

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 240

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO FRANCHISE AGREEMENTS; PROVIDING THAT A FRANCHISE AGREEMENT INVOLVING RECREATIONAL VEHICLES INCLUDE RATES CHARGED BY A DEALER FOR PERFORMING WARRANTY SERVICE; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 57-16-6.2 NMSA 1978 (being Laws 1995, Chapter 19, Section 2) is amended to read:

"57-16-6.2. RECREATIONAL VEHICLES--FRANCHISE AGREEMENTS. --

A. Every recreational vehicle manufacturer, distributor or representative shall execute a written franchise or sales agreement with each of its recreational vehicle dealers. Each agreement shall include the following provisions:

. 143707. 1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

- 1 (1) warranty service obligations, including
- 2 rates charged by a dealer for performing warranty service;
- 3 (2) specific territory or market area
- 4 designation;
- 5 (3) grounds for termination;
- 6 (4) repurchase obligations;
- 7 (5) sales volume and performance; and
- 8 (6) dispute resolution procedures.

9 B. Notwithstanding the provisions of Subsection A
10 of this section, a dealer and manufacturer, distributor or
11 representative may mutually agree not to include the provisions
12 listed in Paragraphs (2) through (6) of Subsection A of this
13 section; provided, however, a written declaration stating which
14 of the provisions were intentionally omitted and not applicable
15 shall be incorporated into the written agreement."

16 Section 2. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2003.