

1.1 Senator moves to amend the SCS0827A-2 amendment to S.F. No. 827 as
1.2 follows:

1.3 Page 1, delete lines 2 to 8 and insert:

1.4 "Page 1, line 7, reinstate the stricken language

1.5 Page 1, line 8, reinstate the stricken language and delete the new language and insert ",
1.6 or at the election of the dealer, the actual time that the dealer's technician spent to complete
1.7 the warranty repair"

1.8 Page 1, line 9, delete the new language

1.9 Page 1, line 12, after "all" insert "necessary"

1.10 Page 1, line 13, delete the new language and insert "by a technician that is qualified to
1.11 perform the repair, including but not limited to all time spent communicating with the
1.12 manufacturer's technical assistance or external manufacturer source if required by the
1.13 manufacturer in order to provide a warranty repair"

1.14 Page 1, line 14, delete the new language

1.15 Page 1, after line 14, insert:

1.16 "(b) If a dealer elects to be compensated for the actual time that the dealer's technician
1.17 spent to complete the warranty repair, then the dealer must compensate that technician for
1.18 the actual time the technician spent on the repair.

1.19 (c) A dealer may not, without the agreement of the manufacturer, change its election to
1.20 be compensated under the manufacturer's time guide or on an actual time basis more than
1.21 once in a 12-month period.

1.22 (d) If a dealer elects to be compensated for the actual time that the dealer's technician
1.23 spent to complete the warranty repair, the dealer must submit its claims in accordance with
1.24 the manufacturer's uniformly applied procedures for dealers submitting under this section.
1.25 The dealer must provide any documentation and signatures that the manufacturer reasonably
1.26 requires, including but not limited to job reports signed by both the technician and the
1.27 supervisor or dealer that certify under penalty of perjury and fraud that the submitted times
1.28 are accurate, for repairs performed in good faith and that followed the manufacturer's repair
1.29 procedures, and do not reflect time overlapping with any other repair job.

1.30 (e) A claim submitted for actual time shall only include time for labor that was spent on
1.31 the warranty repair by a technician that is qualified to perform the repair, including diagnosis

2.1 and time spent communicating with the manufacturer's technical assistance or external
2.2 manufacturer source if required by the manufacturer in order to provide a warranty repair.

2.3 (f) A dealer may only submit claims for actual time for warranty work performed in
2.4 good faith.

2.5 (g) A manufacturer may reject a claim for actual time if the repair was not performed
2.6 in accordance with the manufacturer's repair procedures.

2.7 (h) A manufacturer may require a dealer to be compensated under the manufacturer's
2.8 time guide if the manufacturer can show that during the previous six-month period, the
2.9 dealer's aggregate claims for actual time were significantly longer relative to the
2.10 manufacturer's time guide than the majority of other same line-make dealers in the state.

2.11 (i) A manufacturer may require a dealer to be compensated under the manufacturer's
2.12 time guide instead of actual time if it can show that the dealer submitted claims for actual
2.13 time in bad faith, including but not limited to overlapping time charged for repairs or
2.14 assigning technicians with inadequate training or skill level required to complete the repairs.

2.15 (j) Notwithstanding subdivision 8, a dealer shall, upon the manufacturer's written request,
2.16 provide copies of all warranty and retail time-stamped job cards for a specific technician
2.17 to validate that submitted times are in compliance with this section.

2.18 (k) A dealer that requests to be compensated for actual time under this subdivision shall
2.19 retain copies of every warranty and retail time card for a period of not less than three years."

2.20 Page 1, line 15, strike "(b)" and insert "(l)"

2.21 Page 2, line 2, strike "(c)" and insert "(m)""