

No. 2012-33

AN ACT

SB 1228

Amending the act of March 28, 1984 (P.L.150, No.28), entitled, as amended, "An act relating to the rights of purchasers and lessees of defective new motor vehicles," further providing for presumption of a reasonable number of attempts.

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

Section 1. Section 6 of the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, is amended to read:

Section 6. Presumption of a reasonable number of attempts.

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

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

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

(b) Time period extension.—

(1) The minimum number of calendar days provided for in subsection (a)(2) shall be extended by a period of not more than 30 additional calendar days if the repair cannot be completed by the manufacturer, its agent or authorized dealer by reason of war, act of terrorism, civil unrest, fire, flood or natural disaster.

(2) The minimum number of calendar days provided for in paragraph (1) may be extended for not more than 90 additional calendar days if the manufacturer files a sworn affidavit with the Office of Attorney General stating that repair could not be completed because of one or more of the reasons described in paragraph (1).

(3) Paragraphs (1) and (2) shall apply only if the manufacturer, its agent or authorized dealer lends a motor vehicle to the owner at no charge during the period of time under paragraphs (1) and (2), respectively, that the owner's vehicle is with the manufacturer, its agent or authorized dealer for repair.

Section 2. This act shall take effect in 60 days.

APPROVED—The 12th day of April, A.D. 2012

TOM CORBETT