
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1405

Session of
1983

INTRODUCED BY LAUGHLIN, KUKOVICH, MANDERINO, F. E. TAYLOR,
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SEPTEMBER 19, 1983

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, FEBRUARY 28, 1984

AN ACT

1 Relating to the rights of purchasers of defective new motor
2 vehicles.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Automobile
7 Lemon Law.

8 Section 2. Definitions.

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

12 "Dealer" or "motor vehicle dealer." A person in the business
13 of buying, selling or exchanging vehicles.

14 "Manufacturer." Any person engaged in the business of
15 constructing or assembling new and unused motor vehicles or

1 engaged in the business of importing new and unused motor
2 vehicles into the United States for the purpose of selling or
3 distributing new and unused motor vehicles to motor vehicle
4 dealers in this Commonwealth.

5 "Manufacturer's express warranty" or "warranty." The written
6 warranty of the manufacturer of a new automobile of its
7 condition and fitness for use, including any terms or conditions
8 precedent to the enforcement of obligations under the warranty.

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

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

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

26 Section 3. Disclosure.

27 The Attorney General shall prepare and publish in the
28 Pennsylvania Bulletin a statement which explains a purchaser's
29 rights under this law. Manufacturers shall provide to each
30 purchaser at the time of original purchase of a new motor

1 vehicle a written statement containing a copy of the Attorney
2 General's statement and a listing of zone offices, with
3 addresses and phone numbers, which can be contacted by the
4 purchaser for the purpose of securing the remedies provided for
5 in this act.

6 Section 4. Repair obligations.

7 (a) Repairs required.--The manufacturer of a new motor
8 vehicle sold and registered in the Commonwealth shall repair or
9 correct, at no cost to the purchaser, a nonconformity which
10 substantially impairs the use, value or safety of said motor
11 vehicle which may occur within a period of one year following
12 the actual delivery of the vehicle to the purchaser, within the
13 first 12,000 miles of use, or during the term of the warranty,
14 whichever may first occur.

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

1 its authorized service and repair facility. All costs of
2 transporting the vehicle when purchaser is unable to effect
3 return, due to nonconformity, shall be at the manufacturer's
4 expense.

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

6 ~~(a) Return of automobile.~~ If the manufacturer fails to <—
7 repair or correct a nonconformity after a reasonable number of
8 attempts, the manufacturer shall, at the option of the
9 purchaser, replace the motor vehicle with a new 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,
12 including all collateral charges, less a reasonable allowance
13 for the purchaser's use of the vehicle NOT EXCEEDING 10¢ PER <—
14 MILE DRIVEN OR 10% OF THE PURCHASE PRICE OF THE VEHICLE,
15 WHICHEVER IS LESS. Refunds shall be made to the purchaser and
16 lienholder, if any, as their interests may appear. A reasonable
17 allowance for use shall be that amount directly attributable to
18 use by the purchaser prior to his first report of the
19 nonconformity to the manufacturer. In the event the consumer
20 elects a refund, payment shall be made within 30 days of such
21 election. A consumer shall not be entitled to a refund or
22 replacement if the nonconformity does not substantially impair
23 the use, value, or safety of the vehicle or the nonconformity is
24 the result of abuse, neglect or modification or alteration of
25 the motor vehicle by the purchaser.

26 ~~(b) Notation on title.~~ When an automobile is returned to <—
27 the manufacturer under subsection (a), a notation shall be
28 placed on the title of the automobile which states: "This
29 automobile was returned to the manufacturer under this section
30 of the Automobile Purchasers' Protection Act."

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

2 It shall be presumed that a reasonable number of attempts
3 have been undertaken to repair or correct a nonconformity if:

4 (1) the same nonconformity has been subject to repair
5 three times by the manufacturer, its agents or authorized
6 dealers and the nonconformity still exists; or

7 (2) the vehicle is out-of-service by reason of any
8 nonconformity for a cumulative total of 30 or more calendar
9 days.

10 Section 7. Itemized statement required.

11 The manufacturer or dealer shall provide to the purchaser
12 each time the purchaser's vehicle is returned from being
13 serviced or repaired a fully itemized statement indicating all
14 work performed on said vehicle including, but not limited to,
15 parts and labor. It shall be the duty of a dealer to notify the
16 manufacturer of the existence of a nonconformity within seven
17 days of the delivery by a purchaser of a vehicle subject to a
18 nonconformity WHEN IT IS DELIVERED TO THE SAME DEALER FOR THE
19 SECOND TIME FOR REPAIR OF THE SAME NONCONFORMITY. The
20 notification shall be by certified mail, return receipt
21 requested.

