

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 repair obligations and for manufacturer's duty for refund
5 or replacement.

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

8 Section 1. Sections 4 and 5 of the act of March 28, 1984
9 (P.L.150, No.28), known as the Automobile Lemon Law, amended
10 December 13, 2001 (P.L.868, No.94), are amended to read:

11 Section 4. Repair obligations.

12 (a) Repairs required.-- [The] Except as provided under
13 subsection (a.1), the manufacturer of a new motor vehicle sold
14 or leased and registered in the Commonwealth shall repair or
15 correct, at no cost to the purchaser, a nonconformity which
16 substantially impairs the use, value or safety of said motor
17 vehicle which may occur within a period of [one year] two years
18 following the actual delivery of the vehicle to the purchaser,
19 within the first [12,000] 24,000 miles of use or during the term

1 of the warranty, whichever may first occur.

2 (a.1) Expiration of warranty.--If a nonconformity which
3 substantially impairs the use, value or safety of a motor
4 vehicle is not properly repaired or corrected by the time the
5 original manufacturer's warranty expires, the manufacturer must
6 repair the nonconformity until the nonconformity is fully
7 corrected at no cost to the purchaser.

8 (b) Delivery of vehicle.--It shall be the duty of the
9 purchaser to deliver the nonconforming vehicle to the
10 manufacturer's authorized service and repair facility within the
11 Commonwealth, unless, due to reasons of size and weight or
12 method of attachment or method of installation or nature of the
13 nonconformity, such delivery cannot reasonably be accomplished.
14 Should the purchaser be unable to effect return of the
15 nonconforming vehicle, he shall notify the manufacturer or its
16 authorized service and repair facility. Written notice of
17 nonconformity to the manufacturer or its authorized service and
18 repair facility shall constitute return of the vehicle when the
19 purchaser is unable to return the vehicle due to the
20 nonconformity. Upon receipt of such notice of nonconformity, the
21 manufacturer shall, at its option, service or repair the vehicle
22 at the location of nonconformity or pick up the vehicle for
23 service and repair or arrange for transporting the vehicle to
24 its authorized service and repair facility. All costs of
25 transporting the vehicle when the purchaser is unable to effect
26 return, due to nonconformity, shall be at the manufacturer's
27 expense.

28 (c) Loaner vehicle.--A manufacturer, a manufacturer's agent
29 or a manufacturer's authorized dealer must, within 24 hours of
30 notification of a nonconformity and while the owner's vehicle is

1 with the manufacturer, the manufacturer's agent or the
2 manufacturer's authorized dealer for repair, lend a motor
3 vehicle to the purchaser at no charge.

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

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

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

