

February 19, 1965.

Passed on File.

Senate File 287

By TRANSPORTATION COMMITTEE.

Passed Senate, Date 3/23 Passed House, Date 5/7

Vote: Ayes 40 Nays 14 Vote: Ayes 59 Nays 36

Approved May 25 1965

motion to reconsider vote tabled 3/23
transportation 3/25
amended pass 4/19
motion to reconsider tabled 5/7
motion prepared 5/11
passed house 5/11 (84-31)

A BILL FOR

An Act relating to the licensing of manufacturers, distributors, wholesalers, factory branches, distributor branches, factory representatives and distributor representatives of motor vehicles.

It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Section three hundred twenty-two point two (322.2),
- 2 Code 1962, is hereby amended by adding thereto the following new
- 3 subsections:
- 4 "Manufacturers' means any person, resident or nonresident,
- 5 who manufactures or assembles motor vehicles."
- 6 "Distributor' or 'wholesaler' means a person, resident or
- 7 nonresident, who in whole or part, sells or distributes motor
- 8 vehicles to motor vehicle dealers, or who maintains distributor
- 9 representatives."
- 10 "'Factory branch' means a branch office maintained by a
- 11 person who manufactures or assembles motor vehicles, for the
- 12 sale of motor vehicles to distributors, or for the sale of motor
- 13 vehicles to motor vehicle dealers or for directing or supervising
- 14 in whole or part, its representatives."
- 15 "'Distributor branch' means a branch office similarly main-
- 16 tained by a distributor or wholesaler for the same purposes."
- 17 "'Factory representative' means a representative employed by
- 18 a person who manufactures or assembles motor vehicles or by a
- 19 factory branch, for the purpose of making or promoting the sale

41 branch, distributor branch, factory representative of
42 representative if after reasonable notice and a hearing the
43 department determines that such applicant has violated any pro-
44 vision of this chapter and may revoke or suspend any such license

20 of its motor vehicles, or for supervising or contacting its
21 dealers or prospective dealers."

22 " 'Distributor representative' means a representative similarly
23 employed by a distributor, distributor branch or wholesaler."

1 Sec. 2. Chapter three hundred twenty-two (322), Code 1962,
2 is hereby amended by adding thereto the following new sections:

3 "No manufacturer of motor vehicles, or factory branch, or
4 distributor, or distributor branch, shall engage in business
5 as such in this state without a license therefor as provided in
6 this chapter."

7 ~~"No factory representative or distributor representative shall~~

2 Code 1962, is hereby further amended by striking from line two
3 (2) of the second paragraph thereof the word "licensee" and
4 inserting in lieu thereof the words "retail motor vehicle dealer".

1 Sec. 5. Section three hundred twenty-two point three (322.3),
2 Code 1962, is hereby amended by striking the word "licensee" from
3 line four (4) of subsection three (3) and inserting in lieu
4 thereof the words "retail motor vehicle dealer".

1 Sec. 6. Section three hundred twenty-two point three (322.3),
2 Code 1962, is hereby further amended by inserting after the word
3 "agent" in line two (2) of subsection five (5) the words "or
4 representative".

1 Sec. 7. Section three hundred twenty-two point three (322.3),
2 Code 1962, is hereby further amended by inserting after the word
3 "agent" in line two (2) of subsection eight (8) the words "or
4 representative".

1 Sec. 8. Section three hundred twenty-two point seven (322.7),
2 Code 1962, is hereby amended by inserting after the word "The"
3 in line one (1) of subsection four (4) the words "motor vehicle
4 dealer".

1 Sec. 9. Section three hundred twenty-two point eight (322.8)

SENATE FILE 287

1 Amend Senate File 287 by adding a new section at the end
2 thereof as follows:
3 "Section three hundred twenty-two point ten (322.10),
4 Code 1962, is hereby amended by adding a new subsection
5 four (4) as follows:
6 'During the pendency of an appeal from an order of the
7 department revoking, suspending, or denying renewal of
8 the license of any licensee under this chapter, such license
9 shall continue in full force and effect.'

