

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1409

7 H.P. 977

House of Representatives, April 25, 1985

8 Referred to the Committee on Business and Commerce. Sent up for
9 concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Armstrong of Wilton.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Make Maine's Implied Warranty Law
18 Applicable to the Sale of Used Motor
19 Vehicles by Dealers.
20

21 Be it enacted by the People of the State of Maine as
22 follows:

23 10 MRSA §1476-A is enacted to read:

24 §1476-A. Remedy for breach of implied warranty on
25 used motor vehicles

26 1. Low mileage used motor vehicles. For a used
27 motor vehicle driven 36,000 miles or less at the time
28 of purchase, the seller shall refund to the buyer the
29 purchase price of the motor vehicle, less \$10 for
30 each day from the date of purchase to cover normal
31 use and wear and less the reasonable cost of repair-
32 ing damage which is a result of any defect set out in
33 paragraph A, if:

34 A. Within 60 days of the date of purchase:

1 (1) The buyer discovers a mechanical defect
2 which was latent at the time of purchase and
3 the cost of repairing the defect will exceed
4 \$200; or

5 (2) One or more mechanical defects occur
6 and the cost of repairing the defects will
7 exceed \$200;

8 B. The seller is unable to repair the defect to
9 the buyer's satisfaction within 15 days of being
10 notified of the defect;

11 C. The buyer demands refund of the purchase
12 price of the motor vehicle from the seller; and

13 D. The seller is a licensed motor vehicle deal-
14 er.

15 2. High mileage used motor vehicles. For a used
16 motor vehicle driven more than 36,000 miles at the
17 time of purchase, the seller shall refund to the buy-
18 er the purchase price of the motor vehicle, less \$10
19 for each day from the date of purchase to cover nor-
20 mal use and wear and less the reasonable cost of re-
21 pairing damage which is a result of any defect set
22 out in paragraph A, if:

23 A. Within 30 days of the date of purchase:

24 (1) The buyer discovers a mechanical defect
25 which was latent at the time of purchase and
26 the cost of repairing the defect will exceed
27 \$200; or

28 (2) One or more mechanical defects occur
29 and the cost of repairing the defect or de-
30 fects will exceed \$200;

31 B. The seller is unable to repair the defect to
32 the buyer's satisfaction within 15 days of being
33 notified of the defect;

34 C. The buyer demands refund of the purchase
35 price of the motor vehicle from the seller; and

D. The seller is a licensed motor vehicle dealer.

STATEMENT OF FACT

This bill provides specific remedies to purchasers of used motor vehicles which have latent mechanical defects or which experience mechanical breakdowns within a prescribed time period. The defects must be discovered or the breakdown must occur within 30 or 60 days depending on whether the motor vehicle has been driven more than 36,000 miles, or 36,000 miles or less. The reasonable cost of repairing the defects must exceed \$200 in order for the buyer to take advantage of the remedy. Before the seller is obligated to refund the purchase price to the buyer, he must be given the opportunity to repair the defect. The bill applies to purchases from licensed motor vehicle dealers, and contains provisions which protect the dealer from being required to refund the purchase price to buyers who cause the defect or breakdown through their own use or misuse of the motor vehicle.

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