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Chapter No. 395
10/SS01/R1117
JN / NS / SG

SENATE BILL NO. 2910

Originated in Senate *Renald G. Gagne* Secretary

SENATE BILL NO. 2910

AN ACT TO AMEND SECTION 63-17-141, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI MOTOR VEHICLE COMMISSION TO ENFORCE THE PROVISIONS OF THIS SECTION WHEN DISPUTES ARISE BETWEEN NEW MOTOR VEHICLE DEALERS AND MANUFACTURERS AND DISTRIBUTORS REGARDING THE RETURN OF VEHICLE INVENTORY, PARTS, EQUIPMENT, TOOLS AND SIGNS UPON TERMINATION OR NONRENEWAL OF A FRANCHISE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-17-141, Mississippi Code of 1972, is amended as follows:

63-17-141. (1) A new motor vehicle dealer shall return property, including, but not limited to, vehicle inventory, parts, equipment, tools and signs as permitted under this section or as set forth in the franchise agreement to the manufacturer or distributor within ninety (90) days of the effective date of any termination or nonrenewal of a franchise. The manufacturer or distributor shall supply the new vehicle dealer with instructions on the method by which the new vehicle dealer must return the property to the manufacturer or distributor. Within sixty (60) days of tender of the property to the manufacturer or distributor, the manufacturer or distributor shall repurchase from the new vehicle dealer and remit payment to the new vehicle dealer for the following:

(a) Any new, undamaged and unsold motor vehicle inventory of the current or prior model year, that has been acquired from the manufacturer or distributor, including up to five (5) dealer transfers acquired prior to notification of termination or nonrenewal of a franchise.

(b) All new, unused, undamaged parts listed in the current price catalog and in the original, resalable merchandising packages and in unbroken lots acquired from a manufacturer or distributor or a source approved or recommended by the manufacturer or distributor at the prices listed in the current parts catalog less applicable allowances plus five percent (5%) of the catalog value of the part for the cost of packing and returning the parts to the manufacturer or distributor. Reconditioned or core parts shall be valued at their core value, price listed in the current parts catalog, or the amount paid for expedited return of core parts, whichever is higher.

(c) Any special tools offered for sale during the four (4) years preceding termination, and each trademark or trade name bearing signs which were recommended or required by the manufacturer or distributor at fair market value at the time the notice of termination or nonrenewal is given.

(2) The dealer shall provide evidence of good clear title upon return of the inventory. Any payment owed the dealer is subject to offset of any obligations owed by the dealer to the manufacturer.

(3) The Mississippi Motor Vehicle Commission shall have the authority to enforce the provisions of this section when disputes between new motor vehicle dealers and manufacturers or distributors arise under this section.

(4) This section shall not apply to motor homes.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2010.

PASSED BY THE SENATE
February 3, 2010



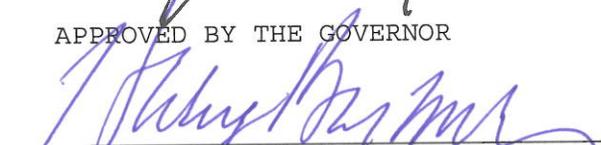
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 3, 2010



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

3/17/10

1:31 pm