
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 26 Session of
2019

INTRODUCED BY SNYDER, SCHLOSSBERG, PETRARCA, EVERETT, BERNSTINE,
STURLA, READSHAW, BARRAR, FREEMAN, MURT, McNEILL, IRVIN,
MACKENZIE, CIRESI, OTTEN, ZIMMERMAN, HILL-EVANS, MULLERY,
CALTAGIRONE, McCLINTON, GILLEN, MATZIE, DEASY, KORTZ, DAY,
MOUL, HERSHEY, GREINER, LONGIETTI, BRIGGS, STAATS, MULLINS,
BIZZARRO, FRANKEL AND CRUZ, JANUARY 28, 2019

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, IN SENATE, AS AMENDED, OCTOBER 6, 2020

AN ACT

1 Amending the act of March 28, 1984 (P.L.150, No.28), entitled
2 "An act relating to the rights of purchasers and lessees of
3 defective new motor vehicles," further providing for
4 definitions, FOR REPAIR OBLIGATIONS, for manufacturer's duty <--
5 for refund or replacement and for presumption of a reasonable
6 number of attempts.

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

9 Section 1. The definition of "new motor vehicle" in section
10 2 of the act of March 28, 1984 (P.L.150, No.28), known as the
11 Automobile Lemon Law, is amended and the section is amended by
12 adding ~~a definition~~ DEFINITIONS to read: <--

13 Section 2. Definitions.

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

17 * * *

1 "DUAL SPORT MOTORCYCLE." A MOTORCYCLE THAT IS DESIGNED TO BE <--
2 RIDDEN ON AND OFF ROAD THAT MAY OR MAY NOT BE REGISTERED WITH
3 THE DEPARTMENT.

4 * * *

5 "Motorcycle." As defined in 75 Pa.C.S. § 102 (relating to
6 definitions).

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

19 * * *

20 ~~Section 2. Section 5 of the act is amended to read:~~ <--

21 SECTION 2. SECTIONS 4(A) AND 5 OF THE ACT ARE AMENDED TO <--

22 READ:

23 SECTION 4. REPAIR OBLIGATIONS.

24 (A) REPAIRS REQUIRED.--THE MANUFACTURER OF A NEW MOTOR
25 VEHICLE SOLD OR LEASED AND REGISTERED IN THE COMMONWEALTH SHALL
26 REPAIR OR CORRECT, AT NO COST TO THE PURCHASER, A NONCONFORMITY
27 WHICH SUBSTANTIALLY IMPAIRS THE USE, VALUE OR SAFETY OF SAID
28 MOTOR VEHICLE WHICH:

29 (1) IN THE CASE OF A MOTORCYCLE, MAY OCCUR WITHIN A
30 PERIOD OF ONE YEAR FOLLOWING THE ACTUAL DELIVERY OF THE

1 MOTORCYCLE TO THE PURCHASER OR DURING THE TERM OF THE
2 WARRANTY, WHICHEVER MAY OCCUR FIRST; OR

3 (2) IN THE CASE OF ANY OTHER NEW MOTOR VEHICLE, MAY
4 OCCUR WITHIN A PERIOD OF ONE YEAR FOLLOWING THE ACTUAL
5 DELIVERY OF THE VEHICLE TO THE PURCHASER, WITHIN THE FIRST
6 12,000 MILES OF USE OR DURING THE TERM OF THE WARRANTY,
7 WHICHEVER MAY FIRST OCCUR.

8 * * *

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

10 If the manufacturer fails to repair or correct a
11 nonconformity after a reasonable number of attempts, the
12 manufacturer shall, at the option of the purchaser, replace the
13 motor vehicle with a comparable motor vehicle of equal value or
14 accept return of the vehicle from the purchaser and refund to
15 the purchaser the full purchase price or lease price, including
16 all collateral charges, less a reasonable allowance for the
17 purchaser's use of the vehicle not exceeding 10¢ per mile driven
18 or 10% of the purchase price or lease price of the vehicle,
19 whichever is less. Refunds shall be made to the purchaser and
20 lienholder, if any, as their interests may appear. A reasonable
21 allowance for use shall be that amount directly attributable to
22 use by the purchaser prior to his first report of the
23 nonconformity to the manufacturer. In the event the consumer
24 elects a refund, payment shall be made within 30 days of such
25 election. A consumer shall not be entitled to a refund or
26 replacement if the nonconformity does not substantially impair
27 the use, value or safety of the vehicle or the nonconformity is
28 the result of abuse, neglect or modification or alteration of
29 the motor vehicle by the purchaser. For purposes of this
30 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 3. 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 3. SECTION 6(A) AND (B) OF THE ACT ARE AMENDED BY <--
8 ADDING PARAGRAPHS AND THE SECTION IS AMENDED BY ADDING A
9 SUBSECTION TO READ:

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

11 * * * <--

12 (A) GENERAL RULE.--IT SHALL BE PRESUMED THAT A REASONABLE <--
13 NUMBER OF ATTEMPTS HAVE BEEN UNDERTAKEN TO REPAIR OR CORRECT A
14 NONCONFORMITY IF:

15 * * *

16 (3) FOR A MOTORCYCLE, MANUFACTURER-SOURCED PARTS HAVE
17 BEEN USED IN THE ATTEMPTS TO REPAIR THE NONCONFORMITY.

18 (b) Time period extension.--

19 * * *

20 (4) The minimum number of calendar days provided under
21 subsection (a)(2) shall not apply to the period during which
22 a motorcycle is being stored at a manufacturer's authorized
23 service and repair facility, either as a courtesy to the
24 purchaser or for compensation, even if repairs to correct a
25 nonconformity are made during the storage period. This
26 paragraph shall apply if the purchaser waives the minimum
27 calendar day period in writing or enters into a contract for
28 storage of the motorcycle. A waiver under this paragraph
29 shall contain the signature of the purchaser and a
30 representative of the manufacturer's authorized service and

1 repair facility.

2 (c) Applicability.--Subsections (a) and (b) shall only apply
3 to a motorcycle if all attempts to correct a nonconformity are
4 made by the same manufacturer's authorized service and repair
5 facility or if the purchaser provides a complete set of repair
6 records, related to the nonconformity, to a manufacturer's
7 authorized service and repair facility that has not previously
8 attempted to repair the nonconformity. THE MANUFACTURER'S <--
9 AUTHORIZED SERVICE AND REPAIR FACILITY THAT PERFORMED THE
10 REPAIRS SHALL PROVIDE AN AFFIDAVIT THAT THE NONCONFORMITY HAS
11 BEEN SUBJECT TO REPAIR THREE TIMES.

12 Section 4. This act shall take effect in 60 days.