

HOUSE BILL NO. 816
INTRODUCED BY HARRINGTON

IN THE HOUSE

FEBRUARY 13, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON BUSINESS & ECONOMIC DEVELOPMENT.

 FIRST READING.

FEBRUARY 20, 1991 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 21, 1991 PRINTING REPORT.

 POSTED ON ALTERNATE CONSENT CALENDAR.

FEBRUARY 23, 1991 THIRD READING, PASSED.
 AYES, 93; NOES, 5.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 25, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON BUSINESS & INDUSTRY.

 FIRST READING.

MARCH 13, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

MARCH 15, 1991 SECOND READING, CONCURRED IN.

MARCH 16, 1991 THIRD READING, CONCURRED IN.
 AYES, 49; NOES, 0.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 21, 1991 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
 CONCURRED IN.

MARCH 23, 1991 THIRD READING, AMENDMENTS
 CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 816
 2 INTRODUCED BY Harrington
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBJECTING RECREATIONAL
 5 VEHICLES, INCLUDING MOTOR HOMES, TO THE PROVISIONS OF THE
 6 AUTOMOBILE LEMON LAW; AND AMENDING SECTIONS 61-1-132 AND
 7 61-4-501, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 61-1-132, MCA, is amended to read:

11 "61-1-132. Recreational vehicle. The term "recreational
 12 vehicle" as used in 61-4-101 through 61-4-105, 61-4-501, and
 13 61-10-141 includes travel trailers as defined in 61-1-131,
 14 motor homes as defined in 61-1-130, and other self-propelled
 15 vehicles originally designed or permanently altered to
 16 provide temporary facilities for recreational, travel, or
 17 camping use."

18 **Section 2.** Section 61-4-501, MCA, is amended to read:

19 "61-4-501. Definitions. For purposes of this part, the
 20 following definitions apply:

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

24 (2) "Consumer" means the purchaser, other than for
 25 purposes of resale, of a motor vehicle that has not been

1 brought into nonconformity as the result of abuse, neglect,
 2 or unauthorized modifications or alterations by the
 3 purchaser, any person to whom the motor vehicle is
 4 transferred during the duration of an express warranty
 5 applicable to the motor vehicle, or any other person
 6 entitled by the terms of the warranty to the benefits of its
 7 provisions.

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

10 (4) "Motor vehicle" means a vehicle, including a
 11 recreational vehicle as defined in 61-1-132, propelled by
 12 its own power, designed primarily to transport persons or
 13 property upon the public highways, and sold in this state.
 14 The term does not include ~~a motor home as defined in~~
 15 ~~61-1-130~~, a truck with 10,000 pounds or more gross vehicle
 16 weight rating, or a motorcycle as defined in 61-1-105.

17 (5) "Reasonable allowance for use" is an amount
 18 directly attributable to use of the motor vehicle by the
 19 consumer and any previous consumers prior to the first
 20 written notice of the nonconformity to the manufacturer or
 21 its agent and during any subsequent period when the vehicle
 22 is not out of service because of nonconformity. The
 23 reasonable allowance for use shall be computed by
 24 multiplying the total contract price of the vehicle by a
 25 fraction having as its denominator 100,000 and having as its



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1 numerator the number of miles that the vehicle traveled
2 prior to the manufacturer's acceptance of its return.

3 (6) "Warranty period" means the period ending 2 years
4 after the date of the original delivery to the consumer of a
5 new motor vehicle or during the first 18,000 miles of
6 operation, whichever is earlier."

-End-

APPROVED BY COMM. ON BUSINESS AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 816

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A BILL FOR AN ACT ENTITLED: "AN ACT SUBJECTING RECREATIONAL VEHICLES, INCLUDING MOTOR HOMES, TO THE PROVISIONS OF THE AUTOMOBILE LEMON LAW; AND AMENDING SECTIONS 61-1-132 AND 61-4-501, MCA."

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Section 2. 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, other than for purposes of resale, of a motor vehicle that has not been

brought into nonconformity as the result of abuse, neglect, or unauthorized modifications or alterations by the purchaser, any person to whom the motor vehicle is transferred during the duration of an express warranty applicable to the motor vehicle, or any other person entitled by the terms of the warranty to the benefits of its provisions.

(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) "Motor vehicle" means a vehicle, including a recreational vehicle as defined in 61-1-132, propelled by its own power, designed primarily to transport persons or property upon the public highways, and sold in this state. The term does not include a--motor--home--as--defined--in 61-1-130, a truck with 10,000 pounds or more gross vehicle weight rating, or a motorcycle as defined in 61-1-105.

