

AMENDED IN ASSEMBLY APRIL 8, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2436**

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**Introduced by Assembly Member Emmerson**

February 21, 2008

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An act to ~~amend Section 11713.22 of~~ *add Section 11713.23* to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2436, as amended, Emmerson. Recreational vehicles: dealer agreements.

(1) Existing law, with regard to dealer and manufacturer agreements involving recreational vehicles, prohibits a licensed manufacturer, manufacturer branch, distributor, or distributor branch, upon mutual agreement of the parties to enter into a dealer agreement, from failing or refusing to provide a written dealer agreement to the recreational vehicle dealer that complies with statutory franchise requirements. A violation of these provisions is a crime.

~~This bill would additionally require that the written dealer agreement provided to the recreational vehicle dealer be signed.~~

*This bill would prohibit a recreational vehicle manufacturer, manufacturer branch, distributor, or distributor branch from selling new recreational vehicles in this state to or through a dealer without having first entered into a written dealer agreement with a recreational vehicle dealer, signed by both parties. A recreational vehicle dealer would be prohibited from selling new recreational vehicles without a written dealer agreement signed by both parties.*

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

(2) 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 11713.23 is added to the Vehicle Code,  
2 to read:

3 11713.23. (a) A recreational vehicle manufacturer,  
4 manufacturer branch, distributor, or distributor branch licensed  
5 under this code shall not sell a new recreational vehicle in this  
6 state to or through a recreational vehicle dealer without having  
7 first entered into a written dealer agreement with a recreational  
8 vehicle dealer, that complies with the requirements of Section 311,  
9 that has been signed by both parties.

10 (b) A recreational vehicle dealer shall not sell a new  
11 recreational vehicle in this state without having first entered into  
12 a written dealer agreement, that complies with the requirements  
13 of Section 311, with a recreational vehicle manufacturer,  
14 manufacturer branch, distributor, or distributor branch licensed  
15 under this code that has been signed by both parties.

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

21 SEC. 2. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.

1 SECTION 1. Section 11713.22 of the Vehicle Code is amended  
2 to read:

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

9 (b) An agreement described in subdivision (a) shall include, but  
10 not be limited to, provisions regarding dealership transfer,  
11 dealership termination, sales territory, and reimbursement for costs  
12 incurred by the dealer for work related to the manufacturer's  
13 warranty for each line-make of recreational vehicle covered by  
14 the agreement.

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

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