

## S.B. 157

# MOTOR VEHICLE DEALER FRANCHISE AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 1

MARCH 5, 2010 12:27 PM

Senator **Curtis S. Bramble** proposes the following amendments:

1. Page 2, Line 54:

54 (g) "Reinstated franchisee" means a covered franchisee :  
(i) whose franchise became a terminated franchise with less than 90 days notice prior to termination; and  
(ii) that becomes entitled to a

2. Page 3, Lines 71 through 72:

71 ~~{ (3) A reinstated franchisee may resume operating as a franchisee under a reinstated~~  
72 ~~franchise upon the issuance of a reinstatement order. }~~

3. Page 3, Line 75:

75 (1) A franchisee has a private right of action for actual damages and ~~{an}~~ reasonable attorney  
~~{fee}~~ fees

4. Page 3, Line 82:

~~{an}~~ reasonable  
82 attorney ~~{fee}~~ fees against a new franchisor ~~{for any action of the new franchisor that}~~ if:  
(i) the new franchisor:  
(A) establishes a new franchisee of the same line-make as a line-make of the reinstated franchisee within the relevant market area of the reinstated franchisee; or  
(B) adds a line-make to another franchisor's existing franchisee within the relevant market area of the reinstated franchisee that is the same line-make as a line-make of the reinstated franchisee; and  
(ii) the franchisor's action under Subsection (2)(b)(i) causes a

5. Page 3, Line 83:

83 substantial diminution in value of the reinstated franchisee's reinstated franchise.  
(c) A new franchisor may not be held liable under Subsection (2)(b) based on a franchisee's purchase of another franchise, both of which are within the relevant market area of a reinstated franchisee, for the purpose of combining the purchased franchise with the franchise of the purchasing franchisee.