22 Section 8. Civil cause of action.

23 Any purchaser of a new motor vehicle who suffers any loss due
24 to nonconformity of such vehicle as a result of the
25 manufacturer's failure to comply with this act may bring a civil
26 action in a court of common pleas and, in addition to other
27 relief, shall be entitled to recover reasonable attorneys' fees
28 and all court costs.

29 Section 9. Informal dispute settlement procedure.

30 If the manufacturer has established an informal dispute

1 settlement procedure which complies with the provisions of 16
2 CFR Pt. 703, as from time to time amended, the provisions of
3 section 8 (relating to civil cause of action) shall not apply to
4 any purchaser who has not first resorted to such procedure as it
5 relates to a remedy for defects or conditions affecting the
6 substantial use, value or safety of the vehicle. The informal
7 dispute settlement procedure shall not be binding on the
8 purchaser and, in lieu of such settlement, the purchaser may
9 pursue a remedy under section 8.

10 SECTION 10. RESALE OF RETURNED MOTOR VEHICLE. <—

11 (A) VEHICLES MAY NOT BE RESOLD.--IF A MOTOR VEHICLE HAS BEEN
12 RETURNED UNDER THE PROVISIONS OF THIS ACT OR A SIMILAR STATUTE
13 OF ANOTHER STATE, IT MAY NOT BE RESOLD IN THIS STATE UNLESS:

14 (1) THE MANUFACTURER PROVIDES THE SAME EXPRESS WARRANTY
15 IT PROVIDED TO THE ORIGINAL PURCHASER, EXCEPT THAT THE TERM
16 OF THE WARRANTY NEED ONLY LAST FOR 12,000 MILES OR 12 MONTHS
17 AFTER THE DATE OF RESALE, WHICHEVER IS EARLIER.

18 (2) THE MANUFACTURER PROVIDES THE CONSUMER WITH A
19 WRITTEN STATEMENT ON A SEPARATE PIECE OF PAPER, IN TEN POINT
20 ALL CAPITAL TYPE, IN SUBSTANTIALLY THE FOLLOWING FORM:

21 "IMPORTANT: THIS VEHICLE WAS RETURNED TO THE
22 MANUFACTURER BECAUSE IT DID NOT CONFORM TO THE
23 MANUFACTURER'S EXPRESS WARRANTY AND THE NONCONFORMITY WAS
24 NOT CURED WITHIN A REASONABLE TIME AS PROVIDED BY
25 PENNSYLVANIA LAW."

26 THE PROVISIONS OF THIS SECTION APPLY TO THE RESOLD MOTOR VEHICLE
27 FOR THE FULL TERM OF THE WARRANTY REQUIRED UNDER THIS
28 SUBSECTION.

29 (B) RETURNED VEHICLES NOT TO BE RESOLD.--NOTWITHSTANDING THE
30 PROVISIONS OF SUBSECTION (A), IF A NEW MOTOR VEHICLE HAS BEEN

1 RETURNED UNDER THE PROVISIONS OF THIS ACT OR A SIMILAR STATUTE
2 OF ANOTHER STATE BECAUSE OF A NONCONFORMITY RESULTING IN A
3 COMPLETE FAILURE OF THE BRAKING OR STEERING SYSTEM OF THE MOTOR
4 VEHICLE LIKELY TO CAUSE DEATH OR SERIOUS BODILY INJURY IF THE
5 VEHICLE WAS DRIVEN, THE MOTOR VEHICLE MAY NOT BE RESOLD IN THIS
6 COMMONWEALTH.

7 Section ~~10~~ 11. Application of unfair trade act. <—

8 A violation of this act shall also be a violation of the act
9 of December 17, 1968 (P.L.1224, No.387), known as the Unfair
10 Trade Practices and Consumer Protection Law.

11 Section ~~11~~ 12. Rights preserved. <—

12 Nothing in this act shall limit the purchaser from pursuing
13 any other rights or remedies under any other law, contract or
14 warranty.

15 Section ~~12~~ 13. Nonwaiver of act. <—

16 The provisions of this act shall not be waived.

17 Section ~~13~~ 14. Effective date. <—

18 This act shall take effect in 60 days and shall apply to new
19 motor vehicles purchased after the effective date of this act.