(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 or its agent and during any subsequent period when the vehicle is not out of service because of nonconformity. The reasonable allowance for use shall be computed by

SECOND READING

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1 multiplying the total contract price of the vehicle by a
2 fraction having as its denominator 100,000 and having as its
3 numerator the number of miles that the vehicle traveled
4 prior to the manufacturer's acceptance of its return.

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

-End-

HOUSE BILL NO. 816

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Section 2. 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, other than for purposes of resale, of a motor vehicle that has not been

brought into nonconformity as the result of abuse, neglect, or unauthorized modifications or alterations by the purchaser, any person to whom the motor vehicle is transferred during the duration of an express warranty applicable to the motor vehicle, or any other person entitled by the terms of the warranty to the benefits of its provisions.

(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.

~~(4)~~(5) "Motor vehicle" means a vehicle, including a recreational vehicle as defined in 61-1-132, propelled by its own power, designed primarily to transport persons or property upon the public highways, and sold in this state. The term does not include ~~a--motor--home--as-defined-in 61-1-130~~, a truck with 10,000 pounds or more gross vehicle weight rating, or a motorcycle as defined in 61-1-105.

~~(5)~~(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 or its agent and during any subsequent period when the vehicle is not out of service because of nonconformity. The reasonable allowance for use shall be computed by

THIRD READING

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1 multiplying the total contract price of the vehicle by a
2 fraction having as its denominator 100,000 and having as its
3 numerator the number of miles that the vehicle traveled
4 prior to the manufacturer's acceptance of its return.

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

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 13, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 816 (third reading copy -- blue), respectfully report that House Bill No. 816 be amended and as so amended be concurred in:

1. Page 2, lines 12 and 13.

Strike: "a" on line 12 through "61-1-132" on line 13

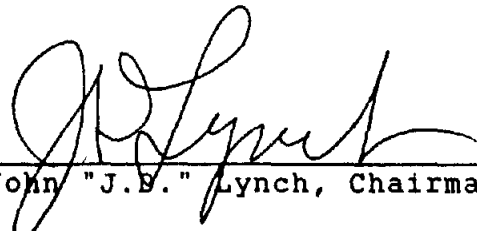
Insert: "the nonresidential portion of a motor home as defined in 61-1-130".

2. Page 2, line 18.

Following: "61-1-105."

Insert: "Motor vehicle does not include components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for residential purposes."

Signed:



John "J.B." Lynch, Chairman

MA 3-13-91
And. Coord.

SB 3-13 2:50
Sec. of Senate

SENATE
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"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, other than for purposes of resale, of a motor vehicle that has not been

brought into nonconformity as the result of abuse, neglect, or unauthorized modifications or alterations by the purchaser, any person to whom the motor vehicle is transferred during the duration of an express warranty applicable to the motor vehicle, or any other person entitled by the terms of the warranty to the benefits of its provisions.

(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.

~~(4)(5)~~ "Motor vehicle" means a vehicle, including a ~~recreational---vehicle---as---defined---in---61-1-132~~ THE NONRESIDENTIAL PORTION OF A MOTOR HOME AS DEFINED IN 61-1-130, propelled by its own power, designed primarily to transport persons or property upon the public highways, and sold in this state. The term does not include ~~a motor-home as defined in 61-1-130~~, a truck with 10,000 pounds or more gross vehicle weight rating, or a motorcycle as defined in 61-1-105. MOTOR VEHICLE DOES NOT INCLUDE COMPONENTS, SYSTEMS, FIXTURES, APPLIANCES, FURNISHINGS, ACCESSORIES, AND FEATURES THAT ARE DESIGNED, USED, AND MAINTAINED PRIMARILY FOR RESIDENTIAL PURPOSES.

~~(5)(6)~~ "Reasonable allowance for use" is an amount directly attributable to use of the motor vehicle by the

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1 consumer and any previous consumers prior to the first
2 written notice of the nonconformity to the manufacturer or
3 its agent and during any subsequent period when the vehicle
4 is not out of service because of nonconformity. The
5 reasonable allowance for use shall be computed by
6 multiplying the total contract price of the vehicle by a
7 fraction having as its denominator 100,000 and having as its
8 numerator the number of miles that the vehicle traveled
9 prior to the manufacturer's acceptance of its return.

10 (6)(7) "Warranty period" means the period ending 2
11 years after the date of the original delivery to the
12 consumer of a new motor vehicle or during the first 18,000
13 miles of operation, whichever is earlier."

-End-