

AMENDED IN SENATE JUNE 28, 2007

AMENDED IN SENATE JUNE 18, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1092

**Introduced by Assembly Member Emmerson
(Coauthors: Assembly Members Karnette and Levine)**

February 23, 2007

An act to add Section 11713.22 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1092, as amended, Emmerson. Recreational vehicles.

Existing law prohibits a manufacturer, manufacturer branch, distributor, or distributor branch that is licensed under the Vehicle Code from engaging in certain conduct involving a dealer having a franchise for the sale of new vehicles or vehicle parts. A violation of the Vehicle Code is a crime.

For a dealer and manufacturer agreement involving recreational vehicles, this bill would additionally prohibit a licensed manufacturer, manufacturer branch, distributor, or distributor branch from failing or refusing to provide a written dealer agreement that complies with statutory franchise requirements. The agreement would be required to be generally consistent with other agreements provided to other recreational vehicle dealers granted the right to sell or lease the same *include provisions regarding dealership transfer and termination, sales territory, and reimbursement for dealer costs for work related to the*

manufacturer’s warranty for each line-make of recreational vehicle covered by the agreement.

Because a violation of this prohibition would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11713.22 is added to the Vehicle Code,
2 to read:

3 11713.22. (a) It is unlawful and a violation of this code for a
4 manufacturer, manufacturer branch, distributor, or distributor
5 branch licensed under this code to fail or refuse to provide a
6 recreational vehicle dealer a written dealer agreement that complies
7 with the requirements of Section 331.

8 ~~(b) An agreement described in subdivision (a) shall generally~~
9 ~~be consistent with the agreements provided by the manufacturer,~~
10 ~~manufacturer branch, distributor, or distributor branch to other~~
11 ~~recreational vehicle dealers who are granted the right to sell or~~
12 ~~lease the same line-make of recreational vehicle covered by the~~
13 ~~agreement.~~

14 *(b) An agreement described in subdivision (a) shall include, but*
15 *not be limited to, provisions regarding dealership transfer,*
16 *dealership termination, sales territory, and reimbursement for*
17 *costs incurred by the dealer for work related to the manufacturer’s*
18 *warranty for each line-make of recreational vehicle covered by*
19 *the agreement.*

20 (c) This section applies only to a dealer and manufacturer
21 agreement involving recreational vehicles, as defined in subdivision
22 (a) of Section 18010 of the Health and Safety Code, but does not
23 include an agreement with a dealer who deals exclusively in truck
24 campers.

25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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