

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1197

H.P. 880

House of Representatives, February 25, 1997

**An Act to Provide Equity for Recreational Vehicle Dealers in  
Reimbursement for Parts and Labor Required under a Warranty.**

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Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CAMPBELL of Holden.  
Cosponsored by Senator BENNETT of Oxford and  
Representatives: CAMERON of Rumford, CHARTRAND of Rockland, DONNELLY of  
Presque Isle, KNEELAND of Easton, LEMONT of Kittery, WINSOR of Norway.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 10 MRSA c. 204-B** is amended by repealing the chapter  
headnote and enacting the following in its place:

6 **CHAPTER 204-B**

8 **WATERCRAFT OR RECREATIONAL VEHICLE MANUFACTURERS,**  
10 **DISTRIBUTORS AND DEALERS**

12 **Sec. 2. 10 MRSA §1196, sub-§§1 to 5,** as enacted by PL 1991, c.  
631, are amended to read:

14 **1. Distributor or wholesaler.** "Distributor" or  
"wholesaler" means any person who sells or distributes new or  
16 used watercraft, recreational vehicles or engines for watercraft  
to watercraft or recreational vehicle dealers or who maintains  
18 distributor representatives within this State.

20 **2. Franchise.** "Franchise" means an oral or written  
arrangement for a definite or indefinite period in which a  
22 manufacturer, distributor or wholesaler grants to a watercraft or  
recreational vehicle dealer a license to use a trade name,  
24 service mark or related characteristic, and in which there is a  
community of interest in the marketing of watercraft,  
26 recreational vehicles or engines for watercraft or services  
related to watercraft or recreational vehicles at wholesale,  
28 retail, leasing or otherwise.

30 **3. Franchisee.** "Franchisee" means a watercraft or  
recreational vehicle dealer to whom a franchise is offered or  
32 granted.

34 **4. Franchisor.** "Franchisor" means a manufacturer,  
distributor or wholesaler who grants a franchise to a watercraft  
36 or recreational vehicle dealer.

38 **5. Manufacturer.** "Manufacturer" means any person,  
partnership, firm, association, corporation or trust, resident or  
40 nonresident, that manufactures or assembles new watercraft,  
recreational vehicles or engines for watercraft, or imports for  
42 distribution through distributors of watercraft or recreational  
vehicles, or any partnership, firm, association, joint venture,  
44 corporation or trust, resident or nonresident, that is controlled  
by the manufacturer. The term "manufacturer" includes the term  
46 "distributor" or "wholesaler."

48 **Sec. 3. 10 MRSA §1196, sub-§§5-A and 5-B** are enacted to read:

2 5-A. Recreational vehicle. "Recreational vehicle" means a  
travel trailer, 5th-wheel trailer, motor home, tent trailer or  
4 truck camper.

6 5-B. Recreational vehicle dealer. "Recreational vehicle  
dealer" means any person who sells, solicits or advertises the  
8 sale of new or used recreational vehicles. "Recreational vehicle  
dealer" does not include receivers, trustees, administrators,  
10 executors, guardians or other persons appointed by or acting  
under judgment, decree or order of any court or public officers  
12 while performing their duties as such officers.

14 **Sec. 4. 10 MRSA §1197, sub-§1, ¶¶A and B, as enacted by PL**  
1991, c. 631, are amended to read:

16 A. Reimburse Notwithstanding section 1176, reimburse the  
18 franchisee at the retail rate customarily charged for any  
parts provided by the franchisee to satisfy the warranty; and

20 B. Reimburse Notwithstanding section 1176, reimburse the  
22 franchisee for any labor performed by the franchisee to  
24 satisfy the warranty. Reimbursement for labor may not be  
less than the retail rate customarily charged by that  
26 franchisee for the same labor when not performed to satisfy  
a warranty. To be entitled to reimbursement under this  
28 section, a franchisee must post in a place conspicuous to  
service customers the rate for labor not performed to  
satisfy a warranty.

30  
32 **SUMMARY**

34 This bill requires a recreational vehicle franchisor to  
reimburse a franchisee at the retail rate customarily charged for  
36 any parts provided by a franchisee to satisfy a warranty and to  
reimburse a franchisee for any labor performed by the franchisee  
to satisfy a warranty.