

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

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, SEPTEMBER 27, 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~~ BOATS. <—

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 "BOAT." EVERY DESCRIPTION OF WATERCRAFT EQUIPPED WITH <—
2 PROPELLING MACHINERY AND PERSONAL WATERCRAFT CONSTRUCTED OR SOLD
3 FOR THE PRIMARY PURPOSE OF BEING USED AS A MEANS OF
4 TRANSPORTATION ON THE WATER.

5 "Dealer" or "motor vehicle dealer." A person in the business
6 of buying, selling, leasing or exchanging vehicles or motorboats <—
7 BOATS. <—

8 "Department." The Department of Transportation of the
9 Commonwealth.

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

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

21 ~~"Motorboat." This term shall have the same meaning given to~~ <—
22 ~~it under 30 Pa.C.S. § 102 (relating to definitions). The term~~
23 ~~includes personal watercraft as that term is defined in 58 Pa.~~
24 ~~Code § 109.3 (relating to personal watercraft).~~

25 "New motor vehicle." Any new and unused self-propelled,
26 motorized conveyance driven upon public roads, streets or
27 highways which is designed to transport not more than 15
28 persons, including a motorboat BOAT, which was purchased or <—
29 leased and is registered in the Commonwealth or purchased or
30 leased elsewhere and registered for the first time in the

1 Commonwealth and is used, leased or bought for use primarily for
2 personal, family or household purposes, including a vehicle or
3 ~~motorboat~~ BOAT used by a manufacturer or dealer as a <—
4 demonstrator or dealer car or ~~motorboat~~ BOAT prior to its sale. <—
5 The term does not include motorcycles, motor homes or off-road
6 vehicles.

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

10 "PERSONAL WATERCRAFT." A BOAT LESS THAN 16 FEET IN LENGTH <—
11 WHICH MEETS ALL OF THE FOLLOWING CONDITIONS:

12 (1) USES AN INTERNAL COMBUSTION MOTOR POWERING A WATER
13 JET PUMP AS ITS PRIMARY SOURCE OF MOTIVE PROPULSION.

14 (2) IS DESIGNED TO BE OPERATED BY A PERSON SITTING,
15 STANDING, OR KNEELING ON, RATHER THAN BEING OPERATED BY A
16 PERSON SITTING OR STANDING INSIDE THE VESSEL.

17 "Purchaser." A person, or his successors or assigns, who has
18 obtained possession or ownership of a new motor vehicle by
19 lease, transfer or purchase or who has entered into an agreement
20 or contract for the lease or purchase of a new motor vehicle
21 which is used, leased or bought for use primarily for personal,
22 family or household purposes.

23 Section 3. This act shall apply to the purchase or lease of
24 a new motor vehicle on or after the effective date of this
25 section.

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