

LD1063156

## HOUSE BILL NO. 1146

Offered January 25, 1994

A *BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 38 containing sections numbered 59.1-460 through 59.1-463, relating to motor vehicles; automotive consumer notification act; penalty.*

Patrons—Grayson, Callahan, Cohen, Jackson, Reynolds, Spruill and Stump

Referred to Committee on Roads and Internal Navigation

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 38 containing sections numbered 59.1-460 through 59.1-463, as follows:**

*Chapter 38**Automotive Consumer Notification Act**§ 59.1-460. Definitions.*

*For purposes of this chapter, "dealer" means any person engaged in the business of selling, offering for sale, or negotiating the retail sale of used motor vehicles or selling motor vehicles as a broker or agent for another, including the officers, agents, and employees of the person and any combination or association of dealers. "Dealer" does not include a bank or other financial institution, or this Commonwealth, its agencies, bureaus, boards, commissions, authorities, or any of its political subdivisions. A person shall be deemed to be engaged in the business of selling used motor vehicles if the person has sold more than four used motor vehicles in the preceding twelve months.*

*§ 59.1-461. Required disclosures.*

*Any person, including any dealer or manufacturer, selling a motor vehicle in this Commonwealth that is known or should be known to have been required by law, including the Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.), to be replaced or accepted for restitution by a manufacturer due to the inability of the manufacturer to conform the vehicle to applicable warranties or that is known or should be known to have been required by law to be replaced or required by law to be accepted for restitution by a dealer or manufacturer due to the inability of the dealer or manufacturer to conform the vehicle to warranties required by any other applicable law of this Commonwealth, any other state, or federal law shall disclose that fact to the buyer in writing prior to the purchase and a dealer or manufacturer shall include as part of the titling documents of the vehicle the following disclosure statement set forth as a separate document and signed by the buyer:*

*"THIS MOTOR VEHICLE HAS BEEN RETURNED TO THE DEALER OR MANUFACTURER DUE TO A DEFECT IN THE VEHICLE PURSUANT TO CONSUMER WARRANTY LAWS."*

*§ 59.1-462. Compliance with other laws.*

*The disclosure requirement in § 59.1-461 is cumulative with all other consumer notice requirements, and does not relieve any person, including any dealer or manufacturer, from complying with any other applicable law, including any requirement of comparable automobile warranty laws in other states.*

*§ 59.1-463. Penalties.*

*Any dealer or manufacturer who violates the provisions of this chapter shall be guilty of a Class 2 misdemeanor.*

INTRODUCED

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