

The Recreation Vehicle Industry Association (RVIA) Opposes Placing Travel Trailers Under the Oregon Lemon Law

The Recreation Vehicle Industry Association opposes HB 3305, which would place recreation vehicle (RV) trailers, such as fifth wheels and travel trailers, under the Oregon lemon law for the following reasons:

1) RV trailers are used for temporary lodging, not transportation. In contrast to motor vehicles, the purpose of RV trailers, like houses, is to provide lodging, not transportation. RV trailers have no engine, drive train, or steering wheel. The lemon law was created to focus on motor vehicles in Oregon so Oregonians would not be stuck without safe and reliable transportation.

Further, RV trailers contain kitchens, bathrooms, bedrooms, living and dining rooms. They are delivered to consumers complete with stoves, refrigerators, hot water heaters, toilets, and furniture which are often made by other manufacturers. If a stove or refrigerator in a travel trailer is not working because of a third party's defect, the travel trailer manufacturer should not be required to compensate for the entire travel trailer. That particular piece of defective equipment does not make the entire travel trailer a lemon any more so than the failure of the microwave oven in your house would make your house uninhabitable. For this same reason, current lemon law exempts the living spaces and the appliances within a motor home. Indeed, even the changes proposed by this bill continue to exempt the living quarters of a motor home. Travel trailers are just like the living quarters of a motor home without the engine and drive train of the motor home chassis.

2) RV trailers such as fifth wheels and travel trailers are discretionary recreational products not appropriate for the lemon law. Lemon laws were designed to protect consumers from chronically defective motor vehicles because motor vehicles are essential and used daily for multiple purposes. RV trailers are not used in a similar fashion; they are discretionary products purchased for recreational use as temporary lodging. This is highlighted by the fact that while cars are used daily, RV trailers are used on average only between 20 and 30 days per year. (University of Michigan, 2001)

3) The method for refund is not clear and will lead to litigation. There are no clear standards for determining the reasonable rental of travel trailers and this bill provides no direction in this manner. Similarly, it is very unlikely that there could be an accurate way to determine the number of days a travel trailer was "occupied or otherwise used" to calculate the reasonable allowance for the consumer's use. With the intended targets of the lemon law - motor vehicles - it's easy to figure this out by relying on the mileage. There is no equivalent, reliable use measurement for travel trailers, which will lead to additional litigation.

For all of the above reasons, RVIA opposes this legislation and urges a vote against the bill.