

1 **NEW MOTOR VEHICLE WARRANTIES ACT AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Karen Mayne**

5 House Sponsor: Derek E. Brown

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the New Motor Vehicles Warranties Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ provides for mediation concerning a nonconformity in a new recreational vehicle
- 13 trailer, as defined, if the nonconformity persists after the manufacturer has made at
- 14 least four attempts to correct the nonconformity;
- 15 ▶ provides for the location of mediation; and
- 16 ▶ requires the manufacturer to pay mediation costs.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **13-20-2**, as last amended by Laws of Utah 2008, Chapter 175

24 ENACTS:

25 **13-20-8**, Utah Code Annotated 1953

27 *Be it enacted by the Legislature of the state of Utah:*

28 Section 1. Section **13-20-2** is amended to read:

29 **13-20-2. Definitions.**

30 As used in this chapter:

31 (1) "Consumer" means an individual who enters into an agreement or contract for the
32 transfer, lease, purchase of a new motor vehicle other than for purposes of resale, or sublease
33 during the duration of the period defined under Section 13-20-5.

34 (2) "Manufacturer" means manufacturer, importer, distributor, or anyone who is named
35 as the warrantor on an express written warranty on a motor vehicle.

36 (3) "Motor home" means a self-propelled vehicular unit, primarily designed as a
37 temporary dwelling for travel, recreational, and vacation use.

38 (4) (a) "Motor vehicle" includes:

39 (i) a motor home, as defined in this section, but only the self-propelled vehicle and
40 chassis sold in this state;

41 (ii) a motor vehicle, as defined in Section 41-1a-102, sold in this state; and

42 (iii) a motorcycle, as defined in Section 41-1a-102, sold in this state if the motorcycle
43 is designed primarily for use and operation on paved highways.

44 (b) "Motor vehicle" does not include:

45 (i) those portions of a motor home designated, used, or maintained primarily as a
46 mobile dwelling, office, or commercial space;

47 (ii) a road tractor or truck tractor as defined in Section 41-1a-102;

48 (iii) a mobile home as defined in Section 41-1a-102;

49 (iv) any motor vehicle with a gross laden weight of over 12,000 pounds, except:

50 (A) a motor home as defined under Subsection (3); and

51 (B) a farm tractor as defined in Section 41-1a-102;

52 (v) a motorcycle, as defined in Section 41-1a-102, if the motorcycle is designed
53 primarily for use or operation over unimproved terrain;

54 (vi) an electric assisted bicycle as defined in Section 41-6a-102;

55 (vii) a moped as defined in Section 41-6a-102;

56 (viii) a motor assisted scooter as defined in Section 41-6a-102; or

57 (ix) a motor-driven cycle as defined in Section 41-6a-102.

- 58 (5) "Nonconformity":
- 59 (a) means a defect in or condition of a recreational vehicle trailer that substantially
- 60 impairs its use, value, or safety; and
- 61 (b) does not include a defect or condition that occurs as a result of:
- 62 (i) the use of the recreational vehicle trailer for business or commercial purposes; or
- 63 (ii) abuse, neglect, modification, or alteration of the recreational vehicle trailer by a
- 64 person other than the manufacturer or the manufacturer's authorized service agent.
- 65 (6) "Recreational vehicle trailer" means a travel trailer, camping trailer, or fifth wheel
- 66 trailer.

67 Section 2. Section **13-20-8** is enacted to read:

68 **13-20-8. Mediation concerning nonconformity in recreational vehicle trailer.**

69 (1) An owner who purchases a new recreational vehicle trailer and the manufacturer of

70 the recreational vehicle trailer shall engage in mediation concerning resolution of a

71 nonconformity in the recreational vehicle trailer, as provided in this section, if:

- 72 (a) the owner notifies the manufacturer in writing of the nonconformity;
- 73 (b) the nonconformity is manifest in the structural or functional integrity of the roof,
- 74 subfloor, or wall of the recreational vehicle trailer;
- 75 (c) following notification under Subsection (1)(a), the manufacturer makes at least four
- 76 attempts to correct the nonconformity, but the nonconformity persists; and
- 77 (d) following at least four attempts by the manufacturer to correct the nonconformity,
- 78 the owner submits to the manufacturer a written request for mediation.

79 (2) Mediation under this section shall:

- 80 (a) take place in the county in which the owner purchased the recreational vehicle
- 81 trailer; and
- 82 (b) be conducted by the Consumer Arbitration Program for Recreation Vehicles.
- 83 (3) The manufacturer of the recreational vehicle trailer shall pay the cost of mediation.
- 84 (4) The failure of mediation to resolve an owner's concerns about an alleged
- 85 nonconformity in the owner's recreational vehicle trailer does not impair or affect any right or

86 remedy the owner otherwise has under the law.