

CHAPTER 280

AN ACT concerning motor vehicle warranties and amending and supplementing P.L.1988, c.123.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 6 of P.L.1988, c.123 (C.56:12-34) is amended to read as follows:

C.56:12-34 Statement to consumers.

6. a. At the time of purchase in the State of New Jersey, the manufacturer, or, in the case of an authorized emergency vehicle, the manufacturer, co-manufacturer, or post-manufacturing modifier, through its dealer or distributor, or at the time of lease in the State of New Jersey, the lessor, shall provide directly to the consumer a written statement prescribed by the director, presented in a conspicuous and understandable manner on a separate piece of paper and printed in both the English and Spanish languages, which provides information concerning a consumer's rights and remedies under P.L.1988, c.123 (C.56:12-29 et seq.), and shall include, but not be limited to, a summary of the provisions of:

(1) section 3 of P.L.1988, c.123 (C.56:12-31), concerning the miles of operation of a motor vehicle and time period within which the consumer may report a nonconformity and seek remedies;

(2) sections 4 and 5 of P.L.1988, c.123 (C.56:12-32 and 56:12-33), concerning a manufacturer's, co-manufacturer's, or post-manufacturing modifier's obligations to a consumer based upon the manufacturer's, co-manufacturer's, or post-manufacturing modifier's, or its dealer's or distributor's, inability to repair or correct a nonconformity; and

(3) any other provisions of P.L.1988, c.123 (C.56:12-29 et seq.) the director deems appropriate.

b. Each time a consumer's motor vehicle is returned from being examined or repaired during the period specified in section 3 of P.L.1988, c.123 (C.56:12-31), the manufacturer, or, in the case of an authorized emergency vehicle, the manufacturer, co-manufacturer, or post-manufacturing modifier, through its dealer or distributor, shall provide to the consumer an itemized, legible statement of repair which indicates any diagnosis made and all work performed on the vehicle and provides information including, but not limited to, the following: a general description of the problem reported by the consumer or an identification of the problem reported by the consumer or an identification of the defect or condition and the source of the defect; the amount charged for parts and the amount charged for labor, if paid for by the consumer; the date and the odometer reading when the vehicle was submitted for repair; and the date and odometer reading when the vehicle was made available to the consumer.

c. Failure to comply with the provisions of this section constitutes an unlawful practice pursuant to section 2 of P.L.1960, c.39 (C.56:8-2). The provisions of this subsection shall not apply to any dealer who fails to comply with provisions of this section.

C.56:12-34.1 Provision of notice relative to vehicle warranty.

2. a. Within 90 days after the purchase or lease of a new motor vehicle in the State of New Jersey, the motor vehicle manufacturer, distributor, or factory branch shall mail to the buyer or lessee a written statement, presented in a conspicuous and understandable manner and printed in both the English and Spanish languages in not less than 10-point boldface type, and provide a written statement in the vehicle manufacturer's owner's manual, that provides the following:

“The Magnuson-Moss Warranty Act, 15 U.S.C. s.2301 et seq., makes it illegal for motor vehicle manufacturers to void a motor vehicle warranty or deny warranty coverage solely because an aftermarket or recycled part has been used to repair the vehicle or someone other than the authorized service provider performed service on the vehicle. This provision does not apply to a new motor vehicle purchased solely for commercial or industrial use.

“Under federal law, a manufacturer may deny warranty coverage and charge for repairs to a vehicle if it is discovered that an aftermarket or recycled part installed on the vehicle is defective or was installed incorrectly and caused damage to another part of the vehicle otherwise covered under warranty. The Federal Trade Commission requires that a manufacturer demonstrate that an aftermarket or recycled part or service performed by a person other than an authorized service provider caused damage to another part of the vehicle otherwise covered under warranty before denying warranty coverage. Additionally, federal law allows a manufacturer to void a motor vehicle warranty or deny warranty coverage if the manufacturer provides the article or service to consumers free of charge under the warranty or the manufacturer has secured a waiver from the Federal Trade Commission.”

b. Failure to comply with the provisions of this section constitutes an unlawful practice pursuant to section 2 of P.L.1960, c.39 (C.56:8-2).

c. As used in this section:

“Aftermarket part” means a part that was made by a company other than the motor vehicle manufacturer or the original equipment manufacturer.

“Recycled part” means a part that was made for and installed in a new motor vehicle by the manufacturer or the original equipment manufacturer and later removed from the motor vehicle and made available for resale or reuse.

3. This act shall take effect immediately.

Approved January 9, 2020.