

**Introduced by Senator Corbett**

February 14, 2007

---

An act to amend Section 1791 of, and to add Section 1795.8 to, the Civil Code, relating to consumer warranties.

LEGISLATIVE COUNSEL'S DIGEST

SB 234, as introduced, Corbett. Consumer warranties: members of the Armed Forces.

The Song-Beverly Consumer Warranty Act provides consumer warranty protection to buyers of various products, including new and used motor vehicles. That law requires every manufacturer of consumer goods sold in California for which the manufacturer has made an express warranty to maintain sufficient service and repair facilities, as specified, to carry out the terms of the warranties.

This bill would permit a member of the Armed Forces, as defined, who is stationed in or a resident of this state at the time he or she purchased a motor vehicle in the United States from a manufacturer who sells motor vehicles in this state or when he or she filed an action under the Song-Beverly Consumer Warranty Act, to exercise his or her rights under that act, regardless of in which state the vehicle is purchased or registered.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1791 of the Civil Code, as amended by
- 2 Section 62 of Chapter 405 of the Statutes of 2002, is amended to
- 3 read:

1 1791. As used in this chapter:

2 (a) “Consumer goods” means any new product or part thereof  
3 that is used, bought, or leased for use primarily for personal, family,  
4 or household purposes, except for clothing and consumables.  
5 “Consumer goods” shall include new and used assistive devices  
6 sold at retail.

7 (b) “Buyer” or “retail buyer” means any individual who buys  
8 consumer goods from a person engaged in the business of  
9 manufacturing, distributing, or selling consumer goods at retail.  
10 As used in this subdivision, “person” means any individual,  
11 partnership, corporation, limited liability company, association,  
12 or other legal entity that engages in any of these businesses.

13 (c) “Clothing” means any wearing apparel, worn for any  
14 purpose, including under and outer garments, shoes, and  
15 accessories composed primarily of woven material, natural or  
16 synthetic yarn, fiber, or leather or similar fabric.

17 (d) “Consumables” means any product that is intended for  
18 consumption by individuals, or use by individuals for purposes of  
19 personal care or in the performance of services ordinarily rendered  
20 within the household, and that usually is consumed or expended  
21 in the course of consumption or use.

22 (e) “Distributor” means any individual, partnership, corporation,  
23 association, or other legal relationship that stands between the  
24 manufacturer and the retail seller in purchases, consignments, or  
25 contracts for sale of consumer goods.

26 (f) “Independent repair or service facility” or “independent  
27 service dealer” means any individual, partnership, corporation,  
28 association, or other legal entity, not an employee or subsidiary  
29 of a manufacturer or distributor, that engages in the business of  
30 servicing and repairing consumer goods.

31 (g) “Lease” means any contract for the lease or bailment for the  
32 use of consumer goods by an individual, for a term exceeding four  
33 months, primarily for personal, family, or household purposes,  
34 whether or not it is agreed that the lessee bears the risk of the  
35 consumer goods’ depreciation.

36 (h) “Lessee” means an individual who leases consumer goods  
37 under a lease.

38 (i) “Lessor” means a person who regularly leases consumer  
39 goods under a lease.

1 (j) “Manufacturer” means any individual, partnership,  
2 corporation, association, or other legal relationship that  
3 manufactures, assembles, or produces consumer goods.

4 (k) “Place of business” means, for the purposes of any retail  
5 seller that sells consumer goods by catalog or mail order, the  
6 distribution point for consumer goods.

7 (l) “Retail seller,” “seller,” or “retailer” means any individual,  
8 partnership, corporation, association, or other legal relationship  
9 that engages in the business of selling or leasing consumer goods  
10 to retail buyers.

11 (m) “Return to the retail seller” means, for the purposes of any  
12 retail seller that sells consumer goods by catalog or mail order, the  
13 retail seller’s place of business, as defined in subdivision (k).

14 (n) “Sale” means either of the following:

15 (1) The passing of title from the seller to the buyer for a price.

16 (2) A consignment for sale.

17 (o) “Service contract” means a contract in writing to perform,  
18 over a fixed period of time or for a specified duration, services  
19 relating to the maintenance or repair of a consumer product, except  
20 that this term does not include a policy of automobile insurance,  
21 as defined in Section 116 of the Insurance Code.

22 (p) “Assistive device” means any instrument, apparatus, or  
23 contrivance, including any component or part thereof or accessory  
24 thereto, that is used or intended to be used, to assist an individual  
25 with a disability in the mitigation or treatment of an injury or  
26 disease or to assist or affect or replace the structure or any function  
27 of the body of an individual with a disability, except that this term  
28 does not include prescriptive lenses and other ophthalmic goods  
29 unless they are sold or dispensed to a blind person, as defined in  
30 Section 19153 of the Welfare and Institutions Code and unless  
31 they are intended to assist the limited vision of the person so  
32 disabled.

33 (q) “Catalog or similar sale” means a sale in which neither the  
34 seller nor any employee or agent of the seller nor any person related  
35 to the seller nor any person with a financial interest in the sale  
36 participates in the diagnosis of the buyer’s condition or in the  
37 selection or fitting of the device.

38 (r) “Home appliance” means any refrigerator, freezer, range,  
39 microwave oven, washer, dryer, dishwasher, garbage disposal,

1 trash compactor, or room air-conditioner normally used or sold  
2 for personal, family, or household purposes.

3 (s) "Home electronic product" means any television, radio,  
4 antenna rotator, audio or video recorder or playback equipment,  
5 video camera, video game, video monitor, computer equipment,  
6 telephone, telecommunications equipment, electronic alarm system,  
7 electronic appliance control system, or other kind of electronic  
8 product, if it is normally used or sold for personal, family, or  
9 household purposes. The term includes any electronic accessory  
10 that is normally used or sold with a home electronic product for  
11 one of those purposes. The term excludes any single product with  
12 a wholesale price to the retail seller of less than fifty dollars (\$50).

13 (t) "*Member of the Armed Forces*" means a person on full-time  
14 active duty in the Army, Navy, Marine Corps, Air Force, National  
15 Guard, or Coast Guard. Full-time active duty shall also include  
16 active military service at a military service school designated by  
17 law or the Secretary of the Military Department concerned.

18 This section shall become operative on January 1, 2008.

19 SEC. 2. Section 1795.8 is added to the Civil Code, to read:

20 1795.8. This chapter shall apply to a purchase in the United  
21 States of a new or used motor vehicle with a manufacturer's express  
22 warranty by a member of the Armed Forces regardless of in which  
23 state his or her motor vehicle is purchased or registered, if both of  
24 the following apply:

25 (a) The member of the Armed Forces purchases a new or used  
26 motor vehicle from a manufacturer who sells motor vehicles in  
27 this state.

28 (b) The member of the Armed Forces was stationed in or a  
29 resident of this state at the time he or she purchased the motor  
30 vehicle or at the time he or she filed an action pursuant to this  
31 chapter.