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## State of Misconsin 2015 - 2016 LEGISLATURE

LRB-1930/1 ARG:jld&amn

## **2015 SENATE BILL 274**

September 30, 2015 – Introduced by Senator Petrowski, cosponsored by Representative August. Referred to Committee on Transportation and Veterans Affairs.

AN ACT to repeal 218.0171 (8) (a) 1.; and to amend 218.0171 (2) (a) and 218.0171

(8) (b) 5. of the statutes; **relating to:** reporting a nonconformity under the law governing repair, replacement, and refund under a motor vehicle warranty.

#### Analysis by the Legislative Reference Bureau

Currently the law governing repair, replacement, and refund under a motor vehicle warranty, commonly referred to as the "lemon law," provides remedies for a person who purchases or receives (consumer) a motor vehicle having a condition or defect that substantially impairs the use, value, or safety of the motor vehicle and that is covered by an express warranty (nonconformity). If a consumer reports a nonconformity to the manufacturer or the manufacturer's authorized dealer on a form prescribed by the Department of Transportation (DOT) for reporting a nonconformity, and if the consumer makes the motor vehicle available for repair before the warranty expires or within one year after first delivery of the vehicle to a consumer, whichever is sooner, the consumer is entitled to have the nonconformity repaired. If certain requirements are satisfied and the nonconformity is not repaired, the manufacturer must provide the consumer with a comparable new motor vehicle or a refund. The DOT form for reporting a nonconformity must require the consumer to provide specified information.

#### **SENATE BILL 274**

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This bill eliminates the requirement that a consumer use a DOT form to report a nonconformity to a manufacturer under the lemon law.

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

**SECTION 1.** 218.0171 (2) (a) of the statutes is amended to read:

218.0171 (2) (a) If a new motor vehicle does not conform to an applicable express warranty and the consumer reports the nonconformity to the manufacturer, the motor vehicle lessor, or any of the manufacturer's authorized motor vehicle dealers on the form specified in sub. (8) (a) 1. and makes the motor vehicle available for repair before the expiration of the warranty or one year after first delivery of the motor vehicle to a consumer, whichever is sooner, the nonconformity shall be repaired.

- **SECTION 2.** 218.0171 (8) (a) 1. of the statutes is repealed.
- **Section 3.** 218.0171 (8) (b) 5. of the statutes is amended to read:
  - 218.0171 (8) (b) 5. If the form is to be used for the purpose of making an election described in par. (a) 2. or 3., a A place on the form to make the election described in par. (a) 2. or 3.

### **SECTION 4. Initial applicability.**

(1) This act first applies to reports of nonconformity made by a consumer on the effective date of this subsection.

17 (END)