

State of Misconsin 2015 - 2016 LEGISLATURE

LRB-3262/1 ARG:jld&amn

## **2015 ASSEMBLY BILL 355**

September 25, 2015 – Introduced by Representative AUGUST, cosponsored by Senator Petrowski. Referred to Committee on Consumer Protection.

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

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(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.

## **ASSEMBLY BILL 355**

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:

1	<b>SECTION 1.</b> 218.0171 (2) (a) of the statutes is amended to read:
2	218.0171 (2) (a) If a new motor vehicle does not conform to an applicable
3	express warranty and the consumer reports the nonconformity to the manufacturer,
4	the motor vehicle lessor, or any of the manufacturer's authorized motor vehicle
5	dealers on the form specified in sub. (8) (a) 1. and makes the motor vehicle available
6	for repair before the expiration of the warranty or one year after first delivery of the
7	motor vehicle to a consumer, whichever is sooner, the nonconformity shall be
8	repaired.
9	<b>SECTION 2.</b> 218.0171 (8) (a) 1. of the statutes is repealed.
10	SECTION 3. 218.0171 (8) (b) 5. of the statutes is amended to read:
11	218.0171 (8) (b) 5. If the form is to be used for the purpose of making an election
12	described in par. (a) 2. or 3., a A place on the form to make the election described in
13	<u>par. (a) 2. or 3</u> .
14	SECTION 4. Initial applicability.
15	(1) This act first applies to reports of nonconformity made by a consumer on the
16	effective date of this subsection.
17	(END)