

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 155 Session of 2023

INTRODUCED BY BROOKS, COLLETT, DILLON, BARTOLOTTA, STEFANO,
KANE, STREET, J. WARD, CAPPELLETTI, MASTRIANO, COSTA,
HUTCHINSON AND ROBINSON, JANUARY 9, 2023

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JANUARY 9, 2023

AN ACT

1 Amending the act of March 28, 1984 (P.L.150, No.28), entitled
2 "An act relating to the rights of purchasers and lessees of
3 defective new motor vehicles," further providing for
4 definitions, for repair obligations, for manufacturer's duty
5 for refund or replacement and for presumption of a reasonable
6 number of attempts.

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

9 Section 1. The definition of "new motor vehicle" in section
10 2 of the act of March 28, 1984 (P.L.150, No.28), known as the
11 Automobile Lemon Law, is amended and the section is amended by
12 adding definitions to read:

13 Section 2. Definitions.

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

17 * * *

18 "Dual sport motorcycle." A motorcycle that is designed to be
19 ridden on and off road that may or may not be registered with

1 the department.

2 * * *

3 "Motorcycle." As defined in 75 Pa.C.S. § 102 (relating to
4 definitions).

5 "New motor vehicle." Any new and unused self-propelled,
6 motorized conveyance driven upon public roads, streets or
7 highways which is designed to transport not more than 15
8 persons, which was purchased or leased and is registered in the
9 Commonwealth or purchased or leased elsewhere and registered for
10 the first time in the Commonwealth and is used, leased or bought
11 for use primarily for personal, family or household purposes,
12 including a vehicle used by a manufacturer or dealer as a
13 demonstrator or dealer car prior to its sale. The term includes
14 motorcycles and does not include [motorcycles,] motor homes
15 [or], off-road vehicles or dual sport motorcycles driven off
16 road.

17 * * *

18 Section 2. Sections 4(a) and 5 of the act are amended to
19 read:

20 Section 4. Repair obligations.

21 (a) Repairs required.--The manufacturer of a new motor
22 vehicle sold or leased and registered in the Commonwealth shall
23 repair or correct, at no cost to the purchaser, a nonconformity
24 which substantially impairs the use, value or safety of said
25 motor vehicle which:

26 (1) in the case of a motorcycle, may occur within a
27 period of one year following the actual delivery of the
28 motorcycle to the purchaser or during the term of the
29 warranty, whichever may occur first; or

30 (2) in the case of any other new motor vehicle, may

1 occur within a period of one year following the actual
2 delivery of the vehicle to the purchaser, within the first
3 12,000 miles of use or during the term of the warranty,
4 whichever may first occur.

5 * * *

6 Section 5. Manufacturer's duty for refund or replacement.

7 If the manufacturer fails to repair or correct a
8 nonconformity after a reasonable number of attempts, the
9 manufacturer shall, at the option of the purchaser, replace the
10 motor vehicle with a comparable motor vehicle of equal value or
11 accept return of the vehicle from the purchaser and refund to
12 the purchaser the full purchase price or lease price, including
13 all collateral charges, less a reasonable allowance for the
14 purchaser's use of the vehicle not exceeding 10¢ per mile driven
15 or 10% of the purchase price or lease price of the vehicle,
16 whichever is less. Refunds shall be made to the purchaser and
17 lienholder, if any, as their interests may appear. A reasonable
18 allowance for use shall be that amount directly attributable to
19 use by the purchaser prior to his first report of the
20 nonconformity to the manufacturer. In the event the consumer
21 elects a refund, payment shall be made within 30 days of such
22 election. A consumer shall not be entitled to a refund or
23 replacement if the nonconformity does not substantially impair
24 the use, value or safety of the vehicle or the nonconformity is
25 the result of abuse, neglect or modification or alteration of
26 the motor vehicle by the purchaser. For purposes of this
27 section, the phrase "modification or alteration" shall include,
28 in relation to a motorcycle, a modification or alteration made
29 after the date of actual delivery of the motorcycle to the
30 purchaser.

1 Section 3. Section 6(a) and (b) of the act are amended by
2 adding paragraphs and the section is amended by adding a
3 subsection to read:

4 Section 6. Presumption of a reasonable number of attempts.

5 (a) General rule.--It shall be presumed that a reasonable
6 number of attempts have been undertaken to repair or correct a
7 nonconformity if:

8 * * *

9 (3) For a motorcycle, manufacturer-sourced parts have
10 been used in the attempts to repair the nonconformity.

11 (b) Time period extension.--

12 * * *

13 (4) The minimum number of calendar days provided under
14 subsection (a)(2) shall not apply to the period during which
15 a motorcycle is being stored at a manufacturer's authorized
16 service and repair facility, either as a courtesy to the
17 purchaser or for compensation, even if repairs to correct a
18 nonconformity are made during the storage period. This
19 paragraph shall apply if the purchaser waives the minimum
20 calendar day period in writing or enters into a contract for
21 storage of the motorcycle. A waiver under this paragraph
22 shall contain the signature of the purchaser and a
23 representative of the manufacturer's authorized service and
24 repair facility.

25 (c) Applicability.--Subsections (a) and (b) shall only apply
26 to a motorcycle if all attempts to correct a nonconformity are
27 made by the same manufacturer's authorized service and repair
28 facility or if the purchaser provides a complete set of repair
29 records, related to the nonconformity, to a manufacturer's
30 authorized service and repair facility that has not previously

1 attempted to repair the nonconformity. The manufacturer's
2 authorized service and repair facility that performed the
3 repairs shall provide an affidavit that the nonconformity has
4 been subject to repair three times.

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