

February 21, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1192

Page 1, line 12, after the first "the" insert "average"

Page 1, line 13, after "service" insert "as provided under subsection 5"

Page 1, line 15, replace "current" with "average"

Page 1, line 15, after "parts" insert "as provided under subsection 4"

Page 1, line 23, replace "must" with "shall"

Page 2, line 5, remove "or seeks to recover legal costs and expenses incurred by the dealers in"

Page 2, remove lines 6 and 7

Page 2, line 8, replace "factory branch, distributor, or distributor branch imposes upon" with "from"

Page 2, line 11, replace "which" with "that"

Page 2, line 11, replace "sixty" with "ninety"

Page 2, line 16, replace "is" with "must be"

Page 2, line 16, remove "by the dealer"

Page 2, remove lines 17 through 19

Page 2, line 20, replace "that generated those sales." with "using the same process as provided under subsection 4 and declaring the average labor rate. The average labor rate must be determined by dividing the amount of the dealer's total labor sales by the number of total hours that generated those sales. If a labor rate and parts markup rate are simultaneously declared by the dealer, the dealer may use the same repair orders to complete each calculation as provided under subsection 4."

Page 2, remove line 26

Page 2, line 27, replace "d." with "c."

Page 2, line 29, replace "e." with "d."

Page 2, line 31, replace "f." with "e."

Page 3, line 1, replace "g." with "f."

Page 3, line 3, replace "declaration" with "manufacturer's approval"

Page 3, line 5, remove "unfair and"

Page 3, line 6, after "in" insert "an economically similar area of"

Page 3, line 6, replace "vicinity" with "state"

Page 3, line 6, after the second "the" insert "dealer's declaration of the"

Page 3, line 7, remove "of the"

Page 3, line 7, after "or" insert "average"

Page 3, line 16, remove "may not declare a retail parts markup rate or retail labor rate more than twice"

Page 3, replace line 17 with "or manufacturer may demand that the average parts markup or average labor rate be calculated using the process provided under subsections 4 and 5; however, the demand for the average parts markup may not be made within twelve months of the last parts markup declaration and the demand for the average labor rate may not be made within twelve months of the last labor rate declaration. If a parts markup or labor rate is demanded by the dealer or manufacturer, the dealer shall determine the repair orders to be included in the calculation under subsections 4 and 5."

Renumber accordingly