

---

# Wisconsin Legislative Council

## AMENDMENT MEMO

---



**Memo published:** March 9, 2020

**Contact:** David Moore, Senior Staff Attorney

**2019 Senate Bill 573**

**Senate  
Amendments 2 and 3**

### 2019 SENATE BILL 573

2019 Senate Bill 573 creates requirements that are similar to the “lemon law” that applies to motor vehicles for implements of husbandry. Generally, an implement of husbandry is a self-propelled or towed vehicle that is manufactured, designed, or reconstructed to be used and that is exclusively used in the conduct of agricultural operations, but that is not an agricultural commercial motor vehicle or commercial motor vehicle.

Under the bill, if an implement of husbandry does not conform to an applicable express warranty and the consumer reports the nonconformity to the manufacturer, the lessor, or any of the manufacturer’s authorized dealers and makes the implement of husbandry available for repair before the expiration of the warranty or one year after first delivery of the implement of husbandry to the consumer, whichever is sooner, the manufacturer, lessor or authorized dealer shall repair the nonconformity. Nonconformity is defined to mean “a condition or defect that substantially impairs the use, value, or safety of an implement of husbandry and that is covered by an express warranty applicable to the implement of husbandry.”

If a manufacturer, lessor or authorized dealer attempts to repair a nonconformity not less than four times and the nonconformity is not repaired or if an implement of husbandry is out of service for an aggregate of not less than 30 days, the consumer is entitled to a replacement or a refund. The bill prohibits a manufacturer, lessor, or manufacturer’s authorized dealer from selling or leasing any nonconforming implement of husbandry returned to the manufacturer by a consumer unless the manufacturer, lessor, or manufacturer’s authorized dealer discloses the reasons the implement of husbandry was returned to any prospective buyer or lessee.

### SENATE AMENDMENT 2

Senate Amendment 2 makes technical changes to the bill and clarifies the definition of “out of service.” The amendment also provides that if a manufacturer fails to disclose the reason a nonconforming implement of husbandry was turned to a prospective buyer or lessee, as required under the bill, the manufacturer shall indemnify the dealer for all costs and expenses the dealer incurs as the result of the manufacturer’s failure to disclose the nonconformity and shall be directly liable to a consumer who purchases a nonconforming implement of husbandry without having received the required disclosure.

### SENATE AMENDMENT 3

Senate Amendment 3 modifies the definition of “consumer” under the bill.

## **BILL HISTORY**

Senator Petrowski offered Senate Amendment 2 on January 13, 2020 and Senate Amendment 3 on January 31, 2020. On February 4, 2020, the Senate Committee on Transportation and Veterans Affairs voted to recommend adoption of Senate Amendments 2 and 3 and passage of Senate Bill 573, as amended, all on votes of Ayes, 4; Noes, 1.

DM:ty