

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 330 Session of  
2007

INTRODUCED BY YEWCIC, DERMODY, BENNINGHOFF, BOYD, CARROLL,  
CREIGHTON, DENLINGER, FABRIZIO, JAMES, MAHONEY, MUSTIO,  
PALLONE, READSHAW, ROEBUCK, SAYLOR, STERN, SWANGER AND  
YOUNGBLOOD, FEBRUARY 9, 2007

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 9, 2007

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),  
2 entitled "An act prohibiting unfair methods of competition  
3 and unfair or deceptive acts or practices in the conduct of  
4 any trade or commerce, giving the Attorney General and  
5 District Attorneys certain powers and duties and providing  
6 penalties," providing for motor vehicle lessee protection.

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

9 Section 1. The act of December 17, 1968 (P.L.1224, No.387),  
10 known as the Unfair Trade Practices and Consumer Protection Law,  
11 reenacted and amended November 24, 1976 (P.L.1166, No.260), is  
12 amended by adding a section to read:

13 Section 9.4. Motor Vehicle Lessee Protection.--(a) The  
14 lease of a motor vehicle is voidable at the option of the lessee  
15 if the Department of Transportation recalls the operating  
16 privilege of the lessee under 75 Pa.C.S. § 1519 (relating to  
17 determination of incompetency). A lease shall include a  
18 provision setting forth the right of a lessee under this  
19 section.

1       (b) As used in this section:

2       "Fleet lease" means a contract or other agreement between a  
3 lessor and a lessee in which the vehicles are to be used  
4 primarily for business or commercial purposes and that is  
5 either: a written agreement for the use of at least two vehicles  
6 that includes an agreement for an option to use at least one  
7 additional motor vehicle or a written agreement for the lease of  
8 five or more vehicles.

9       "Lease" means a contract or other agreement between a lessor  
10 and a lessee, other than a fleet lease, for the use of a motor  
11 vehicle by the lessee for a period of time exceeding one hundred  
12 twenty days, whether or not the lessee has the option to  
13 purchase or otherwise become the owner of the motor vehicle at  
14 the expiration of the lease.

15       "Leasing dealer" means a person who in the ordinary course of  
16 business offers or enters into motor vehicle leases or who in  
17 the course of any twelve-month period offers or enters into more  
18 than three motor vehicle leases. The term shall not include a  
19 person to whom a lease is assigned by a leasing dealer.

20       "Lessee" means a person who leases a motor vehicle under a  
21 lease.

22       "Lessor" means a leasing dealer who holds title to a motor  
23 vehicle leased to a lessee under a lease or a leasing dealer who  
24 holds the lessor's rights under the lease or a person to whom a  
25 lease is assigned.

26       "Motor vehicle" or "vehicle" means a motor vehicle as defined  
27 in 75 Pa.C.S. § 102 (relating to definitions), except the living  
28 facilities of motor homes.

29       Section 2. The addition of section 9.4 of the act shall  
30 apply to contracts entered into on or after the effective date

1 of this act.

2 Section 3. This act shall take effect in 60 days.