

190A.080 Obligations of warrantor of products sold by new recreational vehicle dealer -- Audits of dealer records -- Warranty claims submission -- Storage of defective warranty parts -- Notification of warrantor if dealer is unable to perform warranty repair -- Approval or disapproval of warranty claim.

- (1) A warrantor has all the following obligations to each new recreational vehicle dealer engaged in the sale of products that are covered by a warranty from that warrantor:
 - (a) To specify in writing to the dealer the obligations of the dealer, if any, for preparation, delivery, and warranty service on its products;
 - (b) To compensate the dealer for warranty service required of the dealer by the warrantor;
 - (c) To provide the dealer with a schedule of compensation the warrantor will pay for warranty work and service, and the time allowances of the warrantor for the performance of that work and service. All of the following conditions apply to the schedule of compensation required under this paragraph:
 1. Time allowances for the diagnosis and performance of warranty labor shall be reasonable for the work to be performed;
 2. In the determination of what constitutes reasonable compensation under this section, the principal factors to be considered are the actual wage rates paid by the dealer, and the actual retail labor rate charged by dealers in the community in which the dealer is doing business; and
 3. The compensation of a dealer for warranty labor may not be less than the lowest retail labor rates actually charged by the dealer for like nonwarranty labor, as long as those rates are reasonable;
 - (d) To reimburse the dealer for any warranty part, accessory, or complete component at actual wholesale cost plus a minimum thirty percent (30%) handling charge up to a maximum of one hundred fifty dollars (\$150) and the cost, if any, of freight to return such parts, components, or accessories to the warrantor; and
 - (e) To deny dealer claims for warranty compensation only for cause, including but not limited to performance of nonwarranty repairs, material noncompliance with the published policies and procedures of the warrantor, lack of material documentation of claims, fraud, or misrepresentation.
- (2) A warrantor may conduct audits of the records of a dealer that sells its warranted products on a reasonable basis.
- (3) A dealer shall submit warranty claims to a warrantor within forty-five (45) days after completing all warranty work on a warranted product.
- (4) A dealer is not obligated to store defective warranty parts for more than thirty (30) days from the time the warranty work is paid by the warrantor, if the defective parts, components, or accessories are not immediately returned to the warrantor.

- (5) A dealer shall immediately notify the warrantor in writing if the dealer is unable to perform any warranty repair within ten (10) days of receipt of a written complaint from a consumer.
- (6) A warrantor shall approve or disapprove a warranty claim on a warranted product in writing within thirty (30) days after the date the dealer submits the claim, if the claim is submitted in the manner and in the form prescribed by the warrantor. If a claim that is properly submitted is not specifically disapproved in writing by a warrantor within the thirty (30) day time period, the claim shall be considered approved by the warrantor, and the warrantor shall pay the amount of the claim to the dealer within sixty (60) days after the dealer submitted the claim.

Effective: January 1, 2015

History: Created 2014 Ky. Acts ch. 27, sec. 8, effective January 1, 2015.