) (h) STAYING THE TERMINATION,
13 ELIMINATION, MODIFICATION, OR NONRENEWAL OF THE FRANCHISE
14 AGREEMENT. THE CEASE-AND-DESIST ORDER REMAINS IN EFFECT UNTIL
15 THE HEARING REQUIRED BY SECTION 12-6-105 (1) (h) IS HELD. IF A
16 DETERMINATION IS MADE AT THE HEARING REQUIRED BY SECTION
17 12-6-105 (1) (h) THAT A VIOLATION OCCURRED, THE BOARD SHALL MAKE
18 THE CEASE-AND-DESIST ORDER PERMANENT AND TAKE ANY ACTIONS
19 AUTHORIZED BY SECTION 12-6-504 (1). A MOTOR VEHICLE DEALER WHO
20 APPEALS TO THE BOARD MAINTAINS ALL RIGHTS UNDER THE FRANCHISE
21 AGREEMENT UNTIL THE LATER OF THE EFFECTIVE DATE OF THE
22 PERMANENT CEASE-AND-DESIST ORDER OR AN APPEAL OF A FINAL
23 DETERMINATION IS MADE UNDER SECTION 24-4-106, C.R.S.".

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