

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

Senate Bill 657

SENATOR SYPOLT, *original sponsor*

[Originating in the Committee on the Judiciary;

Reported on February 23, 2019]

1 A BILL to amend and reenact §46A-6A-2 of the Code of West Virginia, 1931, as amended, relating
2 to including certain new self-propelled agricultural vehicles in the definition of motor
3 vehicle for the purpose of consumer protections related to express warranties by
4 manufacturers of agricultural vehicles.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6A. CONSUMER PROTECTION—NEW MOTOR VEHICLE WARRANTIES.

§46A-6A-2. Definitions.

1 When used in this article, the following words, terms, and phrases shall have the meaning
2 ascribed to them, except where the context indicates a different meaning:

3 (1) “Consumer” means:

4 (A) The purchaser, other than for purposes of resale, of a new motor vehicle used primarily
5 for personal, family, or household purposes, a person to whom the new motor vehicle is
6 transferred for the same purposes during the duration of an express warranty applicable to the
7 motor vehicle, and any other person entitled by the terms of the warranty to enforce the obligations
8 of the warranty; or

9 (B) The purchaser, other than for purposes of resale, of a new vehicle described in
10 paragraph (B), subdivision (4) of this section, a person to whom the new vehicle is transferred
11 during the duration of an express warranty applicable to the vehicle, and any other person entitled
12 by the terms of the warranty to enforce the obligations of the warranty;

13 (2) “Manufacturer” means a person engaged in the business of manufacturing,
14 assembling, or distributing motor vehicles, who will, under normal business conditions during the
15 year, manufacture, assemble, or distribute to dealers at least 10 new motor vehicles;

16 (3) “Manufacturer’s express warranty” and “warranty” mean the written warranty of the
17 manufacturer of a new motor vehicle of its condition and fitness for use, including any terms or
18 conditions precedent to the enforcement of obligations under that warranty; and

19 (4) “Motor vehicle” means:

20 (A) Any passenger automobile purchased in this state or registered and titled in this state,
21 including any pickup truck or van registered as a Class A motor vehicle under the provisions of
22 §17A-10-1 *et seq.* of this code, and any self-propelled motor vehicle chassis of a motor home
23 registered as a Class A or Class B motor vehicle under the provisions of §17A-10-1 *et seq.* of this
24 code; or

25 (B) Any self-propelled vehicle designed primarily for, and used in, the occupation or
26 business of farming, with a horsepower unit of 35 or greater.

NOTE: The purpose of this bill is to provide consumer protection for consumers of self-propelled agricultural equipment.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.