



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4680

Introduced 2/3/2012, by Rep. Esther Golar

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2L

from Ch. 121 1/2, par. 262L

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that new and used motor vehicle dealers must disclose all known defects relating to a motor vehicle sold for a price of \$1,000 or more. Provides that with respect to motor vehicles sold for a price of \$3,000 or more, the dealer is responsible for 100% of the repair costs for the repair of power train components for a period of 30 days after delivery.

LRB097 18694 JLS 63928 b

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 Consumer Fraud and Deceptive Business
5 Practices Act is amended by changing Section 2L as follows:

6 (815 ILCS 505/2L) (from Ch. 121 1/2, par. 262L)

7 Sec. 2L. Any retail sale of a motor vehicle made after
8 January 1, 1968 to a consumer by a new motor vehicle dealer or
9 used motor vehicle dealer within the meaning of Chapter 5 of
10 the Illinois Vehicle Code is made subject to this Section.

11 (a) A dealer shall disclose to the purchaser all known
12 defects with respect to a motor vehicle sold at a price of
13 \$1,000 or more. The dealer is liable to the purchasing consumer
14 for the following share of the cost of the repair of Power
15 Train components for a period of 30 days from date of delivery,
16 unless the repairs have become necessary by abuse, negligence,
17 or collision. The burden of establishing that a claim for
18 repairs is not within this Section shall be on the selling
19 dealer. With respect to a motor vehicle sold for a price of
20 less than \$3,000, the ~~The~~ dealer's share of such repair costs
21 is:

22 (1) in the case of a motor vehicle which is not more than 2
23 years old, 50%;

1 (2) in the case of a motor vehicle which is 2 or more, but
2 less than 3 years old, 25%;

3 (3) in the case of a motor vehicle which is 3 or more, but
4 less than 4 years old, 10%; and

5 (4) in the case of a motor vehicle which is 4 or more years
6 old, none.

7 The dealer shall be responsible for 100% of the cost of
8 repair of Power Train components with respect to a motor
9 vehicle sold for a price of \$3,000 or more.

10 (b) Notwithstanding the foregoing, such a dealer and a
11 purchasing consumer may negotiate a sale and purchase that is
12 not subject to this Section if there is stamped on any purchase
13 order, contract, agreement, or other instrument to be signed by
14 the consumer as a part of that transaction, in at least
15 10-point bold type immediately above the signature line, the
16 following:

17 "THIS VEHICLE IS SOLD AS IS WITH NO WARRANTY
18 AS TO MECHANICAL CONDITION"

19 (c) As used in this Section, "Power Train components" means
20 the engine block, head, all internal engine parts, oil pan and
21 gaskets, water pump, intake manifold, transmission, and all
22 internal transmission parts, torque converter, drive shaft,
23 universal joints, rear axle and all rear axle internal parts,
24 and rear wheel bearings.

25 (d) The repair liability means that the dealer will make
26 necessary Power Train component repairs in his shop, or in the

1 shop of his service affiliate, on the basis of his regular list
2 price charge for parts and labor, where the flat rate list
3 price does not exceed 50% of the selling price of the vehicle
4 at the time repairs are requested.

5 (e) The age of the vehicle shall be measured according to
6 the manufacturer's model year designation as shown on the
7 Certificate of Title or Registration Certificate. Vehicles
8 shall be designated as current year models, one year old, 2
9 year old, and so forth according to the time that has elapsed
10 since January 1 of the appropriate model year so designated.

11 (f) This Section does not preclude the issuance of a
12 warranty or guarantee by a motor vehicle dealer or motor car
13 manufacturer that meets or exceeds the basic provisions of
14 paragraph (a).

15 (g) After the effective date of this amendatory Act of
16 1989, executives' and officials' cars when so advertised shall
17 have been used exclusively by executives of the parent motor
18 car manufacturer's personnel or by an executive of an
19 authorized dealer in the same make of car. These cars, so
20 advertised, shall not have been sold to a member of the public
21 prior to the appearance of the advertisement.

22 Any person who violates this Section commits an unlawful
23 practice within the meaning of this Act.

24 (Source: P.A. 86-351; 87-1140.)