

ASSEMBLY BILL

No. 1061

Introduced by Assembly Member Eng

February 18, 2011

An act to amend Section 1793.1 of the Civil Code, relating to consumer warranties.

LEGISLATIVE COUNSEL'S DIGEST

AB 1061, as introduced, Eng. Consumer warranties: vehicles.

Existing law, the Song-Beverly Consumer Warranty Act, requires every manufacturer, distributor, or retailer making express warranties with respect to consumer goods to fully set forth those warranties in simple and readily understood language, and to clearly identify the party making the express warranties, as specified.

This bill would require every manufacturer, distributor, or retailer making express warranties with respect to a new vehicle also to fully set forth, in simple and readily understood language, a detailed list of items that are not covered under the warranty.

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 1793.1 of the Civil Code is amended to
2 read:
3 1793.1. (a) (1) Every manufacturer, distributor, or retailer
4 making express warranties with respect to consumer goods shall
5 fully set forth those warranties in simple and readily understood
6 language, which shall clearly identify the party making the express

1 warranties, and which shall conform to the federal standards for
2 disclosure of warranty terms and conditions set forth in the federal
3 Magnuson-Moss Warranty-Federal Trade Commission
4 Improvement Act (15 U.S.C. Sec. 2301 et seq.), and in the
5 regulations of the Federal Trade Commission adopted pursuant to
6 the provisions of that act. If the manufacturer, distributor, or retailer
7 provides a warranty or product registration card or form, or an
8 electronic online warranty or product registration form, to be
9 completed and returned by the consumer, the card or form shall
10 contain statements, each displayed in a clear and conspicuous
11 manner, that do all of the following:

12 (A) Informs the consumer that the card or form is for product
13 registration.

14 (B) Informs the consumer that failure to complete and return
15 the card or form does not diminish his or her warranty rights.

16 (2) Every work order or repair invoice for warranty repairs or
17 service shall clearly and conspicuously incorporate in 10-point
18 boldface type the following statement either on the face of the
19 work order or repair invoice, or on the reverse side, or on an
20 attachment to the work order or repair invoice: “A buyer of this
21 product in California has the right to have this product serviced or
22 repaired during the warranty period. The warranty period will be
23 extended for the number of whole days that the product has been
24 out of the buyer’s hands for warranty repairs. If a defect exists
25 within the warranty period, the warranty will not expire until the
26 defect has been fixed. The warranty period will also be extended
27 if the warranty repairs have not been performed due to delays
28 caused by circumstances beyond the control of the buyer, or if the
29 warranty repairs did not remedy the defect and the buyer notifies
30 the manufacturer or seller of the failure of the repairs within 60
31 days after they were completed. If, after a reasonable number of
32 attempts, the defect has not been fixed, the buyer may return this
33 product for a replacement or a refund subject, in either case, to
34 deduction of a reasonable charge for usage. This time extension
35 does not affect the protections or remedies the buyer has under
36 other laws.”

37 If the required notice is placed on the reverse side of the work
38 order or repair invoice, the face of the work order or repair invoice
39 shall include the following notice in 10-point boldface type:
40 “Notice to Consumer: Please read important information on back.”

1 A copy of the work order or repair invoice and any attachment
2 shall be presented to the buyer at the time that warranty service or
3 repairs are made.

4 (3) *In addition to the requirements specified in paragraph (1),*
5 *every manufacturer, distributor, or retailer making express*
6 *warranties with respect to a new vehicle shall fully set forth, in*
7 *simple and readily understood language, a detailed list of items*
8 *that are not covered under the warranty.*

9 (b) No warranty or product registration card or form, or an
10 electronic online warranty or product registration form, may be
11 labeled as a warranty registration or a warranty confirmation.

12 (c) The requirements imposed by this section on the distribution
13 of any warranty or product registration card or form, or an
14 electronic online warranty or product registration form, shall
15 become effective on January 1, 2004.

16 (d) This section does not apply to any warranty or product
17 registration card or form that was printed prior to January 1, 2004,
18 and was shipped or included with a product that was placed in the
19 stream of commerce prior to January 1, 2004.

20 (e) Every manufacturer, distributor, or retailer making express
21 warranties and who elects to maintain service and repair facilities
22 within this state pursuant to this chapter shall perform one or more
23 of the following:

24 (1) At the time of sale, provide the buyer with the name and
25 address of each service and repair facility within this state.

26 (2) At the time of the sale, provide the buyer with the name and
27 address and telephone number of a service and repair facility
28 central directory within this state, or the toll-free telephone number
29 of a service and repair facility central directory outside this state.
30 It shall be the duty of the central directory to provide, upon inquiry,
31 the name and address of the authorized service and repair facility
32 nearest the buyer.

33 (3) Maintain at the premises of retail sellers of the warrantor's
34 consumer goods a current listing of the warrantor's authorized
35 service and repair facilities, or retail sellers to whom the consumer
36 goods are to be returned for service and repair, whichever is
37 applicable, within this state. It shall be the duty of every retail
38 seller provided with that listing to provide, on inquiry, the name,
39 address, and telephone number of the nearest authorized service

- 1 and repair facility, or the retail seller to whom the consumer goods
- 2 are to be returned for service and repair, whichever is applicable.

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