



1 *Senate* BILL NO. 433  
2 INTRODUCED BY *T. Burk*

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF  
5 COERCION TO OBTAIN NEW MOTOR VEHICLE DEALERS' PARTICIPATION  
6 IN ADVERTISING CAMPAIGNS OR SALES PROMOTIONS; AND AMENDING  
7 SECTION 61-4-208, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 61-4-208, MCA, is amended to read:

11 "61-4-208. Coercion prohibited. ~~{}~~ A manufacturer of  
12 new motor vehicles, factory branch, distributor, distributor  
13 branch, importer, field representative, officer, agent, or  
14 any representative thereof may not coerce or attempt to  
15 coerce a new motor vehicle dealer to:

16 (1) accept delivery of a new motor vehicle, a part, or  
17 an accessory therefor or any other commodity that has not  
18 been ordered by the dealer;

19 (2) participate in or contribute to any local,  
20 regional, or national advertising fund or to participate in  
21 or to contribute to contests, giveaways, or other sales  
22 devices; or

23 ~~{}~~ ~~A~~ ~~manufacturer~~ ~~factory~~ ~~branch~~ ~~distributor~~  
24 ~~distributor-branch~~ ~~importer~~ ~~field-representative~~ ~~officer~~  
25 ~~or-agent-or-representative-thereof-may-not-coerce-or-attempt~~

1 ~~to-coerce-a-new-motor-vehicle-dealer-to~~  
2 ~~(3) enter into an agreement with such a manufacturer,~~  
3 ~~factory branch, distributor, distributor branch, or~~  
4 ~~representative thereof or do any other act unfair to the~~  
5 ~~dealer by:~~

6 ~~(a) threatening to cancel or not renew a franchise~~  
7 ~~existing between the manufacturer, factory branch,~~  
8 ~~distributor, distributor branch, or representative thereof~~  
9 ~~and the dealer; or~~

10 ~~(b) threatening to withhold, delay, or disrupt the~~  
11 ~~receipt of new motor vehicles or any motor vehicle parts or~~  
12 ~~supplies ordered by the dealer from the manufacturer,~~  
13 ~~factory branch, distributor, distributor branch, importer,~~  
14 ~~or representative or agent thereof."~~

-End-

INTRODUCED BILL  
SB 433



APPROVED BY COMM. ON BUSINESS & INDUSTRY

1 Senate BILL NO. 433  
2 INTRODUCED BY T. Bush

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF  
5 COERCION TO OBTAIN NEW MOTOR VEHICLE DEALERS' PARTICIPATION  
6 IN ADVERTISING CAMPAIGNS OR SALES PROMOTIONS; AND AMENDING  
7 SECTION 61-4-208, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 61-4-208, MCA, is amended to read:

11 "61-4-208. Coercion prohibited. (1) A manufacturer of  
12 new motor vehicles, factory branch, distributor, distributor  
13 branch, importer, field representative, officer, agent, or  
14 any representative thereof may not coerce or attempt to  
15 coerce a new motor vehicle dealer to:

16 (1) accept delivery of a new motor vehicle, a part, or  
17 an accessory therefor or any other commodity that has not  
18 been ordered by the dealer;

19 (2) participate in or contribute to any local,  
20 regional, or national advertising fund or to participate in  
21 or to contribute to contests, giveaways, or other sales  
22 devices; or

23 (2) A manufacturer, factory branch, distributor,  
24 distributor branch, importer, field representative, officer,  
25 or agent or representative thereof may not coerce or attempt

1 to coerce a new motor vehicle dealer to  
2 (3) enter into an agreement with such a manufacturer,  
3 factory branch, distributor, distributor branch, or  
4 representative thereof or do any other act unfair to the  
5 dealer by:

6 (a) threatening to cancel or not renew a franchise  
7 existing between the manufacturer, factory branch,  
8 distributor, distributor branch, or representative thereof  
9 and the dealer; or

10 (b) threatening to withhold, delay, or disrupt the  
11 receipt of new motor vehicles or any motor vehicle parts or  
12 supplies ordered by the dealer from the manufacturer,  
13 factory branch, distributor, distributor branch, importer,  
14 or representative or agent thereof."

