

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

932B0358

SENATE BILL NO. 121

Introduced by: Senators Russell, Nelson, and Otten (Ernie) and Representative Pischke

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding manufacturers'
2 warranties for motor vehicles to include all-terrain vehicles.

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

4 Section 1. That § 32-6D-1 be amended to read:

5 32-6D-1. Terms used in this chapter mean:

- 6 (1) "Consumer," the purchaser, other than for purposes of resale, of a new or previously
7 untitled motor vehicle used in substantial part for personal, family, or household
8 purposes, who is entitled by the terms of the warranty to enforce the obligations of
9 the warranty;
- 10 (2) "Express warranty," a written warranty, so labeled, issued by the manufacturer of a
11 new motor vehicle, including any terms or conditions precedent to the enforcement
12 of obligations under that warranty;
- 13 (3) "Lemon law rights period," the period ending one year after the date of the original
14 delivery of a motor vehicle to a consumer or the first twelve thousand miles of
15 operation, whichever first occurs;



- 1 (4) "Manufacturer," the person, firm, corporation, or limited liability company engaged
2 in the business of manufacturing, importing, or distributing motor vehicles to be
3 made available to a motor vehicle dealer for retail sale;
- 4 (5) "Motor vehicle," ~~every~~ any vehicle intended primarily for use and operation on the
5 public highways which is self-propelled. The term also includes any all-terrain
6 vehicle with four or more wheels and with a combustion engine having a piston or
7 rotor displacement of two hundred cubic centimeters or more. The term does not
8 apply to any motor home or to any motor vehicle having a manufacturer's gross
9 vehicle weight rating of fifteen thousand pounds or more;
- 10 (6) "Motor vehicle dealer" or "authorized dealer," any person operating under a dealer
11 agreement from a manufacturer and licensed pursuant to chapter 32-6B;
- 12 (7) "Nonconforming condition," any condition of a motor vehicle that is not in
13 conformity with the terms of any express warranty issued by the manufacturer to a
14 consumer and that significantly impairs the use, value, or safety of the motor vehicle
15 and occurs or arises solely in the course of the ordinary use of the motor vehicle, and
16 that does not arise or occur as a result of abuse, neglect, modification, or alteration
17 of the motor vehicle not authorized by the manufacturer, nor from any accident or
18 other damage to the motor vehicle which occurs or arises after the motor vehicle was
19 delivered by an authorized dealer to the consumer;
- 20 (8) "Notice of a nonconforming condition," a written statement delivered to the
21 manufacturer and ~~which~~ that describes the motor vehicle, the nonconforming
22 condition, and all previous attempts to correct ~~such~~ the nonconforming condition by
23 identifying the person who made the attempt and the time the attempt was made.