

Chapter 20

New Motor Vehicle Warranties Act

13-20-1 Short title.

This chapter is known as the "New Motor Vehicles Warranties Act."

Enacted by Chapter 168, 1985 General Session

13-20-2 Definitions.

As used in this chapter:

- (1) "Consumer" means an individual who enters into an agreement or contract for the transfer, lease, purchase of a new motor vehicle other than for purposes of resale, or sublease during the duration of the period defined under Section 13-20-5.
- (2) "Manufacturer" means manufacturer, importer, distributor, or anyone who is named as the warrantor on an express written warranty on a motor vehicle.
- (3) "Motor home" means a self-propelled vehicular unit, primarily designed as a temporary dwelling for travel, recreational, and vacation use.
- (4)
 - (a) "Motor vehicle" includes:
 - (i) a motor home, as defined in this section, but only the self-propelled vehicle and chassis sold in this state;
 - (ii) a motor vehicle, as defined in Section 41-1a-102, sold in this state; and
 - (iii) a motorcycle, as defined in Section 41-1a-102, sold in this state if the motorcycle is designed primarily for use and operation on paved highways.
 - (b) "Motor vehicle" does not include:
 - (i) those portions of a motor home designated, used, or maintained primarily as a mobile dwelling, office, or commercial space;
 - (ii) a road tractor or truck tractor as defined in Section 41-1a-102;
 - (iii) a mobile home as defined in Section 41-1a-102;
 - (iv) any motor vehicle with a gross laden weight of over 12,000 pounds, except:
 - (A) a motor home as defined under Subsection (3); and
 - (B) a farm tractor as defined in Section 41-1a-102;
 - (v) a motorcycle, as defined in Section 41-1a-102, if the motorcycle is designed primarily for use or operation over unimproved terrain;
 - (vi) an electric assisted bicycle as defined in Section 41-6a-102;
 - (vii) a moped as defined in Section 41-6a-102;
 - (viii) a motor assisted scooter as defined in Section 41-6a-102; or
 - (ix) a motor-driven cycle as defined in Section 41-6a-102.
- (5) "Recreational vehicle trailer" means a travel trailer, camping trailer, or fifth wheel trailer.

Amended by Chapter 124, 2013 General Session

13-20-3 Nonconforming motor vehicles -- Repairs.

If a new motor vehicle does not conform to all applicable express warranties, and the consumer reports the nonconformity to the manufacturer, its agent, or its authorized dealer during the term of the express warranties or during the one-year period following the date of original delivery of the motor vehicle to a consumer, whichever is earlier, the manufacturer, its agent, or its authorized

dealer shall make repairs necessary to conform the vehicle to the express warranties, whether or not these repairs are made after the expiration of the warranty term or the one-year period.

Enacted by Chapter 168, 1985 General Session

13-20-4 Nonconforming motor vehicles -- Replacement -- Refund -- Criteria -- Defenses.

- (1) If the manufacturer, its agent, or its authorized dealer is unable to conform the motor vehicle to any applicable express warranty by repairing or correcting any defect or condition that substantially impairs the use, market value, or safety of the motor vehicle after a reasonable number of attempts, the manufacturer shall replace the motor vehicle with a comparable new motor vehicle or accept return of the vehicle from the consumer and refund to the consumer the full purchase price including all collateral charges, less a reasonable allowance for the consumer's use of the vehicle. Refunds shall be made to the consumer, and any lienholders or lessors as their interests may appear.
- (2) A reasonable allowance for use is that amount directly attributable to use by the consumer prior to his first report of the nonconformity to the manufacturer, its agent, or its authorized dealer, and during any subsequent period when the vehicle is not out of service because of repair.
- (3) Upon receipt of any refund or replacement under Subsection (1), the consumer, lienholder, or lessor shall furnish to the manufacturer clear title to and possession of the motor vehicle.
- (4) It is an affirmative defense to any claim under this chapter:
 - (a) that an alleged nonconformity does not substantially impair the consumer's use of the motor vehicle and does not substantially impair the market value or safety of the motor vehicle; or
 - (b) that an alleged nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of a motor vehicle by a consumer.

Amended by Chapter 249, 1990 General Session

13-20-5 Reasonable number of attempts to conform.

- (1) It is presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties, if:
 - (a) the same nonconformity has been subject to repair four or more times by the manufacturer, its agent, or its authorized dealer within the express warranty term or during the one-year period following the date of original delivery of the motor vehicle to a consumer, whichever is earlier, but the nonconformity continues to exist; or
 - (b) the vehicle is out of service to the consumer because of repair for a cumulative total of 30 or more business days during the warranty term or during the one-year period, whichever is earlier.
- (2) The term of an express warranty, the one-year period, and the 30-day period shall be extended by any period of time during which repair services are not available to the consumer because of a war, invasion, strike, fire, flood, or other natural disaster.

Enacted by Chapter 168, 1985 General Session

13-20-6 Enforcement -- Limited liability of dealer -- No limit on other rights or remedies.

- (1) The Division of Consumer Protection shall, or a consumer may, enforce the rights created under this chapter. An action may be commenced by a consumer only after the claim has been investigated and evaluated by the division.

- (2) This chapter may not be interpreted as imposing any liability on an authorized dealer or creating a cause of action by a consumer against a dealer under this chapter, except regarding any written express warranties made by the dealer apart from the manufacturer's own warranties.
- (3) This chapter does not limit the rights or remedies which are otherwise available to a consumer under any other law.
- (4) In an action initiated under this section by the consumer, the court may award attorneys' fees to the prevailing party.

Amended by Chapter 249, 1990 General Session

13-20-7 Use of dispute settlement procedure.

If a manufacturer has established an informal dispute settlement procedure which complies with Title 16, Code of Federal Regulations, Part 703, then Section 13-20-4 concerning refunds or replacement does not apply to any consumer who has not first resorted to this procedure.

Amended by Chapter 249, 1990 General Session

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

- (1) An owner who purchases a new recreational vehicle trailer and the manufacturer of the recreational vehicle trailer shall engage in mediation concerning resolution of a nonconformity in the recreational vehicle trailer, as provided in this section, if:
 - (a) the owner notifies the manufacturer in writing of the nonconformity;
 - (b) the nonconformity is manifest in the structural or functional integrity of the roof, subfloor, or wall of the recreational vehicle trailer;
 - (c) following notification under Subsection (1)(a), the manufacturer makes at least four attempts to correct the nonconformity, but the nonconformity persists;
 - (d) following at least four attempts by the manufacturer to correct the nonconformity, the owner submits to the manufacturer a written request for mediation;
 - (e) the nonconformity substantially impairs the use, value, or safety of the recreational vehicle trailer; and
 - (f) the nonconformity does not include a defect or condition that occurs as a result of:
 - (i) the use of the recreational vehicle trailer for business or commercial purposes; or
 - (ii) abuse, neglect, modification, or alteration of the recreational vehicle trailer by a person other than the manufacturer or the manufacturer's authorized service agent.
- (2) Mediation under this section shall:
 - (a) take place in the county in which the owner purchased the recreational vehicle trailer; and
 - (b) be conducted by the Consumer Arbitration Program for Recreation Vehicles.
- (3) The manufacturer of the recreational vehicle trailer shall pay the cost of mediation.
- (4) The failure of mediation to resolve an owner's concerns about an alleged nonconformity in the owner's recreational vehicle trailer does not impair or affect any right or remedy the owner otherwise has under the law.

Amended by Chapter 124, 2013 General Session