-End-

SECOND READING

SB 433



1 *Senate* BILL NO. *433*  
2 INTRODUCED BY *T. Bush*

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF  
5 COERCION TO OBTAIN NEW MOTOR VEHICLE DEALERS' PARTICIPATION  
6 IN ADVERTISING CAMPAIGNS OR SALES PROMOTIONS; AND AMENDING  
7 SECTION 61-4-208, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 new motor vehicles, factory branch, distributor, distributor  
13 branch, importer, field representative, officer, agent, or  
14 any representative thereof may not coerce or attempt to  
15 coerce a new motor vehicle dealer to:

16 (1) accept delivery of a new motor vehicle, a part, or  
17 an accessory therefor or any other commodity that has not  
18 been ordered by the dealer;

19 (2) participate in or contribute to any local,  
20 regional, or national advertising fund or to participate in  
21 or to contribute to contests, giveaways, or other sales  
22 devices; or

23 ~~{}~~ ~~A manufacturer, factory branch, distributor,~~  
24 ~~distributor branch, importer, field representative, officer,~~  
25 ~~or agent or representative thereof may not coerce or attempt~~

1 to coerce a new motor vehicle dealer to  
2 (3) enter into an agreement with such a manufacturer,  
3 factory branch, distributor, distributor branch, or  
4 representative thereof or do any other act unfair to the  
5 dealer by:

6 (a) threatening to cancel or not renew a franchise  
7 existing between the manufacturer, factory branch,  
8 distributor, distributor branch, or representative thereof  
9 and the dealer; or

10 (b) threatening to withhold, delay, or disrupt the  
11 receipt of new motor vehicles or any motor vehicle parts or  
12 supplies ordered by the dealer from the manufacturer,  
13 factory branch, distributor, distributor branch, importer,  
14 or representative or agent thereof."

-End-

THIRD READING  
SB 433



SENATE BILL NO. 433  
INTRODUCED BY T. BECK

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF COERCION TO OBTAIN NEW MOTOR VEHICLE DEALERS' PARTICIPATION IN ADVERTISING CAMPAIGNS OR SALES PROMOTIONS; AND AMENDING SECTION 61-4-208, MCA."

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

**Section 1.** Section 61-4-208, MCA, is amended to read:

**\*61-4-208. Coercion prohibited.** ~~{}~~ A manufacturer of new motor vehicles, factory branch, distributor, distributor branch, importer, field representative, officer, agent, or any representative thereof may not coerce or attempt to coerce a new motor vehicle dealer to:

(1) accept delivery of a new motor vehicle, a part, or an accessory therefor or any other commodity that has not been ordered by the dealer;

(2) participate in or contribute to any local, regional, or national advertising fund or to participate in or to contribute to contests, giveaways, or other sales devices; or

~~{2}--A---manufacturer;---factory---branch;--distributor; distributor-branch; importer; field-representative; officer; or-agent-or-representative-of-thereof-may-not-coerce-or-attempt~~

~~to-coerce-a-new-motor-vehicle-dealer-to~~

(3) enter into an agreement with such a manufacturer, factory branch, distributor, distributor branch, or representative thereof or do any other act unfair to the dealer by:

(a) threatening to cancel or not renew a franchise existing between the manufacturer, factory branch, distributor, distributor branch, or representative thereof and the dealer; or

(b) threatening to withhold, delay, or disrupt the receipt of new motor vehicles or any motor vehicle parts or supplies ordered by the dealer from the manufacturer, factory branch, distributor, distributor branch, importer, or representative or agent thereof."

-End-

REFERENCE BILL

