

No. 2000-8

AN ACT

HB 950

Requiring disclosure of new motor vehicle damage; and providing for enforcement.

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

Section 1. Short title.

This act shall be known and may be cited as the New Motor Vehicle Damage Disclosure Act.

Section 2. Definitions.

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

“Damage.” Any physical harm sustained or incurred by a new motor vehicle, whether repaired or replaced.

“Motor vehicle.” Any self-propelled, motorized conveyance designed to transport not more than 15 persons.

“New motor vehicle.” A motor vehicle, regardless of mileage, which has never been registered or titled to an ultimate purchaser in this Commonwealth or any other state or jurisdiction or which has not been sold or bargained to or exchanged with an ultimate purchaser or which has not been given away. A transfer between dealers for the purpose of resale shall not be considered as a transfer to an ultimate purchaser.

Section 3. New motor vehicle damage disclosure.

(a) Notice to purchaser.—A motor vehicle dealer shall notify the purchaser of a new motor vehicle in writing at the time of sale of any damage or damage repairs incurred by the new motor vehicle, regardless of whether the damaged portion was repaired or replaced to its predamaged condition, which exceeds the greater of \$500 or 3% of the manufacturer’s suggested retail price. Damage exceeding the disclosure amount shall be disclosed by the dealer when:

(1) the manufacturer or its agent, in accordance with the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, discloses that, at any time after the manufacturing process is complete, damage occurred or damage repairs were made;

(2) the dealer knows or should know based on facts indicating that other damage or damage repair exists in addition to the damage or repairs required to be disclosed under paragraph (1); or

(3) the combined total of damage or damage repairs made under paragraphs (1) and (2) exceeds the amount specified in this section.

The dealer shall not misrepresent or mislead a purchaser if the purchaser inquires about the existence of damage or damage repairs made.

(b) Damage repair cost calculation.—In determining whether damage disclosure is required, repair costs shall be calculated at the new motor vehicle dealer’s retail charge on the date the repairs were made for:

(1) Parts.

(2) Labor multiplied by the time taken to make the repairs as established by a time allowance based on the standard retail repair practices regularly employed by that dealer.

All parts shall be replaced only with new, original equipment manufacturer parts. Replacement of any permanently sealed glass window shall be disclosed to the purchaser regardless of the cost of the replacement window. The value of any permanently sealed glass window replacement shall not be included in the calculation process to determine whether damage disclosure is required under this act. The value of any portion of a motor home designed, used or maintained primarily for human habitation shall not be included in the calculation process to determine whether damage disclosure is required under this act.

(c) Form for damage disclosure notice.—If damage disclosure to the purchaser is required under this act, the purchaser prior to the time of sale shall be provided with a fully completed copy of a damage disclosure form which shows the date of the disclosure and the name and address of the seller, indicates whether any manufacturer’s warranty applicable to the vehicle is affected by the damage or damage repairs and whether the damage or damage repairs are covered by any manufacturer’s warranty and contains in immediate proximity to the space provided for the signature of the purchaser, in boldface type of a minimum size of ten points, a statement in substantially the following form:

New Vehicle Damage Disclosure Notice

In accordance with the Commonwealth of Pennsylvania’s New Motor Vehicle Damage Disclosure Act and in connection with the purchase from _____ (Dealer) of the motor vehicle described as follows:

Year _____ Make _____ Type _____
Serial No. _____ Stock No. _____

I/we the undersigned, hereby acknowledge that Dealer has disclosed to me/us before I/we agreed to purchase the above listed motor vehicle that the motor vehicle has been subject to postmanufacturing damage as follows:

Damage Description: _____

The above disclosed damage or repaired damage is:

covered not covered (check one)

by the manufacturer's warranty.

The above disclosed damage or repaired damage has (check one):

no effect on the manufacturer's warranty

the following effect on the manufacturer's warranty

(specify) _____

I/we further acknowledge that the listed damage has been repaired to my/our satisfaction.

Date: _____

Signature of Purchaser

Signature of Co-Purchaser

Printed Name

Printed Name

Signature of Dealer Representative

Section 4. No rescission of sale.

If disclosure is not required under this act, a purchaser may not revoke or rescind a sales contract and is not entitled to other damages or relief under section 8 due solely to the fact that the new motor vehicle was damaged and repaired prior to the sale.

Section 5. Other statutory rights reserved.

Nothing in this act shall diminish any other rights or remedies which the purchaser has under the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, as amended, reenacted or superseded. If damage is not required to be disclosed under this act, nothing in this act shall diminish any rights or remedies which the purchaser has for that damage under 13 Pa.C.S. (relating to commercial code).

Section 6. Board of Vehicles Act inapplicable.

Section 10(b) of the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, shall not apply and is superseded by this act.

Section 7. Exemptions.

The provisions of this act shall not apply to manufacturers, distributors or dealers of manufactured housing or the following:

(1) Manufacturers, distributors or dealers of motorcycles.

(2) A new motor vehicle, the current ownership document for which is a certificate of salvage issued under 75 Pa.C.S. (relating to vehicles) or similar document issued by another state or jurisdiction, if the purchaser is furnished with a copy of the certificate of salvage or similar document or is otherwise notified of the salvage or reconstructed nature of the motor vehicle pursuant to statute or regulation.

Section 8. Application of Consumer Protection Law.

A violation of this act shall constitute a violation under the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, and shall be subject to the enforcement provisions and private rights of action contained in that act.

Section 9. Effective date.

This act shall take effect in 60 days.

APPROVED—The 28th day of March, A.D. 2000.

THOMAS J. RIDGE