

## SENATE AMENDMENTS TO SENATE BILL 515

By COMMITTEE ON CONSUMER PROTECTION AND PUBLIC AFFAIRS

May 5

- 1 On page 1 of the printed bill, delete line 11.
- 2 In line 12, delete “(c)” and insert “(b)”.
- 3 In line 13, delete “(d)” and insert “(c)”.
- 4 In line 14, delete “(e)” and insert “(d)”.
- 5 Delete lines 15 through 18.
- 6 In line 19, delete “(i)” and insert “(e)” and delete “a service contract.”.
- 7 In line 20, after the semicolon insert “and”.
- 8 In line 21, delete “(j)” and insert “(f)”.
- 9 In line 22, after “vehicle” insert a period and delete the rest of the line.
- 10 Delete line 23.
- 11 On page 2, after line 4, insert:
- 12 “(3)(a) ‘Motor home’ means a motor vehicle that is a new or demonstrator vehicular unit built  
13 on, or permanently attached to, a self-propelled motor vehicle chassis, chassis cab or van that be-  
14 comes an integral part of the completed vehicle, and that is designed to provide temporary living  
15 quarters for recreational, camping or travel use.
- 16 “(b) ‘Motor home’ does not include a trailer, camper, van or vehicle manufactured by an entity  
17 that primarily manufactures motor vehicles other than motor homes as defined in this subsection.”.
- 18 In line 5, delete “(3)” and insert “(4)”.
- 19 In line 15, delete “later” and insert “first”.
- 20 Delete lines 40 through 44 and insert:
- 21 “(3)(a) As used in this section, ‘reasonable allowance for the consumer’s use of the motor  
22 vehicle’ means:
- 23 “(A) For a motor vehicle that is not a motorcycle or a motor home, an amount of money  
24 equivalent to the motor vehicle mileage as described in paragraph (b) of this subsection multiplied  
25 by the cash price or lease price of the motor vehicle and divided by 120,000.
- 26 “(B) For a motorcycle, an amount of money equivalent to the motor vehicle mileage as described  
27 in paragraph (b) of this subsection, multiplied by the cash price or lease price of the motorcycle and  
28 divided by 25,000.
- 29 “(C) For a motor home, an amount of money equivalent to the motor vehicle mileage as de-  
30 scribed in paragraph (b) of this subsection, multiplied by the cash price or lease price of the motor  
31 home and divided by 90,000.
- 32 “(b) Except as provided in subsection (5) of this section, the motor vehicle mileage for the pur-  
33 poses of the calculation described in paragraph (a) of this subsection is the motor vehicle’s mileage  
34 at the time the manufacturer takes an action described in subsection (1) of this section, less mileage  
35 that the motor vehicle traveled during any period in which the consumer did not have use of the

1 motor vehicle because the manufacturer or an agent or authorized dealer of the manufacturer was  
2 repairing the motor vehicle.

3 “(4) For purposes of determining the mileage that a motor vehicle traveled during the period  
4 described in subsection (3)(b) of this section, the manufacturer or an agent or authorized dealer of  
5 the manufacturer shall provide the consumer with an itemized, legible statement that sets forth:

6 “(a) The odometer reading on the date on which the consumer presented the motor vehicle to  
7 the manufacturer or an agent or authorized dealer of the manufacturer for repair;

8 “(b) The date and odometer reading on the date the manufacturer or an agent or authorized  
9 dealer of the manufacturer completed the repair; and

10 “(c) The approximate length of any test drives the manufacturer or an agent or authorized  
11 dealer of the manufacturer conducted during the repair period.

12 “(5) If a manufacturer or an agent or authorized dealer of the manufacturer fails to provide a  
13 consumer with the statement described in subsection (4) of this section, the motor vehicle mileage  
14 for the purpose of the calculation described in subsection (3)(a) of this section is the motor vehicle’s  
15 mileage at the time the consumer first presents the motor vehicle to the manufacturer or an agent  
16 or authorized dealer of the manufacturer for correction of a nonconformity.”.

17 In line 45, delete “(4)” and insert “(6)”.

18 On page 3, line 11, delete “later” and insert “first”.

19 Delete lines 12 through 16 and insert:

20 “(a) The manufacturer or an agent or authorized dealer of the manufacturer has subjected the  
21 nonconformity to repair or correction three or more times and has made a final attempt to repair  
22 or correct the nonconformity, but the nonconformity continues to exist;

23 “(b) The motor vehicle is out of service by reason of repair or correction for a cumulative total  
24 of 30 or more calendar days or 60 or more calendar days if the vehicle is a motor home; or

25 “(c) The manufacturer or an agent or authorized dealer of the manufacturer has subjected a  
26 nonconformity that is likely to cause death or serious bodily injury to repair or correction at least  
27 one time and has made a final attempt to repair or correct the nonconformity, but the nonconformity  
28 continues to exist.”.

29 In line 25, delete the boldfaced material and restore the bracketed material.

30 In line 27, after the period delete the rest of the line and lines 28 through 36 and insert “If a  
31 manufacturer, for the purpose of settling disputes that arise under ORS 646A.400 to 646A.418, es-  
32 tablishes or participates in an informal dispute settlement procedure that substantially complies  
33 with the provisions of 16 C.F.R. part 703, as in effect on the effective date of this 2009 Act, and  
34 causes a consumer to be notified of the procedure, ORS 646A.404 does not apply to a consumer who  
35 has not first resorted to the procedure. A decision resulting from arbitration pursuant to the in-  
36 formal dispute settlement procedure is binding on the manufacturer but is not binding on the con-  
37 sumer.”.

38 On page 4, line 10, after the period delete the rest of the line and lines 11 and 12 and insert  
39 “An action brought under ORS 646A.400 to 646A.418 must be commenced within one year after  
40 whichever of the following periods ends earlier:”.