

[First Reprint]

**SENATE, No. 1712**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED FEBRUARY 5, 2018

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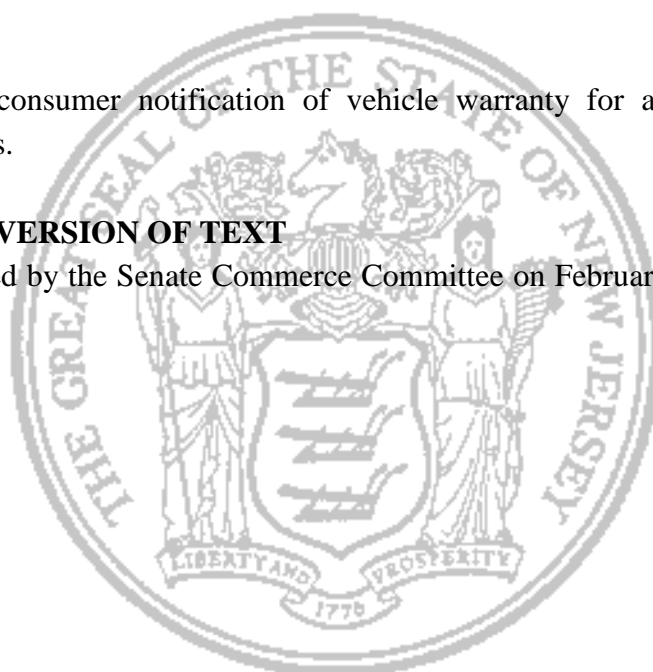
**Assemblywoman Mosquera**

**SYNOPSIS**

Requires consumer notification of vehicle warranty for aftermarket and recycled parts.

**CURRENT VERSION OF TEXT**

As reported by the Senate Commerce Committee on February 7, 2019, with amendments.



**(Sponsorship Updated As Of: 11/26/2019)**

1 AN ACT concerning motor vehicle warranties and amending and  
2 supplementing P.L.1988, c.123.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 6 of P.L.1988, c.123 (C.56:12-34) is amended to  
8 read as follows:

9 6. a. At the time of purchase in the State of New Jersey, the  
10 manufacturer, or, in the case of an authorized emergency vehicle,  
11 the manufacturer, co-manufacturer, or post-manufacturing modifier,  
12 through its dealer or distributor, or at the time of lease in the State  
13 of New Jersey, the lessor, shall provide directly to the consumer a  
14 written statement prescribed by the director, presented in a  
15 conspicuous and understandable manner on a separate piece of  
16 paper and printed in both the English and Spanish languages, which  
17 provides information concerning a consumer's rights and remedies  
18 under P.L.1988, c.123 (C.56:12-29 et seq.), and shall include, but  
19 not be limited to, a summary of the provisions of:

20 (1) section 3 of P.L.1988, c.123 (C.56:12-31), concerning the  
21 miles of operation of a motor vehicle and time period within which  
22 the consumer may report a nonconformity and seek remedies;

23 (2) sections 4 and 5 of P.L.1988, c.123 (C.56:12-32 and 56:12-  
24 33), concerning a manufacturer's, co-manufacturer's, or post-  
25 manufacturing modifier's obligations to a consumer based upon the  
26 manufacturer's, co-manufacturer's, or post-manufacturing  
27 modifier's, or its dealer's or distributor's, inability to repair or  
28 correct a nonconformity; **[and]** <sup>1</sup>and<sup>1</sup>

29 (3) any other provisions of P.L.1988, c.123 (C.56:12-29 et seq.)  
30 the director deems appropriate<sup>1</sup>**]; and**

31 (4) if appropriate, the federal "Magnuson-Moss Warranty Act,"  
32 15 U.S.C. s.2301 et seq., as it relates to aftermarket and recycled  
33 parts, pursuant to section 2 of P.L. , c. (C. ) (pending before  
34 the Legislature as this bill)]<sup>1</sup>.

35 b. Each time a consumer's motor vehicle is returned from being  
36 examined or repaired during the period specified in section 3 of  
37 P.L.1988, c.123 (C.56:12-31), the manufacturer, or, in the case of  
38 an authorized emergency vehicle, the manufacturer, co-  
39 manufacturer, or post-manufacturing modifier, through its dealer or  
40 distributor, shall provide to the consumer an itemized, legible  
41 statement of repair which indicates any diagnosis made and all work  
42 performed on the vehicle and provides information including, but  
43 not limited to, the following: a general description of the problem  
44 reported by the consumer or an identification of the problem  
45 reported by the consumer or an identification of the defect or

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SCM committee amendments adopted February 7, 2019.

