

By the Committee on Transportation; and Senator Latvala

306-2033-02

1 A bill to be entitled
2 An act relating to the Motor Vehicle Warranty
3 Enforcement Act; amending s. 681.103, F.S.;
4 providing for consumer notification of the
5 Pilot RV Mediation and Arbitration Program;
6 amending s. 681.1096, F.S.; postponing
7 expiration of the Pilot RV Mediation and
8 Arbitration Program; amending 681.1097, F.S.;
9 revising provisions relating to the screening
10 of claims; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsection (3) of section 681.103, Florida
15 Statutes, is amended to read:

16 681.103 Duty of manufacturer to conform a motor
17 vehicle to the warranty.--

18 (3) At the time of acquisition, the manufacturer shall
19 inform the consumer clearly and conspicuously in writing how
20 and where to file a claim with a certified procedure if such
21 procedure has been established by the manufacturer pursuant to
22 s. 681.108. The nameplate manufacturer of a recreational
23 vehicle shall, at the time of vehicle acquisition, inform the
24 consumer clearly and conspicuously in writing how and where to
25 file a claim with a program pursuant to s. 681.1096. The
26 manufacturer shall provide to the dealer and, at the time of
27 acquisition, the dealer shall provide to the consumer a
28 written statement that explains the consumer's rights under
29 this chapter. The written statement shall be prepared by the
30 Department of Legal Affairs and shall contain a toll-free
31 number for the division that the consumer can contact to

1 obtain information regarding the consumer's rights and
2 obligations under this chapter or to commence arbitration. If
3 the manufacturer obtains a signed receipt for timely delivery
4 of sufficient quantities of this written statement to meet the
5 dealer's vehicle sales requirements, it shall constitute prima
6 facie evidence of compliance with this subsection by the
7 manufacturer. The consumer's signed acknowledgment of receipt
8 of materials required under this subsection shall constitute
9 prima facie evidence of compliance by the manufacturer and
10 dealer. The form of the acknowledgments shall be approved by
11 the Department of Legal Affairs, and the dealer shall maintain
12 the consumer's signed acknowledgment for 3 years.

13 Section 2. Subsection (1) of section 681.1096, Florida
14 Statutes, is amended to read:

15 681.1096 Pilot RV Mediation and Arbitration Program;
16 creation and qualifications.--

17 (1) This section and s. 681.1097 shall apply to
18 disputes determined eligible under this chapter involving
19 recreational vehicles acquired on or after October 1, 1997,
20 and shall remain in effect until September 30, 2006 ~~2002~~, at
21 which time recreational vehicle disputes shall be subject to
22 the provisions of ss. 681.109 and 681.1095. The Attorney
23 General shall report annually to the President of the Senate,
24 the Speaker of the House of Representatives, the Minority
25 Leader of each house of the Legislature, and appropriate
26 legislative committees regarding the effectiveness of the
27 pilot program.

28 Section 3. Paragraph (a) of subsection (4) of section
29 681.1097, Florida Statutes, is amended, and a paragraph (e) is
30 added to subsection (3) of that section to read:

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1 681.1097 Pilot RV Mediation and Arbitration Program;
2 dispute eligibility and program function.--

3 (3) The consumer's application for participation in
4 the program must be on a form prescribed or approved by the
5 department. The department shall screen all applications to
6 participate in the program to determine eligibility. The
7 department shall forward to the program administrator all
8 applications the department determines are potentially
9 entitled to relief under this chapter.

10 (e) The department may delegate responsibility for the
11 screening of claims to the program, in which event claims
12 filed with the department shall be forwarded to the program
13 administrator and the provisions of this section shall apply
14 to claims screened by the program.

15 (4) Mediation shall be mandatory for both the consumer
16 and manufacturer, unless the dispute is settled prior to the
17 scheduled mediation conference. The mediation conference
18 shall be confidential and inadmissible in any subsequent
19 adversarial proceedings. Participation shall be limited to
20 the parties directly involved in the dispute and their
21 attorneys, if any. All manufacturers shall be represented by
22 persons with settlement authority.

23 (a) Upon receipt of an eligible application ~~from the~~
24 ~~department~~, the program administrator shall notify the
25 consumer and all involved manufacturers in writing that an
26 eligible application has been received. Such notification
27 shall include a statement that a mediation conference will be
28 scheduled, shall identify the assigned mediator, and provide
29 information regarding the program's procedures. The program
30 administrator shall provide all involved manufacturers with a
31 copy of the completed application.

1 Section 4. This act shall take effect July 1, 2002.

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate Bill 1882

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6 Provides that the nameplate manufacturer of a recreational
7 vehicle must provide written notice to the consumer, at the
8 time of vehicle acquisition, of the procedures required to
9 file a claim under the Pilot RV Mediation and Arbitration
10 Program.

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9 Extends the operation of the RV Mediation and Arbitration
10 Program until September 30, 2006.

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11 Authorizes the Department of Legal Affairs to delegate
12 responsibility for the screening of claims under the Pilot RV
13 Mediation and Arbitration Program to the program
14 administrator.

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