

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 46.2-1568.1, relating to*
3 *discrimination against motor vehicle dealers.*

[S 1182]

Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 46.2-1568.1 as follows:**8 *§ 46.2-1568.1. Discrimination by manufacturers or distributors prohibited.*9 *No manufacturer or distributor, or any officer, agent, or representative of either, shall discriminate*
10 *against a dealer holding a franchise of the manufacturer or distributor in favor of another dealer or*
11 *other dealers of the same line-make in the Commonwealth by:*12 *1. Selling or offering to sell a new motor vehicle to a dealer at a lower actual price, including the*
13 *price for vehicle transportation, than the actual price at which the same model similarly equipped is*
14 *offered to or is available to another dealer in the Commonwealth during a similar time period;*15 *2. Using a promotional program or device or an incentive, payment, or other benefit, whether paid*
16 *at the time of the sale of the new motor vehicle to the dealer or later, that results in the sale or offer to*
17 *sell a new motor vehicle to a dealer at a lower price, including the price for vehicle transportation,*
18 *than the price at which the same model similarly equipped is offered or is available to another dealer in*
19 *the Commonwealth during a similar time period. This subdivision shall not prohibit a promotional or*
20 *incentive program that is functionally available to competing dealers of the same line-make in the*
21 *Commonwealth on substantially comparable terms;*22 *3. Providing lead information to a dealer when the address provided by the prospective customer (or*
23 *the preferred contact address, if more than one address is provided) is in the relevant market area of*
24 *another dealer or other dealers of the same line-make without providing or offering to provide the same*
25 *information on equal terms to the dealer or dealers of the same line-make in whose relevant market*
26 *area the prospective customer's address (or preferred contact address, if more than one address is*
27 *provided) is located. The foregoing requirement of this subdivision shall not apply if (i) the lead*
28 *information is generated under any program administered by an entity in which one or more dealers,*
29 *together with the manufacturer or distributor, hold an ownership interest, where the program is*
30 *designed to facilitate sales of motor vehicles through dealers participating in the program, provided that*
31 *ownership or the right to participate in the entity has been made available to all dealers of the same*
32 *line-make in the Commonwealth on substantially comparable terms or (ii) the prospective customer*
33 *requests that the lead information be forwarded to a particular dealer or (iii) the lead information is the*
34 *result of the prospective customer's request for a specific type of vehicle when the specific type of*
35 *vehicle in the color and with the equipment desired by the prospective customer is not available at a*
36 *dealer or dealers of the same line-make in whose relevant market the prospective customer's address (or*
37 *preferred contact address, if more than one address is provided) is located. For purposes of this*
38 *subsection, "lead information" is information concerning a prospective customer (i) who contacts the*
39 *manufacturer or distributor in response to an advertisement, a solicitation, or a message broadcast,*
40 *distributed, or made available to the public by the manufacturer or distributor or (ii) who is contacted*
41 *by the manufacturer or distributor, and (iii) such contact is in relation to the sale of, service on, or*
42 *parts or accessories for new or used motor vehicles. This subdivision shall not be construed to permit*
43 *provision of or access to customer information that is otherwise protected from disclosure by law or by*
44 *agreement between a dealer and a manufacturer or distributor.*

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