

Introduced by Senator JacksonFebruary 22, 2013

An act to add Section 11713.27 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 686, as introduced, Jackson. Vehicle dealers: safety recalls.

Existing law provides that it is unlawful for a lessor-retailer to sell a vehicle without a vehicle dealer license or temporary permit. Existing law prohibits a licensed dealer from engaging in certain practices, including, among others, making an untrue or misleading statement indicating that a vehicle is equipped with all the factory-installed optional equipment the manufacturer offers. Under existing law, a violation of these provisions is a crime.

This bill would additionally prohibit a motor vehicle dealer from selling, leasing, displaying, renting, or offering for sale at retail a new or used vehicle, as specified, if the vehicle has a defect that is subject to a manufacturer's recall, unless the repairs required to correct the defect have been performed on the vehicle. By expanding the scope of a crime, this bill would impose a state-mandated local program. The bill would also make a violation of these provisions actionable under the Consumers Legal Remedies Act and the Unfair Competition Law, and as false advertising.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 11713.27 is added to the Vehicle Code,
 2 to read:
 3 11713.27. (a) A dealer issued a license under this article shall
 4 not sell, lease, display, rent, or offer for sale at retail a new vehicle,
 5 as defined in Section 430 and subject to registration under this
 6 code, or a used vehicle, as defined in Section 655 and subject to
 7 registration under this code, if the vehicle has a defect that is
 8 subject to a manufacturer’s recall, unless the repairs required to
 9 correct the defect have been performed on the vehicle.
 10 (b) A violation of this section is actionable under the Consumers
 11 Legal Remedies Act (Title 1.5 (commencing with Section 1750)
 12 of Part 4 of Division 3 of the Civil Code), the Unfair Competition
 13 Law (Chapter 5 (commencing with Section 17200) of Part 2 of
 14 Division 7 of the Business and Professions Code), Section 17500
 15 of the Business and Professions Code, or any other applicable state
 16 or federal law. The rights and remedies provided by this section
 17 are cumulative and shall not be construed as restricting any right
 18 or remedy that is otherwise available.
 19 SEC. 2. No reimbursement is required by this act pursuant to
 20 Section 6 of Article XIII B of the California Constitution because
 21 the only costs that may be incurred by a local agency or school
 22 district will be incurred because this act creates a new crime or
 23 infraction, eliminates a crime or infraction, or changes the penalty
 24 for a crime or infraction, within the meaning of Section 17556 of
 25 the Government Code, or changes the definition of a crime within
 26 the meaning of Section 6 of Article XIII B of the California
 27 Constitution.

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