

HB0413



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0413

Introduced 2/3/2009, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

815 ILCS 380/2

from Ch. 121 1/2, par. 1202

Amends the New Vehicle Buyer Protection Act. Expands the definition of the term "New Vehicle" to include a motorcycle, as defined in the Illinois Vehicle Code.

LRB096 04411 KTG 14462 b

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The New Vehicle Buyer Protection Act is amended
5 by changing Section 2 as follows:

6 (815 ILCS 380/2) (from Ch. 121 1/2, par. 1202)

7 Sec. 2. Definitions. For the purposes of this Act, the
8 following words have the meanings ascribed to them in this
9 Section.

10 (a) "Consumer" means an individual who purchases or leases
11 for a period of at least one year a new vehicle from the seller
12 for the purposes of transporting himself and others, as well as
13 their personal property, for primarily personal, household or
14 family purposes or a fire department, fire protection district,
15 or township fire department that purchases or leases for a
16 period of at least one year a new vehicle from the seller.

17 (b) "Express warranty" has the same meaning, for the
18 purposes of this Act, as it has for the purposes of the Uniform
19 Commercial Code.

20 (c) "New vehicle" means a passenger car, as defined in
21 Section 1-157 of the Illinois Vehicle Code, a motor vehicle of
22 the Second Division having a weight of under 8,000 pounds, as
23 defined in Section 1-146 of that Code, a vehicle purchased by a

1 fire department, a fire protection district, or a township fire
2 department, ~~and~~ a recreational vehicle, except for a camping
3 trailer or travel trailer that does not qualify under the
4 definition of a used motor vehicle, as set forth in Section
5 1-216 of that Code, and a motorcycle, as defined in Section
6 1-147 of the Illinois Vehicle Code.

7 (d) "Nonconformity" refers to a new vehicle's failure to
8 conform to all express warranties applicable to such vehicle,
9 which failure substantially impairs the use, market value or
10 safety of that vehicle.

11 (e) "Seller" means the manufacturer of a new vehicle, that
12 manufacturer's agent or distributor or that manufacturer's
13 authorized dealer. "Seller" also means, with respect to a new
14 vehicle which is also a modified vehicle, as defined in Section
15 1-144.1 of the Illinois Vehicle Code, as now or hereafter
16 amended, the person who modified the vehicle and that person's
17 agent or distributor or that person's authorized dealer.
18 "Seller" also means, with respect to leased new vehicles, the
19 manufacturer, that manufacturer's agent or distributor or that
20 manufacturer's dealer, who transfers the right to possession
21 and use of goods under a lease.

22 (f) "Statutory warranty period" means the period of one
23 year or 12,000 miles, whichever occurs first after the date of
24 the delivery of a new vehicle to the consumer who purchased or
25 leased it.

26 (g) "Lease cost" includes deposits, fees, taxes, down

1 payments, periodic payments, and any other amount paid to a
2 seller by a consumer in connection with the lease of a new
3 vehicle.

4 (Source: P.A. 95-802, eff. 1-1-09.)