
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 360 Session of
2023

INTRODUCED BY PISCIOTTANO, MADDEN, D. WILLIAMS, T. DAVIS,
FREEMAN, SANCHEZ, HILL-EVANS, GUENST, KHAN, GALLOWAY,
SCHWEYER, JAMES, DELLOSO, WARNER, DEASY, CIRESI AND KEEFER,
MARCH 14, 2023

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND
UTILITIES, MARCH 14, 2023

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

1 ridden on and off road that may or may not be registered with
2 the department.

3 * * *

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

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

18 * * *

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

21 Section 4. Repair obligations.

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

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

1 (2) in the case of any other new motor vehicle, may
2 occur within a period of one year following the actual
3 delivery of the vehicle to the purchaser, within the first
4 12,000 miles of use or during the term of the warranty,
5 whichever may first occur.

6 * * *

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

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

1 delivery of the motorcycle to the purchaser.

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

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

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

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

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

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

17 (b) Time period extension.--

18 * * *

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

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

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