



Judiciary I - Civil Law Committee

**Filed: 10/14/2009**

09600HB4628ham001

LRB096 14542 KTG 29881 a

1 AMENDMENT TO HOUSE BILL 4628

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4628 as follows:

3 on page 28, line 13, by deleting "entered into on or"; and

4 on page 28, by deleting line 14; and

5 on page 28, line 15, by deleting "General Assembly"; and

6 on page 28, line 21, by deleting "the effective date of this"

7 and replacing it with "January 1, 2009"; and

8 on page 28, line 22, by deleting "amendatory Act of the 96th

9 General Assembly"; and

10 on page 29, by deleting lines 15 through 20; and

11 on page 31, by replacing lines 19 through 26 with the

1 following:

2 "(3) The successor manufacturer proves that it would  
3 have had good cause to terminate the franchise agreement of  
4 the former franchisee, or the successor of the former  
5 franchisee under item (e)(10) in the event that the former  
6 franchisee is deceased or disabled. The determination of  
7 whether the successor manufacturer would have had good  
8 cause to terminate the franchise agreement of the former  
9 franchisee, or the successor of the former franchisee,  
10 shall be made by the Board under subsection (d) of Section  
11 12. A successor manufacturer that seeks to assert that it  
12 would have had good cause to terminate a former franchisee,  
13 or the successor of the former franchisee, must file a  
14 petition seeking a hearing on this issue before the Board  
15 and shall have the burden of proving that it would have had  
16 good cause to terminate the former franchisee or the  
17 successor of the former franchisee. No successor dealer,  
18 other than the former franchisee, may be appointed or  
19 franchised by the successor manufacturer within the  
20 relevant market area of the former franchisee until the  
21 Board has held a hearing and rendered a determination on  
22 the issue of whether the successor manufacturer would have  
23 had good cause to terminate the former franchisee."; and

24 on page 32, by deleting lines 1 through 12.