

By Senator Bracy

11-00365-17

2017292\_\_

1 A bill to be entitled

2 An act relating to motor vehicle warranties; amending  
3 s. 501.975, F.S.; defining terms; creating s. 501.977,  
4 F.S.; requiring licensed new car dealers to provide  
5 purchasers with a specified motor vehicle warranty  
6 notice; providing an effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10 Section 1. Section 501.975, Florida Statutes, is amended to  
11 read:

12 501.975 Definitions.—As used in this part, the term:

13 (1) "Aftermarket part" means a part that was made by a  
14 company other than the vehicle manufacturer or the original  
15 equipment manufacturer.

16 (2)~~(1)~~ "Customer" includes a customer's designated agent.

17 (3)~~(2)~~ "Dealer" means a motor vehicle dealer as defined in  
18 s. 320.27, but does not include a motor vehicle auction as  
19 defined in s. 320.27(1)(c)4.

20 (4) "Recycled part" means a part that was made for and  
21 installed in a new vehicle by the manufacturer or the original  
22 equipment manufacturer and later removed from the vehicle and  
23 made available for resale or reuse.

24 (5)~~(3)~~ "Replacement item" means a tire, bumper, bumper  
25 fascia, glass, in-dashboard equipment, seat or upholstery cover  
26 or trim, exterior illumination unit, grill, sunroof, external  
27 mirror, and external body cladding. The replacement of up to  
28 three of these items does not constitute repair of damage if  
29 each item is replaced because of a product defect or damaged due  
30 to vandalism while the new motor vehicle is under the control of  
31 the dealer and the items are replaced with original manufacturer  
32 equipment, unless an item is replaced due to a crash, collision,

11-00365-17

2017292\_\_

33 or accident.

34 ~~(6)~~(4) "Threshold amount" means 3 percent of the  
35 manufacturer's suggested retail price of a motor vehicle or  
36 \$650, whichever is less.

37 ~~(7)~~(5) "Vehicle" means any automobile, truck, bus,  
38 recreational vehicle, or motorcycle required to be licensed  
39 under chapter 320 for operation over the roads of Florida, but  
40 does not include trailers, mobile homes, travel trailers, or  
41 trailer coaches without independent motive power.

42 Section 2. Section 501.977, Florida Statutes, is created to  
43 read:

44 501.977 Required notification.—Each licensed new car  
45 dealer, at the time the sale of a new motor vehicle is executed,  
46 shall deliver to the purchaser of such new motor vehicle the  
47 following written statement printed in at least 10-point  
48 boldface type:

49  
50 MOTOR VEHICLE WARRANTY NOTICE.—A federal law, the  
51 Magnuson-Moss Warranty Act, makes it illegal for motor  
52 vehicle manufacturers or dealers to void a motor  
53 vehicle warranty or deny coverage under the motor  
54 vehicle warranty simply because an aftermarket part or  
55 a recycled part was installed or used on the vehicle  
56 or simply because someone other than the dealer  
57 performed service on the vehicle. It is illegal for a  
58 manufacturer or dealer to void your warranty or deny  
59 coverage under the warranty simply because you used an  
60 aftermarket part or a recycled part. However, if an  
61 aftermarket part or a recycled part was, itself,

11-00365-17

2017292\_\_

62       defective or was installed incorrectly and caused  
63       damage to another part covered under the warranty, the  
64       manufacturer or dealer has the right to deny coverage  
65       for that part and to charge you for any repairs. The  
66       Federal Trade Commission requires the manufacturer or  
67       dealer to show that the defective or improperly  
68       installed aftermarket part or recycled part caused the  
69       need for repairs before denying warranty coverage.  
70       Section 3. This act shall take effect July 1, 2017.