

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 202 Session of  
2005

INTRODUCED BY GREENLEAF, WONDERLING, BOSCOLA, COSTA, KASUNIC,  
RHOADES, TARTAGLIONE, O'PAKE, STACK, C. WILLIAMS, KITCHEN,  
LEMMOND AND PIPPY, FEBRUARY 7, 2005

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
FEBRUARY 7, 2005

AN ACT

1 Amending the act of March 28, 1984 (P.L.150, No.28), entitled,  
2 as amended, "An act relating to the rights of purchasers and  
3 lessees of defective new motor vehicles," further providing  
4 for short title and for definitions; and expanding the scope  
5 of the act to include motorboats.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 1 of the act of March 28, 1984 (P.L.150,  
9 No.28), known as the Automobile Lemon Law, is amended to read:

10 Section 1. Short title.

11 This act shall be known and may be cited as the [Automobile]  
12 Motor Vehicle Lemon Law.

13 Section 2. Section 2 of the act, amended October 2, 2002  
14 (P.L.809, No.117), is amended to read:

15 Section 2. Definitions.

16 The following words and phrases when used in this act shall  
17 have the meanings given to them in this section unless the  
18 context clearly indicates otherwise:

1 "Dealer" or "motor vehicle dealer." A person in the business  
2 of buying, selling, leasing or exchanging vehicles or  
3 motorboats.

4 "Department." The Department of Transportation of the  
5 Commonwealth.

6 "Manufacturer." Any person engaged in the business of  
7 constructing or assembling new and unused motor vehicles or  
8 engaged in the business of importing new and unused motor  
9 vehicles into the United States for the purpose of selling or  
10 distributing new and unused motor vehicles to motor vehicle  
11 dealers in this Commonwealth.

12 "Manufacturer's express warranty" or "warranty." The written  
13 warranty of the manufacturer of a new [automobile] motor vehicle  
14 of its condition and fitness for use, including any terms or  
15 conditions precedent to the enforcement of obligations under the  
16 warranty.

17 "Motorboat." This term shall have the same meaning given to  
18 it under 30 Pa.C.S. § 102 (relating to definitions). The term  
19 includes personal watercraft as that term is defined in 58 Pa.  
20 Code § 109.3 (relating to personal watercraft).

21 "New motor vehicle." Any new and unused self-propelled,  
22 motorized conveyance driven upon public roads, streets or  
23 highways which is designed to transport not more than 15  
24 persons, including a motorboat, which was purchased or leased  
25 and is registered in the Commonwealth or purchased or leased  
26 elsewhere and registered for the first time in the Commonwealth  
27 and is used, leased or bought for use primarily for personal,  
28 family or household purposes, including a vehicle or motorboat  
29 used by a manufacturer or dealer as a demonstrator or dealer car  
30 or motorboat prior to its sale. The term does not include

1 motorcycles, motor homes or off-road vehicles.

2 "Nonconformity." A defect or condition which substantially  
3 impairs the use, value or safety of a new motor vehicle and does  
4 not conform to the manufacturer's express warranty.

5 "Purchaser." A person, or his successors or assigns, who has  
6 obtained possession or ownership of a new motor vehicle by  
7 lease, transfer or purchase or who has entered into an agreement  
8 or contract for the lease or purchase of a new motor vehicle  
9 which is used, leased or bought for use primarily for personal,  
10 family or household purposes.

11 Section 3. This act shall apply to the purchase or lease of  
12 a new motor vehicle on or after the effective date of this  
13 section.

14 Section 4. This act shall take effect in 60 days.