

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.