

By: Representatives Evans, Dedeaux, Franks,
Holland, Morris, Robinson (63rd), Straughter,
Watson

To: Transportation

HOUSE BILL NO. 596

1 AN ACT TO AMEND SECTION 63-17-155, MISSISSIPPI CODE OF 1972,
2 TO PLACE MOTORIZED CHAIRS UNDER THE COVERAGE OF THE LEMON LAW; AND
3 FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 63-17-155, Mississippi Code of 1972, is
6 amended as follows:

7 63-17-155. As used in Sections 63-17-151 through 63-17-165,
8 the following terms shall have the following meanings:

9 (a) "Collateral charges" means those additional charges
10 to a consumer which are not directly attributable to the
11 manufacturer's suggested retail price label for the motor vehicle.
12 Collateral charges shall include, but not be limited to, dealer
13 preparation charges, undercoating charges, transportation charges,
14 towing charges, replacement car rental costs and title charges.

15 (b) "Comparable motor vehicle" means an identical or
16 reasonably equivalent motor vehicle.

17 (c) "Consumer" means the purchaser, other than for
18 purposes of resale, of a motor vehicle, primarily used for
19 personal, family, or household purposes, and any person to whom
20 such motor vehicle is transferred for the same purposes during the
21 duration of an express warranty applicable to such motor vehicle,
22 and any other person entitled by the terms of such warranty to
23 enforce the obligations of the warranty.

24 (d) "Express warranty" means any written affirmation of
25 fact or promise made in connection with the sale of a motor
26 vehicle by a supplier to a consumer which relates to the nature of
27 the material or workmanship and affirms or promises that such

28 material or workmanship is defect-free or will meet a specified
29 level of performance over a specified period of time. For the
30 purposes of Section 63-17-151 et seq., express warranties do not
31 include implied warranties.

32 (e) "Manufacturer" means a manufacturer or distributor
33 as defined in Section 63-17-55.

34 (f) "Motor vehicle" means a vehicle propelled by power
35 other than muscular power which is sold in this state, is operated
36 over the public streets and highways of this state and is used as
37 a means of transporting persons or property, but shall not include
38 vehicles run only upon tracks, off-road vehicles, motorcycles,
39 mopeds, * * * or parts and components of a motor home which were
40 added on and/or assembled by the manufacturer of the motor home.
41 "Motor vehicle" shall include demonstrators or lease-purchase
42 vehicles as long as a manufacturer's warranty was issued as a
43 condition of sale.

44 "Motor vehicle" shall include power chairs, electric personal
45 assistive mobility devices as defined in Section 63-3-103, power
46 scooters and motorized chairs.

47 (g) "Purchase price" means the price which the consumer
48 paid to the manufacturer to purchase the motor vehicle in a cash
49 sale or, if the motor vehicle is purchased in a retail installment
50 transaction, the cash sale price as defined in Section 63-19-3.

51 **SECTION 2.** This act shall take effect and be in force from
52 and after July 1, 2006.