

1991 Senate Bill 450

Date of enactment: April 30, 1992
Date of publication*: May 13, 1992

1991 WISCONSIN ACT 298

AN ACT to amend 218.01 (9) (a) 1; and to create 218.01 (3) (a) 40 and 218.017 of the statutes, relating to: motor vehicle warranty adjustment programs.

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

SECTION 1e. 218.01 (3) (a) 40. of the statutes is created to read:

218.01 (3) (a) 40. Having violated s. 218.017.

SECTION 1m. 218.01 (9) (a) 1. of the statutes is amended to read:

218.01 (9) (a) 1. A violation by any other licensee of sub. (3) (a) 4., 11., 15., 16., 17, 22, 23, 24, 26, 26m, 32, 35, 36, 37, 38 ~~or~~ 39 or 40.

SECTION 1s. 218.017 of the statutes is created to read:

218.017 Motor vehicle adjustment programs. (1)

DEFINITIONS. In this section:

(a) "Adjustment program" means an extended policy program under which a manufacturer undertakes to pay for all or any part of the cost of repairing, or to reimburse purchasers for all or any part of the cost of repairing, any condition that may substantially affect motor vehicle durability, reliability or performance. "Adjustment program" does not include service provided under a written warranty provided to a consumer, service provided under a safety or emission-related recall program or individual adjustments made by a manufacturer on a case-by-case basis.

(b) "Consumer" has the meaning given in s. 218.015 (1) (b).

(c) "Manufacturer" has the meaning given in s. 218.015 (1) (c).

(d) "Motor vehicle" has the meaning given in s. 218.015 (1) (d).

(e) "Motor vehicle dealer" means a motor vehicle dealer, as defined in s. 218.01 (1) (n), that sells new motor vehicles.

(2) DISCLOSURE REQUIREMENTS. (a) A manufacturer shall do all of the following:

1. Establish a procedure to inform a consumer of any adjustment program applicable to the consumer's motor vehicle and, upon request, furnish the consumer with any document issued by the manufacturer relating to any adjustment program.

2. Notify, by 1st class mail, a consumer who is eligible under an adjustment program of the condition in the motor vehicle that is covered by the adjustment program and the principal terms and conditions of the adjustment program within 90 days after the date on which the adjustment program is adopted.

3. Notify its motor vehicle dealers, in writing, of all the terms and conditions of an adjustment program within 30 days after the date on which the program is adopted.

4. If a consumer is a purchaser or lessor of a new motor vehicle, notify the consumer, in writing, of the consumer's rights and remedies under this section. The notice shall include a statement in substantially the following language: "Sometimes (manufacturer's name) offers a special adjustment program to pay all or part of the cost of certain repairs beyond the terms of the warranty. Check with your motor vehicle dealer to determine whether any adjustment program is applicable to your motor vehicle."

1991 Senate Bill 450

(b) If a motor vehicle dealer has been informed of an adjustment program under par. (a) 3, the motor vehicle dealer shall disclose to a consumer seeking repairs for a condition covered by the adjustment program the terms and conditions of the adjustment program.

(3) ADJUSTMENT PROGRAM REIMBURSEMENT. (a) A manufacturer who establishes an adjustment program shall implement procedures to assure reimbursement of each consumer eligible under an adjustment program who incurs expenses for repair of a condition subject to the program before acquiring knowledge of the program. Reimbursement shall be consistent with the terms and conditions of the particular adjustment program.

(b) A consumer shall make a claim for reimbursement under par. (a) in writing to the manufacturer within 2 years after the date of the consumer's payment for

repair of the condition. The manufacturer shall notify the consumer within 21 business days, as defined in s. 421.301 (6), after receiving a claim for reimbursement if the claim will be allowed or denied. If the claim is denied, the specific reasons for the denial shall be stated in writing.

(4) REMEDIES. In addition to pursuing any other remedy, a consumer may bring an action to recover damages caused by a violation of this section. A court shall award a consumer who prevails in such an action twice the amount of any pecuniary loss, together with costs, disbursements and reasonable attorney fees, notwithstanding s. 814.04 (1), and any equitable relief the court determines appropriate.

SECTION 2. Effective date. This act takes effect on the first day of the 4th month beginning after publication.