

Session 114 - (2001-2002)

H 3537 General Bill, By M. Hines, Askins, Breeland, G.A. Brown, J. Brown, Gourdine, Hayes, J. Hines, Hosey, Lloyd, Mack and Rutherford

Summary: Motor vehicle consumer warranties; implied warranty when used vehicle purchased; Consumer Affairs, Protection Code

A BILL TO AMEND CHAPTER 5, TITLE 37, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REMEDIES UNDER THE UNIFORM CONSUMER PROTECTION CODE, BY ADDING SECTION 37-5-116 SO AS TO PROVIDE THAT IN EVERY SALE OF A USED MOTOR VEHICLE TO A CONSUMER THERE IS AN IMPLIED WARRANTY THAT THE VEHICLE IS FIT FOR THE PURPOSE OF PROVIDING REASONABLY RELIABLE AND SAFE TRANSPORTATION TO THE CONSUMER AND THAT A PERSON ENGAGED IN THE BUSINESS OF SELLING USED MOTOR VEHICLES WHO SELLS A VEHICLE "AS IS" MAY NOT DISCLAIM THE IMPLIED WARRANTY THAT A MOTOR VEHICLE OFFERED FOR SALE OR SOLD TO A CONSUMER IS FIT FOR THE PURPOSE OF PROVIDING REASONABLY RELIABLE AND SAFE TRANSPORTATION TO THE CONSUMER, TO PROVIDE FOR DISCLAIMING THE IMPLIED WARRANTY, DEFECTS, AND CONDITIONS IN WRITING BEFORE THE SALE OF THE USED MOTOR VEHICLE, TO PROVIDE THAT A PERSON ENGAGED IN THE BUSINESS OF SELLING USED MOTOR VEHICLES IS LIABLE TO A CONSUMER WHO PURCHASES THE VEHICLE FOR ACTUAL DAMAGES ARISING FROM ANY BREACH OF THE IMPLIED WARRANTY THAT THE USED VEHICLE IS FIT FOR THE PURPOSE OF PROVIDING REASONABLY RELIABLE AND SAFE TRANSPORTATION AS WELL AS FOR ACTUAL AND PUNITIVE DAMAGES RESULTING FROM ANY MISREPRESENTATION, NONDISCLOSURE, OR THE PRACTICE OF ANY DECEPTION RELATING TO DEFECTS, CONDITIONS, AND FITNESS OF THE USED MOTOR VEHICLE FOR THE PURPOSE OF PROVIDING REASONABLY RELIABLE AND SAFE TRANSPORTATION.

02/13/01 House Introduced and read first time HJ-8

02/13/01 House Referred to Committee on Labor, Commerce and Industry HJ-9