

AMENDMENTS TO HOUSE BILL NO. 74

Sponsor: REPRESENTATIVE FARRY

Printer's No. 69

1 Amend Bill, page 1, line 4, by striking out all of said line
2 and inserting

3 for definitions, for manufacturer's duty for refund or
4 replacement and for presumption of a reasonable number of
5 attempts.

6 Amend Bill, page 1, line 9, by inserting after "amended"
7 and the section is amended by adding a definition

8 Amend Bill, page 1, by inserting between lines 14 and 15
9 "Motorcycle." As defined in 75 Pa.C.S. § 102 (relating to
10 definitions).

11 Amend Bill, page 2, by inserting between lines 10 and 11

12 Section 1.1. Section 5 of the act is amended to read:
13 Section 5. Manufacturer's duty for refund or replacement.
14 If the manufacturer fails to repair or correct a
15 nonconformity after a reasonable number of attempts, the
16 manufacturer shall, at the option of the purchaser, replace the
17 motor vehicle with a comparable motor vehicle of equal value or
18 accept return of the vehicle from the purchaser and refund to
19 the purchaser the full purchase price or lease price, including
20 all collateral charges, less a reasonable allowance for the
21 purchaser's use of the vehicle not exceeding 10¢ per mile driven
22 or 10% of the purchase price or lease price of the vehicle,
23 whichever is less. Refunds shall be made to the purchaser and
24 lienholder, if any, as their interests may appear. A reasonable
25 allowance for use shall be that amount directly attributable to
26 use by the purchaser prior to his first report of the
27 nonconformity to the manufacturer. In the event the consumer
28 elects a refund, payment shall be made within 30 days of such
29 election. A consumer shall not be entitled to a refund or
30 replacement if the nonconformity does not substantially impair
31 the use, value or safety of the vehicle or the nonconformity is
32 the result of abuse, neglect or modification or alteration of
33 the motor vehicle by the purchaser. For purposes of this
34 section, the phrase "modification or alteration by the

1 purchaser" shall include, in relation to a motorcycle, a
2 modification or alteration made after the date of actual
3 delivery of the motorcycle to the purchaser.

4 Section 1.2. Section 6(b) of the act is amended by adding a
5 paragraph and the section is amended by adding a subsection to
6 read:

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

8 * * *

9 (b) Time period extension.--

10 * * *

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

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