
HOUSE BILL No. 1277

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-5-24.

Synopsis: Product and service warranties. Provides that a person whose vehicle is covered by a warranty issued by a repair shop may either obtain warranty service from the repair shop or be reimbursed from the repair shop for the expenses necessary to repair the defect covered by the warranty. Specifies that a warranty provision contrary to this act is void, and permits a person whose vehicle is covered by a warranty to obtain reasonable attorney's fees if the person prevails in an action brought to enforce the warranty.

Effective: July 1, 2007.

Friend

January 11, 2007, read first time and referred to Committee on Judiciary.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1277



A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-5-24 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]:

4 **Chapter 24. Deceptive Warranties**

5 **Sec. 1. As used in this chapter, "person" includes a natural**
6 **person, a firm, a partnership, an association, a limited liability**
7 **company, a corporation, or any other business organization.**

8 **Sec. 2. As used in this chapter, "repair shop" means a person**
9 **that repairs or services a vehicle on the person's premises.**

10 **Sec. 3. As used in this chapter, "vehicle" means:**

- 11 (1) a motor vehicle (as defined in IC 32-33-10-3); or
- 12 (2) farm machinery (as defined in IC 32-33-10-2).

13 **Sec. 4. As used in this chapter, "warranty" means:**

- 14 (1) a written warranty issued by a repair shop; or
 - 15 (2) an affirmation of fact or promise made by a repair shop;
- 16 **that relates to the nature of the material or workmanship provided**
17 **and affirms that the material or workmanship is free of defects or**



1 will meet a specified level of performance.
 2 **Sec. 5. If a repair or service provided by a repair shop on a**
 3 **vehicle is defective or does not meet the specified level of**
 4 **performance described in the warranty, during the warranty**
 5 **period the repair shop shall:**
 6 (1) **remedy the defect or provide services to ensure that the**
 7 **repair or service meets the specified level of performance**
 8 **described in the warranty at the repair shop's own expense;**
 9 **or**
 10 (2) **reimburse the person whose vehicle is covered by the**
 11 **warranty for the reasonable expenses incurred by the person**
 12 **in remedying the defect or obtaining services to ensure that**
 13 **the repair or service meets the specified level of performance**
 14 **described in the warranty;**
 15 **at the election of the person whose vehicle is covered by the**
 16 **warranty. The person whose vehicle is covered by the warranty**
 17 **may perform the necessary repairs or services personally or have**
 18 **the repairs or services performed by another person.**
 19 **Sec. 6. Any provision in a warranty that is contrary to this**
 20 **chapter is void.**
 21 **Sec. 7. If the person whose vehicle is covered by a warranty**
 22 **governed by this chapter brings an action to enforce the warranty**
 23 **under section 5 of this chapter and recovers a judgment in any**
 24 **amount, the person is also entitled to recover reasonable attorney's**
 25 **fees.**
 26 **SECTION 2. [EFFECTIVE JULY 1, 2007] (a) The definitions in**
 27 **IC 24-5-24, as added by this act, apply to this SECTION.**
 28 **(b) IC 24-5-24, as added by this act, apply to a warranty or**
 29 **affirmation issued or made by a repair shop after June 30, 2007.**

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