

190A.120 Conditions applicable to new recreational vehicle damaged prior to delivery to dealer or in transit to dealer -- Inspection and rejection of recreational vehicles that are damaged or have unreasonable odometer mileage.

- (1) All of the following conditions apply if a new recreational vehicle is damaged before it is shipped to a dealer, or is damaged in transit to the dealer and the manufacturer selected the carrier or means of transportation:
 - (a) The dealer shall notify the manufacturer of the damage within the time period specified in the dealer agreement and do one (1) of the following:
 1. In the notice, request authorization from the manufacturer to replace the components, parts, and accessories damaged, or otherwise correct the damage; or
 2. Reject the recreational vehicle within the time period specified in the dealer agreement;
 - (b) If the manufacturer refuses or fails to authorize repair of the damage within ten (10) days after receiving notice under paragraph (a) of this subsection or if the dealer rejects the recreational vehicle because of the damage within the time period specified in the dealer agreement, ownership of the recreational vehicle reverts to the manufacturer; and
 - (c) The dealer shall exercise due care in the custody of the damaged recreational vehicle; provided, the dealer shall have no financial or other obligation with respect to that recreational vehicle.
- (2) A dealer agreement shall include a time period for inspection and rejection of damaged recreational vehicles under subsection (1) of this section that is not less than two (2) business days after the physical delivery of the recreational vehicles to the dealer.
- (3) If the number of miles on the odometer of the recreational vehicle is more than the sum of the distance between the dealer and the factory of the manufacturer or point of distribution plus one hundred (100) miles, the dealer may consider the number of miles on the odometer unreasonable for purposes of this subsection. If a dealer determines that a new recreational vehicle has an unreasonable number of miles on the odometer at the time the recreational vehicle is delivered to the dealer, the dealer may reject the recreational vehicle and the ownership of the recreational vehicle shall revert to the manufacturer.

Effective: January 1, 2015

History: Created 2014 Ky. Acts ch. 27, sec. 12, effective January 1, 2015.