

### **367.841 Definitions.**

- (1) "Buyer" means any resident person who buys, contracts to buy, or leases a new motor vehicle in the Commonwealth of Kentucky. In the case of the lease of a new motor vehicle, "buyer" shall mean the lessor, lessee, or both.
- (2) "Manufacturer" means any person or corporation, resident or nonresident, who manufactures or assembles new motor vehicles, including new conversion van manufacturers, which are sold in the Commonwealth of Kentucky.
- (3) "Motor vehicle" means every vehicle which is self-propelled, and which is intended primarily for use and operation on the public highways and required to be registered or licensed in the Commonwealth prior to such use or operation; however, "motor vehicle" shall not include:
  - (a) Any vehicle substantially altered after its initial sale from a dealer to an individual;
  - (b) Motor homes;
  - (c) Motorcycles;
  - (d) Mopeds;
  - (e) Farm tractors and other machines used in the production, harvesting, and care of farm products; or
  - (f) Vehicles which have more than two (2) axles.
- (4) "New motor vehicle" means a motor vehicle which has been finally and completely assembled and is in the possession of a manufacturer, factory branch, distributor, wholesaler, or an authorized motor vehicle dealer operating under a valid sales and service agreement, franchise, or contract for the sale of such vehicle granted by the manufacturer, factory branch, distributor, or wholesaler which is, in fact, new and on which the original title has never been issued.
- (5) "Express warranty" or "warranty" means the written warranty, so labeled, of the manufacturer of a new automobile, including any terms or conditions precedent to the enforcement of obligations under the warranty.
- (6) "Nonconformity" means a failure to conform with an express warranty in a manner which substantially impairs the use, value, or safety of the motor vehicle.
- (7) "Reasonable allowance for use" means the amount directly attributable to a consumer's use of the vehicle other than those time periods when the vehicle is out of service due to the nonconformity.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 54, sec. 2, effective July 15, 1998; and ch. 96, sec. 1, effective July 15, 1998. -- Created 1986 Ky. Acts ch. 387, sec. 2, effective July 15, 1986.

**Legislative Research Commission Note (7/15/98).** This section was amended by 1998 Ky. Acts chs. 54 and 96 which do not appear to be in conflict and have been codified together.