

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

648V0525

SENATE BILL NO. 136

Introduced by: Senators Novstrup (Al), Begalka, Jensen, and Lederman and Representatives Latterell, Craig, Haggar (Jenna), Olson (Betty), Stalzer, and Stevens

1 FOR AN ACT ENTITLED, An Act to ensure available replacement parts and services for
2 consumers of manufactured goods.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 37-24-1 be amended by adding thereto NEW SUBDIVISIONS to read as
5 follows:

6 "Electronic goods," any device or piece of equipment that includes or relies upon embedded
7 software;

8 "Appliance" or "major home appliance," any equipment or apparatus that includes or relies
9 upon embedded software, used in a home, commercial, industrial, agricultural, or business
10 setting;

11 "Farm equipment," includes tractors, combines, self-propelled sprayers, semi-tractors, and
12 any other equipment primarily used for farming purposes and containing embedded software;

13 Section 2. That chapter 37-24 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 Every manufacturer making an express warranty with respect to electronics or appliances



1 as described in section 1 of this Act with a wholesale price of one hundred dollars or more, shall
2 make available to independent service and repair facilities and consumers sufficient service
3 literature and functional parts to effect the repair of a product or device for at least seven years
4 after the date of manufacture, regardless if the seven years exceeds the warranty period for the
5 product or device.

6 Section 3. Each manufacturer shall make clear to any consumer any post-purchase
7 obligations regarding any related licenses, license maintenance, or service agreements, or
8 limitations on equipment resale, repair, reconfiguration, or reuse for any purpose. If a
9 manufacturer fails to disclose any post-purchase obligation, the consumer is entitled to return
10 the product or device, as described in section 1 of this Act, for a full refund up to the end of the
11 initial warranty period, or one year, whichever is longer. Any license agreement shall be clearly
12 set forth in a separate agreement provided to the consumer upon purchase.