

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 69 Session of 2021

INTRODUCED BY SNYDER, ROAE, IRVIN, LONGIETTI, FREEMAN, KAUFFMAN, STAATS, WARNER, KENYATTA, KEEFER, McNEILL, DeLUCA, GALLOWAY, CIRESI, HILL-EVANS, PISCIOTTANO, ZIMMERMAN AND SANKEY, JANUARY 11, 2021

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JANUARY 11, 2021

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 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 * * *

18 "Dual sport motorcycle." A motorcycle that is designed to be
 19 ridden on and off road that may or may not be registered with

1 the department.

2 * * *

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

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

17 * * *

18 Section 2. Sections 4(a) and 5 of the act are amended to
19 read:

20 Section 4. Repair obligations.

21 (a) Repairs required.--The manufacturer of a new motor
22 vehicle sold or leased and registered in the Commonwealth shall
23 repair or correct, at no cost to the purchaser, a nonconformity
24 which substantially impairs the use, value or safety of said
25 motor vehicle which:

26 (1) in the case of a motorcycle, may occur within a
27 period of one year following the actual delivery of the
28 motorcycle to the purchaser or during the term of the
29 warranty, whichever may first occur; or

30 (2) in the case of any other new motor vehicle, may

1 occur within a period of one year following the actual
2 delivery of the vehicle to the purchaser, within the first
3 12,000 miles of use or during the term of the warranty,
4 whichever may first occur.

5 * * *

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

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

1 Section 3. Section 6(a) of the act is amended, subsection
2 (b) is amended by adding a paragraph and the section is amended
3 by adding a subsection to read:

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

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

8 (1) the same nonconformity has been subject to repair
9 three times by the manufacturer, its agents or authorized
10 dealers and the nonconformity still exists; [or]

11 (2) the vehicle is out-of-service by reason of any
12 nonconformity for a cumulative total of 30 or more calendar
13 days[.]; or

14 (3) for a motorcycle, manufacturer-sourced parts have
15 been used in the attempts to repair the nonconformity.

16 (b) Time period extension.--

17 * * *

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

30 (c) Applicability.--Subsections (a) and (b) shall only apply

1 to a motorcycle if all attempts to correct a nonconformity are
2 made by the same manufacturer's authorized service and repair
3 facility or if the purchaser provides a complete set of repair
4 records, related to the nonconformity, to a manufacturer's
5 authorized service and repair facility that has not previously
6 attempted to repair the nonconformity. The manufacturer's
7 authorized service and repair facility that performed the
8 repairs shall provide an affidavit that the nonconformity has
9 been subject to repair three times.

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