

HOUSE BILL NO. 425

INTRODUCED BY J. PRICE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE WARRANTY FOR NEW MOTOR VEHICLES;  
PROVIDING THAT THE WARRANTY PERIOD IS THE MANUFACTURER'S ORIGINAL WARRANTY PERIOD;  
AND AMENDING SECTION 61-4-501, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-4-501, MCA, is amended to read:

**"61-4-501. Definitions.** For purposes of this part, the following definitions apply:

(1) "Collateral charge" means all governmental charges, including but not limited to sales tax, property tax, license and registration fees, and fees in lieu of tax.

(2) "Consumer" means the purchaser or lessee, other than for purposes of resale or lease, of a passenger motor vehicle used for personal, family, or household purposes that has not been brought into nonconformity as the result of abuse, neglect, or unauthorized modifications or alterations. The term includes any person to whom the passenger motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to the passenger motor vehicle and any other person entitled by the terms of the warranty to enforce the obligations of the warranty.

(3) "Incidental damage" means incidental and consequential damage as defined in 30-2-715.

(4) "Manufacturer" has the meaning applied to that word in 61-4-201.

(5) (a) "Motor vehicle" means a vehicle, including the nonresidential portion of a motor home, propelled by its own power, designed primarily to transport persons or property upon the public highways, and sold or registered in this state.

(b) The term does not include:

(i) a truck with 15,000 pounds or more gross vehicle weight rating; or

(ii) components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for residential purposes.

(6) "Reasonable allowance for use" is an amount directly attributable to use of the motor vehicle by the consumer and any previous consumers prior to the first written notice of the nonconformity to the manufacturer



1 or its agent and during any subsequent period when the motor vehicle is not out of service because of  
2 nonconformity. The reasonable allowance for use must be computed by multiplying the total contract price of the  
3 motor vehicle by a fraction having as its denominator 100,000 and having as its numerator the number of miles  
4 that the motor vehicle traveled prior to the manufacturer's acceptance of its return.

5 (7) "Warranty period" means the period ~~ending 2 years after the date of the original delivery to the~~  
6 ~~consumer of a new motor vehicle or during the first 18,000 miles of operation, whichever is earlier~~ in the  
7 manufacturer's original warranty.

8 - END -