

1 H.214

2 Introduced by Representative Burke of Brattleboro

3 Referred to Committee on

4 Date:

5 Subject: New motor vehicle arbitration; uncontested matters

6 Statement of purpose of bill as introduced: This bill proposes to eliminate the  
7 requirement for an arbitration hearing for a matter brought under the new  
8 motor vehicle arbitration law that is uncontested, and specify that the Vermont  
9 Motor Vehicle Arbitration Board shall issue a decision administratively in an  
10 uncontested matter.

11 An act relating to deciding new motor vehicle arbitration law matters that  
12 are uncontested

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 9 V.S.A. § 4173 is amended to read:

15 § 4173. PROCEDURE TO OBTAIN REFUND OR REPLACEMENT

16 \* \* \*

17 (c)(1) Arbitration of the consumer's complaint, either through the  
18 manufacturer's dispute settlement mechanism or the Board, must be held  
19 within 45 days of receipt by the manufacturer or the Board of the consumer's  
20 notice, electing the remedy of arbitration unless;

1           (A) the consumer or the manufacturer ~~has~~ shows good cause for an  
2 extension of time, not to exceed an additional 30-day period; or

3           (B) the manufacturer does not contest the consumer's complaint, in  
4 which case an arbitration hearing is not required.

5           (2) ~~If the~~ an extension of time is requested by the manufacturer, the  
6 manufacturer shall provide free use of a vehicle to the consumer if the  
7 consumer's vehicle is out of service.

8           (3) ~~In the event~~ If the consumer elects to proceed in accordance with  
9 the manufacturer's dispute settlement mechanism, the matter is contested, and  
10 the arbitration of the dispute is not held within 45 days of the manufacturer's  
11 receipt of the consumer's notice and the manufacturer is not able to establish  
12 good cause for the delay, the consumer shall be entitled to receive the relief  
13 requested under this chapter.

14           (d) Within the 45-day period set forth in subsection (c) of this section but at  
15 least five days prior to hearing, the manufacturer shall have one final  
16 opportunity to correct and repair the defect which the consumer claims entitles  
17 him or her to a refund or replacement vehicle. Any right to a final repair  
18 attempt is waived if the manufacturer does not complete it at least five days  
19 prior to hearing. If the consumer is satisfied with the corrective work done by  
20 the manufacturer or his or her delegate, the arbitration proceedings shall be  
21 terminated without prejudice to the consumer's right to request arbitration be

1 recommenced if the repair proves unsatisfactory for the duration of the express  
2 warranty.

3 (e) ~~The~~ If an arbitration hearing is required under this section, the vehicle  
4 must be presented at the hearing site for an inspection or test drive, or both, by  
5 members of the Board.

6 \* \* \*

7 Sec. 2. 9 V.S.A. § 4174(d) is amended to read:

8 (d) The Board shall render a decision within 30 days of the conclusion of a  
9 hearing ~~and~~ in a contested matter, and within 30 days of the manufacturer's  
10 answer in an uncontested matter. The Board has authority to issue any and all  
11 damages as are provided by this chapter.

12 Sec. 3. EFFECTIVE DATE; APPLICABILITY

13 This act shall take effect on passage and apply to any matters pending on its  
14 passage.