2. The motor vehicle is out of service for an aggregate of at least 30 days because of warranty nonconformities.

AN ACT to create 218.015 of the statutes, relating to repair, replacement and refund under new motor vehicle warranties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 218.015 of the statutes is created to read:

218.015 Repair, replacement and refund under new motor vehicle warranties. (1) In this section:

(a) “Collateral costs” means expenses incurred by a consumer in connection with the repair of a nonconformity, including the costs of obtaining alternative transportation.

(b) “Consumer” means any of the following:

1. The purchaser of a new motor vehicle, if the motor vehicle was purchased from a motor vehicle dealer for purposes other than resale.

2. A person to whom the motor vehicle is transferred for purposes other than resale, if the transfer occurs before the expiration of an express warranty applicable to the motor vehicle.

3. A person who may enforce the warranty.

(c) “Manufacturer” means a manufacturer as defined in s. 218.01 (1) (n) and agents of the manufacturer, including an importer, a distributor, factory branch, distributor branch and any warrantors of the manufacturer's motor vehicles, but not including a motor vehicle dealer.

(d) “Motor vehicle” means a motor vehicle as defined in s. 218.01 (1) (k), but does not include any vehicle that is not motor-driven.

(e) “Motor vehicle dealer” has the meaning given under s. 218.01 (1) (a).

(f) “Nonconformity” means a condition or defect which substantially impairs the use, value or safety of a motor vehicle, and is covered by an express warranty applicable to the motor vehicle, but does not include a condition or defect which is the result of abuse, neglect or unauthorized modification or alteration of the motor vehicle by a consumer.

(g) “Reasonable allowance for use” means an amount attributable to a consumer's use of a motor vehicle, but does not include any period after the consumer's first report to the manufacturer or any of its authorized motor vehicle dealers of a nonconformity with an express warranty applicable to the motor vehicle during which the motor vehicle is out of service due to the nonconformity.

(h) “Reasonable attempt to repair” means any of the following occurring within the term of an express warranty applicable to a new motor vehicle or within one year after first delivery of the motor vehicle to a consumer, whichever is sooner:

1. The same nonconformity with the warranty is subject to repair by the manufacturer or any of its authorized motor vehicle dealers at least 4 times and the nonconformity continues.

2. The motor vehicle is out of service for an aggregate of at least 30 days because of warranty nonconformities.
In addition to any other remedies, a consumer damaged by a violation of this section may bring an action for twice the amount of any pecuniary loss, together with costs and disbursements and reasonable attorney fees, and for equitable relief determined by the court.

SECTION 2. Initial applicability. This act applies to new motor vehicles sold in this state to consumers on or after the effective date of this act.