

HOUSE No. 3810

The Commonwealth of Massachusetts

PRESENTED BY:

John W. Scibak

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to motor vehicle repair notification.

PETITION OF:

NAME:

John W. Scibak

DISTRICT/ADDRESS:

2nd Hampshire

HOUSE No. 3810

By Mr. Scibak of South Hadley, a petition (subject to Joint Rule 12) of John W. Scibak relative to motor vehicle warranties. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to motor vehicle repair notification.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 93 of the General Laws is hereby amended by adding after Chapter
2 93K the following Chapter
3 Chapter 93L
4 New Motor Vehicle Repair Notice regarding repairs and warranties.

5 Section 1. (a) Each new car dealer, licensed under Section 58 of Chapter 140, at the time
6 the sale of a new motor vehicle, is executed, shall deliver to the purchaser of such new motor
7 vehicle a written statement, printed in not less than ten-point boldface type, as follows:

8 "The Magnuson-Moss Warranty Act, 15 USC 2301 et seq. , makes it illegal for motor
9 vehicle manufacturers or dealers to void a motor vehicle warranty or deny coverage under the
10 motor vehicle warranty simply because an aftermarket or recycled part was installed or used on
11 the vehicle or simply because someone other than the dealer performed service on the vehicle. It
12 is illegal for a manufacturer or dealer to void your warranty or deny coverage under the warranty

13 simply because you used an aftermarket or recycled part. If it turns out that an aftermarket or
14 recycled part was itself defective or wasn't installed correctly and it causes damage to another
15 part that is covered under the warranty, the manufacturer or dealer has the right to deny coverage
16 for that part and charge you for any repairs. The Federal Trade Commission requires the
17 manufacturer or dealer to show that the aftermarket or recycled part caused the need for repairs
18 before denying warranty coverage. "

19 (b) For purposes of this section, an "aftermarket part" is a part that was made by a
20 company other than the vehicle manufacturer or the original equipment manufacturer and a
21 "recycled part" is a part that was made for and installed in a new vehicle by the manufacturer or
22 the original equipment manufacturer and later removed from the vehicle and made available for
23 resale or reuse.

24 (c) In addition to any other remedies that may be available, a violation of this chapter
25 shall be deemed to be an unfair method of competition and an unfair or deceptive act or practice
26 in the conduct of trade or commerce in violation of Section 2 of Chapter 93A.