Filed
March 10, 1965.

By REPERT.

SENATE FILE 287

1 Amend Senate File 287 by adding a new section at the end
2 thereof as follows:
3 "Section three hundred twenty-two point fourteen (322.14),
4 Code 1962, is hereby repealed."

Filed
March 10, 1965.

By REPERT.

SENATE FILE 287

1 Amend Senate File 287 by adding a new section at the end
2 thereof as follows:
3 "The licensing provisions of this act shall be effective
4 only at such future date as all of the seven (7) leading
5 motor vehicle manufacturing states, measured by the
6 number of automotive units annually assembled, shall have
7 enacted legislation requiring special licensing of Iowa-based
8 manufacturers, and their agents, representatives, distributors,
9 factory branches, distributor branches, and wholesalers,
10 operating in such states."

REPERT.

Filed
March 11, 1965.

By DENMAN.

SENATE FILE 287

1 Senate File 287 is hereby amended by adding thereto the following
2 sections:
3 "Section three hundred twenty-two point fourteen (322.14), Code
4 1962, is hereby amended by striking the first sentence of the
5 second paragraph thereof."
6 "Section three hundred twenty-two point fourteen (322.14),
7 Code 1962, is hereby further amended by adding thereto the follow-
8 ing new paragraph:
9 "The provisions of this section shall not apply to violations
10 under subsection five (5) of section three hundred twenty-two
11 point three (322.3)."

Filed
March 19, 1965.

By HILL.

SENATE FILE 287

1 Amend Senate File 287 as follows:
2 1. By striking all after the word "vehicles" in line 3
3 of section 2 thereof to and including the comma after the
4 word "branch" in line 4 thereof.
5 2. By striking lines 7, 8, and 9 of section 2 thereof.
6 3. By striking all after the word "manufacturer" in line
7 11 of section 2 to and including the partial word "ative" in
8 line 13 thereof.
9 4. By striking all after the word "manufacturers" in line
10 21 thereof.
11 5. By striking the semi-colon in line 22 in section 2
12 thereof and substituting a period therefor and by striking the
13 remainder of line 22 thereof and all of line 23.
14 6. By striking all of lines 24 and 25 of section 2 thereof.
15 7. By striking lines 26 to 38, inclusive, of section 2
16 thereof.
17 8. By striking all after the word "manufacturer" in line
18 40 in section 2 thereof to and including the word "representa-
19 tive" in line 42 thereof.

Filed
March 22, 1965.

By LANGE.

SENATE FILE 287

1 Amend Senate File 287 by adding thereto the following new
2 section:
3 "Amend chapter three hundred twenty-two (322), Code 1962,
4 by adding a new section as follows:
5 'Nothing in this chapter shall be construed to impair the
6 obligations of a contract or to prevent a licensee hereunder
7 from requiring performance of a written contract entered into
8 with another licensee hereunder, nor shall the requirement of
9 such performance constitute a violation of any of the provisions
10 of this chapter.'"

Filed *Adopted 4/17*
April 19, 1965.

Senate Amended 5/2
TRANSPORTATION COMMITTEE,
KEITH H. DUNTON, *Chairman.*

SENATE FILE 287

1 Amend Senate File 287 by adding thereto the following new
2 section:
3 "Amend chapter three hundred twenty-two (322), Code 1962.
4 by adding a new section as follows:
5 'Nothing in this chapter shall be construed to impair the
6 obligations of a contract or to prevent a licensee hereunder
7 from requiring performance of a written contract entered into
8 with another licensee hereunder, nor shall the requirement of
9 such performance constitute a violation of any of the provisions
10 of this chapter.'"

Filed *Adopted 4/17*
April 19, 1965.

Senate Amended 5/2
TRANSPORTATION COMMITTEE,
KEITH H. DUNTON, *Chairman.*