

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1171, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 2, delete "JULY 1, 2012]" and insert "UPON
- 2 PASSAGE]".
- 3 Page 2, line 16, strike "in" and insert "**before the dealer services**
- 4 **division of the secretary of state**".
- 5 Page 2, strike line 17.
- 6 Page 2, line 18, strike "is located".
- 7 Page 2, line 21, strike "circuit court" and insert "**dealer services**
- 8 **division of the secretary of state**".
- 9 Page 2, line 23, strike "civil".
- 10 Page 2, line 23, strike "on the court's docket." and insert "**pending**
- 11 **before the dealer services division of the secretary of state**".
- 12 Page 2, line 26, strike "court" and insert "**dealer services division**
- 13 **of the secretary of state**".
- 14 Page 3, line 5, delete "and" and insert "**or**".
- 15 Page 3, after line 8, begin a new paragraph and insert:
- 16 "SECTION 2. IC 9-23-6-9 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **As used in**
- 18 **this section, "division" refers to the dealer services division of the**
- 19 **secretary of state.**
- 20 (b) A dealer who is injured by an unfair practice set forth in
- 21 IC 9-23-3 may ~~sue for relief in a court of competent jurisdiction and~~

1 may recover damages or may receive injunctive relief, or both, and may
 2 recover the cost of the suit, including reasonable attorney's fees. **file a**
 3 **complaint or petition with the division.**

4 (c) **A dealer may not file a complaint or petition with the**
 5 **division based on an alleged violation of IC 9-23-3 or IC 9-23-5 by**
 6 **a manufacturer or distributor unless the dealer serves a demand**
 7 **for mediation upon the manufacturer or distributor:**

8 (1) **before; or**

9 (2) **at the same time as;**

10 **filing the complaint or petition. A demand for mediation must be**
 11 **in writing and served upon the manufacturer or distributor by**
 12 **certified mail at an address designated for the manufacturer or**
 13 **distributor in the licensor's records. The demand for mediation**
 14 **must contain a brief statement of the dispute and the relief sought**
 15 **by the dealer serving the demand.**

16 (d) **Not later than twenty (20) days after the date the demand for**
 17 **mediation is served under subsection (c), the parties shall mutually**
 18 **select an independent mediator and meet with the mediator for the**
 19 **purpose of attempting to resolve the dispute. The meeting place**
 20 **must be within Indiana at a location selected by the mediator. The**
 21 **mediator may extend the period in which the meeting must occur**
 22 **for good cause shown by either party or upon stipulation of the**
 23 **parties.**

24 **SECTION 3. An emergency is declared for this act."**

25 Renumber all SECTIONS consecutively.

(Reference is to HB 1171 as reprinted January 31, 2012.)

and when so amended that said bill do pass .

Committee Vote: Yeas 7, Nays 2.

Senator Wyss, Chairperson