

190A.010 Definitions for chapter.

As used in this chapter:

- (1) "Area of sales responsibility," in relation to new recreational vehicle dealers, means a geographical area agreed to by a new recreational vehicle dealer and the manufacturer in a dealer agreement in which the dealer has the exclusive right to display or sell the new recreational vehicles of a manufacturer of a particular line-make to the public;
- (2) "Dealer agreement" means a written agreement or contract entered into between a new recreational vehicle manufacturer and a new recreational vehicle dealer that fixes the rights and responsibilities of the parties and pursuant to which the dealer has the exclusive right to sell specific line-makes and models of the manufacturer's new recreational vehicles;
- (3) "Established place of business" shall not include tents, temporary stands, lots, or other temporary quarters but shall include the following:
 - (a) A paved or gravel lot for customer parking and for the showing and storage of recreational vehicles;
 - (b) An indoor office with public areas sufficient to conduct sales transactions with customers;
 - (c) Restroom facilities available to the public; and
 - (d) A service and parts area, separated from the public areas, equipped with tools, equipment, and replacement parts necessary for reasonably expected warranty and service needs;
- (4) "Factory campaign" means an effort by a new recreational vehicle warrantor to contact recreational vehicle owners or recreational vehicle dealers in order to address an issue concerning a recreational vehicle problem, defective part, or equipment;
- (5) "Family member" means a spouse, child, grandchild, parent, sibling, niece, or nephew, or the spouse thereof;
- (6) "Fifth-wheel trailer" means a recreational vehicle designed to be towed by a motorized vehicle by means of a towing mechanism that is mounted above or forward of the tow vehicle's rear axle;
- (7) "Folding camping trailer" means a recreational vehicle constructed with partially collapsible side walls that fold for travel and unfold and extend in the set-up mode, which is designed to be towed by a motorized vehicle;
- (8) "Line-make" means a specific series of recreational vehicle products that:
 - (a) Are identified by a common series trade name or trademark;
 - (b) Are targeted to a particular market segment based on the decor, features, equipment, size, weight, and price range;
 - (c) Have dimensions and interior floor plans that distinguish the recreational vehicles from recreational vehicles that have substantially the same decor, features, equipment, weight, and price;

- (d) Belong to a single, distinct classification of recreational vehicle product type that has a substantial degree of commonality in the construction of the chassis, frame, and body; and
 - (e) Are authorized for sale by the dealer in the dealer agreement;
- (9) "Manufacturer" means any person, partnership, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new recreational vehicles, or imports for distribution through distributors of new recreational vehicles, or any partnership, firm, association, joint venture, corporation, or trust, resident or nonresident, which is controlled by the manufacturer. Additionally, the term "manufacturer" shall include the following terms:
- (a) "Distributor" means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new recreational vehicle to new recreational vehicle dealers, or who maintains factory representatives, or who controls any person, firm, association, corporation, or trust, resident or nonresident, or who in whole or in part offers for sale, sells, or distributes any new recreational vehicle to new recreational vehicle dealers;
 - (b) "Factory branch" means a branch office maintained by a manufacturer for the purpose of selling, or offering for sale, new recreational vehicles to a distributor, wholesaler, or new recreational vehicle dealer, or for directing or supervising, in whole or in part, factory representatives, and shall further include any sales promotion organization, whether it is a person, firm, or corporation, which is engaged in promoting the sale of new recreational vehicles in this state of a particular line-make to new recreational vehicle dealers; and
 - (c) "Factory representative" means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting the sale of new recreational vehicles, or for supervising or contracting with dealers or prospective dealers;
- (10) "Motor home" means a recreational vehicle built on a self-propelled motor vehicle chassis that must contain at least four (4) of the following permanently installed independent life support systems:
- (a) A cooking facility with an onboard fuel source;
 - (b) A potable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection;
 - (c) A toilet with exterior evacuation;
 - (d) A gas or electric refrigerator;
 - (e) A heating or air conditioning system with an onboard power or fuel source separate from the vehicle engine; or
 - (f) A 110-125 volt electric power supply;
- (11) "New recreational vehicle" means a recreational vehicle that is in the possession of the manufacturer, distributor, or wholesaler, or has been sold to the holder of a valid dealer agreement, granted by the manufacturer, or distributor for the sale of the line-

make of new recreational vehicle, and on which the original title has not been issued from the franchised dealer;

- (12) "New recreational vehicle dealer" means a recreational vehicle dealer who holds a valid dealer agreement, sales and service agreement, franchise, or contract granted by the manufacturer for the sale of the manufacturer's new recreational vehicles;
- (13) "Proprietary part" means a recreational vehicle part manufactured by or for a recreational vehicle manufacturer and sold exclusively by a recreational vehicle manufacturer;
- (14) "Recreational vehicle" means a vehicle that:
 - (a) Is primarily designed as temporary living quarters for noncommercial recreation or camping use;
 - (b) Has its own motive power or is towed by another vehicle;
 - (c) Is regulated by the National Highway Traffic Safety Administration as a vehicle; and
 - (d) Does not require a special highway use permit;The term "recreational vehicle" includes motor homes, travel trailers, fifth-wheel trailers, and folding camping trailers;
- (15) "Recreational vehicle salesperson" means any person who, for gain or compensation of any kind, either directly or indirectly, regularly or occasionally, by any form of agreement or arrangement, sells or negotiates for the sale of any new recreational vehicle for any new recreational vehicle dealer to any one (1) or more third parties;
- (16) "Supplier" means any person, firm, corporation, or business entity that engages in the manufacturing of recreational vehicle parts, accessories, or components;
- (17) "Transient customer" means a person who is temporarily traveling through the area of sales responsibility of a recreational vehicle dealer;
- (18) "Travel trailer" means a recreational vehicle designed to be towed by a motorized vehicle; and
- (19) "Warrantor" means any person, firm, corporation, or business entity, including any manufacturer or supplier, which provides a written warranty to the consumer in connection with a new recreational vehicle or parts, accessories, or components thereof. The term does not include a person that provides a service contract, mechanical or other insurance, or an extended warranty sold for separate consideration by a dealer or other person not controlled by a warrantor.

Effective: January 1, 2015

History: Created 2014 Ky. Acts ch. 27, sec. 1, effective January 1, 2015.

Legislative Research Commission Note (1/1/2015). 2014 Ky. Acts ch. 27, sec. 26, provides that that Act, which established KRS Chapter 190A and amended various sections of KRS Chapter 190, may be cited as the Recreational Vehicle Dealer Franchise Act of 2014.

Legislative Research Commission Note (1/1/2015). 2014 Ky. Acts ch. 27, sec. 27, provides that that Act, which established KRS Chapter 190A and amended various sections of KRS Chapter 190, applies to any recreational vehicle manufacturer-dealer agreement entered into on or after the effective date of that Act, which is January 1,

2015.

Legislative Research Commission Note (1/1/2015). The internal numbering of this statute has been modified by the Reviser of Statutes from the way it appeared in 2014 Ky. Acts ch. 27, sec. 1, under the authority of KRS 7.136(1). The words in the text were not changed.