

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

732N0606

## SENATE BILL NO. 120

Introduced by: Senators Kloucek, Bartling, Gray, Greenfield, Heidepriem, Hoerth, Katus, Napoli, and Schmidt (Dennis) and Representatives Putnam, Boomgarden, DeVries, Elliott, Feinstein, Gassman, Gillespie, Halverson, and Olson (Betty)

1 FOR AN ACT ENTITLED, An Act to extend coverage of South Dakota's vehicle lemon law  
2 to large trucks and semi truck tractors.

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

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

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