

2013 -- H 6261

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES-CONSUMER ENFORCEMENT OF  
MOTOR VEHICLE WARRANTIES

Introduced By: Representative Michael J. Marcello

Date Introduced: June 20, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-5.2-1 of the General Laws in Chapter 31-5.2 entitled "Consumer  
2 Enforcement of Motor Vehicle Warranties" is hereby amended to read as follows:

3 **31-5.2-1. Definitions.** -- The following words and phrases, for the purposes of this  
4 chapter, have the following meanings:

5 (1) "Consumer" means a buyer, other than for purposes of resale, of a motor vehicle, any  
6 person to whom that motor vehicle is transferred for the same purposes during the duration of any  
7 express or implied warranty applicable to that motor vehicle, and any other person entitled by the  
8 terms of that warranty to enforce its obligations.

9 (2) "Dealer" means any person engaged in the business of selling, offering to sell,  
10 soliciting, or advertising the sale of new motor vehicles.

11 (3) "Lease price" means the aggregate of:

12 (i) Lessor's actual purchase costs.

13 (ii) Collateral charges, if applicable.

14 (iii) Any fee paid to another to obtain the lease.

15 (iv) Any insurance or other costs expended by the lessor for the benefit of the lessee.

16 (v) An amount equal to state and local sales taxes not otherwise included as collateral  
17 charges, paid by the lessor when the vehicle was initially purchased.

18 (vi) An amount equal to five percent (5%) of the lessor's actual purchase costs.

1 (4) "Lessee" means any consumer who leases a motor vehicle for one year or more  
2 pursuant to a written lease agreement which provides that the lessee is responsible for repairs to  
3 such motor vehicle or any consumer who leases a motor vehicle pursuant to a lease-purchase  
4 agreement.

5 (5) "Lessee cost" means the aggregate deposit and rental payments previously paid to the  
6 lessor for the leased vehicle.

7 (6) "Lessor" means a person who holds title to a motor vehicle leased to a lessee under a  
8 written lease agreement or who holds the lessor's rights under such agreement.

9 (7) "Manufacturer" means any person, partnership, firm, association, corporation, or  
10 trust, resident or nonresident, which is engaged in the business of manufacturing or assembling  
11 new motor vehicles, or which is engaged in the business of importing new motor vehicles which  
12 are manufactured or assembled outside of the United States.

13 (8) "Motor vehicle" or "vehicle" means: (i) an automobile, truck, motorcycle, ~~or~~ van or  
14 all-terrain vehicle (ATV) having a registered gross vehicle weight of less than ten thousand  
15 pounds (10,000 lbs.), sold, leased, or replaced by a dealer or manufacturer, except that it shall not  
16 include a motorized camper as defined in section 31-1-3; or (ii) a municipality, municipal agency  
17 or fire district owned or leased fire department motorized apparatus which has not been  
18 significantly altered in such a manner to cause a breach of the manufacturer's warranty.

19 (9) "Nonconformity" means any specific or generic defect or malfunction, or any  
20 concurrent combination of such defects or malfunctions, that substantially impairs the use, market  
21 value, or safety of a motor vehicle.

22 (10) "Term of protection" means one year or fifteen thousand (15,000) miles of use from  
23 the date of original delivery of a new motor vehicle to the consumer, whichever comes first; or, in  
24 the case of a replacement vehicle provided by a manufacturer to a consumer under this chapter,  
25 one year or fifteen thousand (15,000) miles from the date of delivery to the consumer of that  
26 replacement vehicle, whichever comes first.

27 (11) "Motor vehicle arbitration board" means the board to be established by the  
28 department of attorney general as set forth in section 31-5.2-7.1, which board shall replace the  
29 consumers' council automobile dispute settlement panel.

30 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1 This act would add all-terrain vehicles (ATV's) to the new vehicle lemon law.
- 2 This act would take effect upon passage.

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