
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2412 Session of
2014

INTRODUCED BY SIMS, V. BROWN, NEILSON, KINSEY, McCARTER,
YOUNGBLOOD, DONATUCCI, CLAY, MOLCHANY, ROZZI, DeLUCA, COHEN,
SWANGER, McNEILL, ROEBUCK, THOMAS, BROWNLEE, J. HARRIS,
PASHINSKI, SCHREIBER AND FREEMAN, JULY 22, 2014

REFERRED TO COMMITTEE ON COMMERCE, JULY 22, 2014

AN ACT

1 Amending the act of December 22, 1983 (P.L.306, No.84), entitled
2 "An act providing for the State Board of Vehicle
3 Manufacturers, Dealers and Salespersons; and providing
4 penalties," further providing for definitions; and providing
5 for disclosure requirements for used vehicle dealers.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 2 of the act of December 22, 1983
9 (P.L.306, No.84), known as the Board of Vehicles Act, is amended
10 by adding a definition to read:

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "Unperformed manufacturer recall defect." A used vehicle or
17 part of a used vehicle that:

18 (1) has a safety-related defect or does not meet

1 Federal motor vehicle safety standards;

2 (2) has been recalled by the used vehicle's
3 manufacturer; and

4 (3) has not been repaired or replaced as a result of the
5 recall.

6 * * *

7 Section 2. The act is amended by adding a section to read:

8 Section 10.1. Disclosure requirements for used vehicle dealers.

9 Before a dealer engages in the retail sale of a used vehicle,
10 the dealer shall:

11 (1) ascertain from the used vehicle's manufacturer
12 whether or not the used vehicle has an unperformed
13 manufacturer recall defect;

14 (2) if the used vehicle has an unperformed manufacturer
15 recall defect, provide notice in writing to a potential
16 purchaser specifying the cause of the unperformed
17 manufacturer recall defect; and

18 (3) if the used vehicle's manufacturer agrees to
19 reimburse the dealer for repairing or replacing the
20 unperformed manufacturer recall defect:

21 (i) repair or replace the unperformed manufacturer
22 recall defect; or

23 (ii) agree in writing to repair or replace the
24 unperformed manufacturer recall defect no later than 20
25 days after the retail sale of the used vehicle.

26 Section 3. This act shall take effect in 60 days.