

SENATE BILL NO. 241  
INTRODUCED BY D. SHEA

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "DEALER", "DEALERSHIP", "MOTOR VEHICLE", AND "NEW MOTOR VEHICLE" FOR THE PURPOSES OF SECTIONS 61-4-131 THROUGH 61-4-137, 61-4-141, AND 61-4-150, MCA, IN ORDER TO PROVIDE THAT THE RIGHT OF A DESIGNATED FAMILY MEMBER TO SUCCEED IN THE OWNERSHIP OR OPERATION OF A NEW MOTOR VEHICLE DEALERSHIP INCLUDES PERSONAL WATERCRAFT, SNOWMOBILE, AND OFF-HIGHWAY VEHICLE FRANCHISES AND IN ORDER TO PROVIDE THAT A MANUFACTURER'S RIGHT OF FIRST REFUSAL AND A DEALER'S RIGHTS WITH RESPECT TO THE SALE, TRANSFER, OR EXCHANGE OF A DEALERSHIP APPLY TO PERSONAL WATERCRAFT, SNOWMOBILE, AND OFF-HIGHWAY VEHICLE FRANCHISES; AND AMENDING SECTION 61-4-131, MCA."

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

**Section 1.** Section 61-4-131, MCA, is amended to read:

**"61-4-131. Definitions.** As used in 61-4-131 through 61-4-137, 61-4-141, and 61-4-150, the following definitions apply:-

(1) "Dealer" includes a franchisee as defined in 61-4-201.

(2) "Dealership" means a contract or agreement, expressed or implied, whether oral or written, including a franchise as defined in 61-4-201, by which a person is granted the right to sell or distribute new motor vehicles.

(3) (a) ~~designated~~ "Designated family member" means the spouse, child, grandchild, parent, brother, or sister of a dealer who:-

(i) in the case of a deceased dealer:-

(A) is entitled to inherit the dealer's ownership interest in the dealership under the terms of the dealer's will; or under the laws of intestate succession of this state; or

(B) ~~who~~ has otherwise been designated in writing by a deceased dealer to succeed the deceased in the motor vehicle dealership;- or

(ii) ~~under the laws of intestate succession of this state or who~~, in the case of an incapacitated dealer, has been appointed by a court as the legal representative of the dealer's property.

(b) The term includes the appointed and qualified personal representative and the testamentary trustee

of a deceased dealer.

(4) "Motor vehicle" has the same meaning as provided in 61-4-201.

(5) "New motor vehicle" has the same meaning as provided in 61-4-201."

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