

Session 113 - (1999-2000)

S 1044 General Bill, By Land, Drummond, Moore, Leventis, Leatherman, Martin, Peeler, Setzler, Alexander, Elliott, Washington, Waldrep, Matthews, Mescher, Russell, O'Dell, Reese, Bauer, Rankin, Saleeby, Bryan, Hayes, Passailaigue, Courtney, McGill, Fair, Wilson, Giese, Ravenel, Short, Anderson, Grooms, Branton and Hutto
Similar (H 4450)

Summary: Motor vehicle dealerships, manufacturer not to own or operate; dealers, wholesalers, claims for compensation

A BILL TO AMEND CHAPTER 15, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGULATION OF MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, BY ADDING SECTION 56-15-45 SO AS TO PROHIBIT OWNERSHIP, OPERATION, OR CONTROL OF COMPETING DEALERSHIPS BY A MANUFACTURER OR FRANCHISOR EXCEPT UNDER CERTAIN CIRCUMSTANCES, PROHIBIT UNFAIR COMPETITION BY A MANUFACTURER OR FRANCHISOR AGAINST A FRANCHISEE, DEFINE PREFERENTIAL TREATMENT GIVING RISE TO A PRESUMPTION OF UNFAIR COMPETITION, AND EXEMPT SALES BY MANUFACTURERS OR FRANCHISORS TO THEIR EMPLOYEES AND TO THE FEDERAL GOVERNMENT; BY ADDING SECTION 56-15-46 SO AS TO REQUIRE WRITTEN NOTICE TO A CURRENT DEALERSHIP OF THE INTENTION OF A FRANCHISOR TO RELOCATE AN EXISTING DEALERSHIP OR TO ESTABLISH A NEW DEALERSHIP IN THE SAME MARKET AREA, PROVIDE GROUNDS FOR INJUNCTION OF THAT ESTABLISHMENT OR RELOCATION, AND PROVIDE FOR EXCEPTIONS; TO AMEND SECTION 56-15-60, RELATING TO DEALERS' CLAIMS FOR COMPENSATION, SO AS TO LIMIT THE AUDIT PERIOD FOR INCENTIVE COMPENSATION PROGRAMS AND PROHIBIT THE DENIAL, DELAY, OR RESTRICTION OF A CLAIM PAYMENT UNLESS THE CLAIM IS MATERIALLY DEFECTIVE; AND BY ADDING SECTION 56-15-140 SO AS TO GRANT JURISDICTION FOR ACTIONS FILED PURSUANT TO THIS ACT TO THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE PLAINTIFF DEALERSHIP HAS ITS PRINCIPAL PLACE OF BUSINESS AND ESTABLISH RESIDENCE OF THE DEFENDANT ENTITIES IN THAT COUNTY FOR VENUE PURPOSES, NOTWITHSTANDING AN AGREEMENT TO THE CONTRARY.

01/18/00 Senate Introduced and read first time SJ-6

01/18/00 Senate Referred to Committee on Transportation SJ-6

02/22/00 Senate Committee report: Favorable with amendment Transportation SJ-8