

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 1228** Session of
2011

INTRODUCED BY GREENLEAF, M. WHITE, WAUGH AND TARTAGLIONE,
AUGUST 30, 2011

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, AS AMENDED, OCTOBER 25, 2011

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 presumption of a reasonable number of attempts.

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

7 Section 1. Section 6 of the act of March 28, 1984 (P.L.150,
8 No.28), known as the Automobile Lemon Law, is amended to read:

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

10 (a) General rule.--It shall be presumed that a reasonable
11 number of attempts have been undertaken to repair or correct a
12 nonconformity if:

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

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

1 (b) Time-period extension.--

2 (1) The minimum number of calendar days provided for in
3 subsection (a) (2) shall be extended by a period of not more
4 than 30 additional calendar days if the repair cannot be
5 completed by the manufacturer, its agent or authorized dealer
6 by reason of war, act of terrorism, civil unrest, fire, flood
7 or natural disaster.

8 (2) The minimum number of calendar days provided for in
9 paragraph (1) may be extended for not more than 90 additional
10 calendar days if the manufacturer, ~~its agent or authorized~~ ←
11 dealer files a sworn affidavit with the Office of Attorney
12 General stating that repair could not be completed because of
13 one or more of the reasons described in paragraph (1).

14 (3) Paragraphs (1) and (2) shall apply only if the
15 manufacturer, its agent or authorized dealer lends a motor
16 vehicle to the owner at no charge during the period of time
17 under paragraphs (1) and (2), respectively, that the owner's
18 vehicle is with the manufacturer, its agent or authorized
19 dealer for repair.

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