



2023 South Dakota Legislature

Senate Bill 159

Introduced by: **Senator Tobin**

1 **An Act to revise provisions regarding vehicle warranty claims.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That chapter 32-6B be amended with a NEW SECTION:**

4 No warranty claim that has been approved and paid for by a manufacturer may be
5 charged back to the dealer unless it can be shown that one of the following applies:

6 (1) The claim made by the dealer was false or fraudulent;

7 (2) The repairs were not properly made; or

8 (3) The repairs were unnecessary to correct the defective condition under accepted
9 standards of workmanship.

10 However, a dealer may not be charged back on a claim if a dealer performs a repair
11 covered by the manufacturer warranty and the dealer reasonably demonstrates that the
12 repair resolved the condition that the customer presented for resolution. The dealer must
13 also document the parts repaired and the process utilized to accomplish the repair.