1 condition and the source of the defect; the amount charged for parts  
2 and the amount charged for labor, if paid for by the consumer; the  
3 date and the odometer reading when the vehicle was submitted for  
4 repair; and the date and odometer reading when the vehicle was  
5 made available to the consumer.

6 c. Failure to comply with the provisions of this section <sup>1</sup>~~or~~  
7 section 2 of P.L. , c. (C. ) (pending before the Legislature as  
8 this bill)]<sup>1</sup> constitutes an unlawful practice pursuant to section 2 of  
9 P.L.1960, c.39 (C.56:8-2). <sup>1</sup>The provisions of this subsection shall  
10 not apply to any dealer who fails to comply with provisions of this  
11 section.<sup>1</sup>

12 (cf: P.L.2009, c.324, s.6)

13  
14 2. (New section) a. <sup>1</sup>~~At the time of~~ Within 90 days after  
15 the<sup>1</sup> purchase <sup>1</sup>~~or lease~~<sup>1</sup> of a new motor vehicle in the State of New  
16 Jersey, <sup>1</sup>~~a dealer~~ the motor vehicle manufacturer, distributor, or  
17 factory branch<sup>1</sup> shall <sup>1</sup>~~provide directly~~ mail<sup>1</sup> to the buyer <sup>1</sup>~~or~~  
18 lessee<sup>1</sup> a written statement, presented in a conspicuous and  
19 understandable manner <sup>1</sup>~~on a separate piece of paper~~<sup>1</sup> and printed  
20 in both the English and Spanish languages in not less than 10-point  
21 boldface type, <sup>1</sup>and provide a written statement in the vehicle  
22 manufacturer's owner's manual, that provides<sup>1</sup> the following:

23 "The Magnuson-Moss Warranty Act, 15 U.S.C. s.2301 et seq.,  
24 makes it illegal for motor vehicle manufacturers <sup>1</sup>~~or dealers~~<sup>1</sup> to  
25 void a motor vehicle warranty or deny <sup>1</sup>warranty<sup>1</sup> coverage <sup>1</sup>~~under~~  
26 the motor vehicle warranty simply solely<sup>1</sup> because an aftermarket  
27 or recycled part <sup>1</sup>~~was installed or~~ has been<sup>1</sup> used <sup>1</sup>~~on~~ to repair<sup>1</sup>  
28 the vehicle or <sup>1</sup>~~simply because~~<sup>1</sup> someone other than the <sup>1</sup>~~dealer~~  
29 authorized service provider<sup>1</sup> performed service on the vehicle. <sup>1</sup>~~It~~  
30 is illegal for a manufacturer or dealer to void your warranty or deny  
31 coverage under the warranty simply because you used an  
32 aftermarket or recycled part. If it turns out that an aftermarket or  
33 recycled part was itself defective or wasn't installed correctly and it  
34 causes damage to another part that is covered under the warranty,  
35 the manufacturer or dealer has the right to deny coverage for that  
36 part and charge you for any repairs. The Federal Trade  
37 Commission requires the manufacturer or dealer to show that the  
38 aftermarket or recycled part caused the need for repairs before  
39 denying warranty coverage This provision does not apply to a new  
40 motor vehicle purchased solely for commercial or industrial use.

41 "Under federal law, a manufacturer may deny warranty coverage  
42 and charge for repairs to a vehicle if it is discovered that an  
43 aftermarket or recycled part installed on the vehicle is defective or  
44 was installed incorrectly and caused damage to another part of the  
45 vehicle otherwise covered under warranty. The Federal Trade  
46 Commission requires that a manufacturer demonstrate that an

1 aftermarket or recycled part or service performed by a person other  
2 than an authorized service provider caused damage to another part  
3 of the vehicle otherwise covered under warranty before denying  
4 warranty coverage. Additionally, federal law allows a manufacturer  
5 to void a motor vehicle warranty or deny warranty coverage if the  
6 manufacturer provides the article or service to consumers free of  
7 charge under the warranty or the manufacturer has secured a waiver  
8 from the Federal Trade Commission<sup>1</sup>.”

9 b. <sup>1</sup>Failure to comply with the provisions of this section  
10 constitutes an unlawful practice pursuant to section 2 of P.L.1960,  
11 c.39 (C.56:8-2).

12 c.<sup>1</sup> As used in this section:

13 “Aftermarket part” means a part that was made by a company  
14 other than the motor vehicle manufacturer or the original equipment  
15 manufacturer.

16 “Recycled part” means a part that was made for and installed in a  
17 new motor vehicle by the manufacturer or the original equipment  
18 manufacturer and later removed from the motor vehicle and made  
19 available for resale or reuse.

20

21 3. This act shall take effect immediately.